

DATE: June 8, 2017

AGENDA ITEM: H

TO: BSCC Chair and Members

FROM: John Prince, Deputy Director, john.prince2@bscc.ca.gov

SUBJECT: Senate Bill 844 (Adult Local Criminal Justice Facilities Construction Financing Program) Executive Steering Committee's Funding Recommendations, and \$20 Million conditional award to Napa County:
Requesting Approval

Summary

This agenda item requests approval of conditional award recommendations totaling \$250,000,000 made by the Executive Steering Committee of the Senate Bill 844 Local Adult Criminal Justice Facilities Construction Funding program. The recommendations for eight fully funded projects are as follows:

FINAL RANKING

| Large | Applicant | Requested | Recommended Conditional Award | Score |
|--------------|--------------|--------------|-------------------------------|-------|
| \$70,000,000 | Contra Costa | \$70,000,000 | \$70,000,000 | 120.9 |

| Medium | Applicant | Requested | Recommended Conditional Award | Score |
|--------------|-----------|--------------|-------------------------------|-------|
| \$30,000,000 | Placer | \$30,000,000 | \$30,000,000 | 107.7 |

| Small | Applicant | Requested | Recommended Conditional Award* | Score |
|---------------|-------------------|--------------|--------------------------------|-------|
| \$150,000,000 | Plumas | \$25,000,000 | \$25,000,000 | 112.2 |
| | El Dorado | \$25,000,000 | \$25,000,000 | 111.1 |
| | Mendocino | \$25,000,000 | \$25,000,000 | 110.6 |
| | Lassen | \$25,000,000 | \$25,000,000 | 104.4 |
| | Mono | \$25,000,000 | \$25,000,000 | 101.2 |
| | Modoc | \$24,516,000 | \$24,516,000 | 99.2 |
| | Napa ¹ | \$20,000,000 | \$20,000,000 | N/A |

*\$484,000 in un-awarded funds will remain in the Small County category for possible use in the event of a relinquishment.
¹SB 844 set aside an additional \$20 million for the replacement of the earthquake-damaged jail in Napa County. Napa County was not required to submit an application to be awarded these funds.

Background

On June 27, 2016, Senate Bill 844 (Chapter 34, Statutes of 2016) (SB 844) became law, authorizing up to \$250,000,000 in state lease-revenue bond financing for the acquisition, design and construction of Adult Local Criminal Justice Facilities (ALCJF). SB 844 also set aside an additional \$20 million for the replacement of the earthquake-damaged jail in Napa County.

An ALCJF must be built and operated consistent with the legislative intent described in Sections 17.5 and 3450 of the Penal Code, must be under the jurisdiction of the sheriff or county department of corrections, and must follow the intent as provided in Government Code section 15820.94 to provide either (1) Improved housing with an emphasis on expanding program and treatment space as necessary to manage the adult offender population or (2) Custodial housing, reentry, program, mental health or treatment space necessary to manage the adult offender population.

A county also must meet the following three criteria to be eligible for the SB 844 financing:

1. Any locked facility constructed or renovated with state funding awarded under this program shall include space to provide onsite, in-person visitation capable of meeting or surpassing the minimum number of weekly visits required by state regulations for persons detained in the facility. (Gov.Code, § 15820.946, subd.(f).)
2. Any county applying for financing authority under this program shall include a description of efforts to address sexual abuse in the adult local criminal justice facility being constructed or renovated. (Gov. Code, § 15820.946, subd. (g).)
3. Financing shall be awarded to those counties that previously have received only a partial award or that never have received an award from the state within the financing programs authorized in Chapters 3.11 (commencing with Section 15820.90), to 3.131 (commencing with Section 15820.93) (i.e., financing authorized by AB 900, SB 1022, & SB 863), inclusive.

As a mandatory criterion counties were required to submit documentation showing the percentage of pretrial inmates in the county jail from January 1, 2015 to December 31, 2015, inclusive, and a description of the county's current risk-assessment-based pretrial release program. (Gov. Code § 15820.946, subd. (b).)

In addition, funding preference was given to counties that are most prepared to proceed successfully with financing in a timely manner, which included a Board of Supervisors' Resolution and documentation of CEQA site compliance. (Gov. Code, § 15820.946, subd. (b)(1) & (2).)

Funding consideration was given to counties seeking to replace compacted, outdated, or unsafe housing capacity or were seeking to renovate existing or build new facilities that provide adequate space for the provision of treatment and rehabilitative services, including mental health treatment. (Gov. Code, § 15820.946, subd. (c).)

As provided in SB 844, proposed projects may include replacing existing housing capacity, realizing only a minimal increase in capacity, using the financing authority provided by SB 844. If the requesting county clearly documented an existing housing capacity deficiency and the county's results in an increase in capacity, the county must certify it will not lease beds

for housing capacity to any other public or private entity for a period of 10 years beyond the completion date of the facility. (Gov. Code, § 15820.946, subs. (d) & (e).)

At its September 22, 2016 meeting, the Board approved the establishment of an Executive Steering Committee (ESC) for the SB 844 Adult Local Criminal Justice Facilities Construction Program. The Board appointed as ESC chair Board member Geoff Dean, Sheriff of Ventura County. The Board approved a membership roster for the ESC to develop recommendations for the Request for Proposals, to create proposal evaluation criteria, to review and rate proposals, and to make conditional award recommendations to the Board (Attachment H-1). The ESC met on October 20 and November 10, 2016. Additionally, the ESC received comments, both written and telephonic, from the public prior to each ESC meeting (Attachment H-2).

On November 17, 2016, the BSCC authorized the release of the SB 844 Adult Local Criminal Justice Facility Construction financing RFP (Attachment H-3). The proposals were due back to the BSCC staff on February 28, 2017.

On January 25, 2017, staff held a bidders' conference to allow prospective applicants the opportunity to ask clarifying questions about the RFP and the lease revenue bond financing process.

The BSCC received 12 proposals – three large county proposals, one medium county proposal, and eight small county proposals. The total dollar amount requested from the 12 counties was approximately \$366 million (Attachment H-4). A raters' training was held for the SB 844 ESC members on March 14, 2017. The ESC members individually evaluated and rated the proposals based on the RFP criteria. The proposal scores were due back to the BSCC research staff by May 5, 2017.

The ESC convened for a final meeting on May 17, 2017. The purpose of the meeting was to allow the ESC members the opportunity to discuss scores and make any adjustments based upon ESC discussion and feedback. At the meeting the ESC established the ranked list of proposals, including the eight recommended for funding (Attachment H-5). At the request of the ESC chair, BSCC research staff analyzed and verified each rater's scores and confirmed the ranked list.

The table below outlines the timeline of events the ESC approved for recommendation to the Board.

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|--|--|
| December 30, 2016 | The BSCC issues SB 844 RFP |
| January 25, 2017 | Bidders' Conference in Sacramento |
| February 28, 2017 | Proposals due to the BSCC |
| February 28 thru March 14, 2017 | BSCC technical review. Counties are given the opportunity to correct technical deficiencies. |
| March 14, 2017 | Convene ESC for Raters' training |
| March 14 thru May 5, 2017 | ESC reviews the proposals and makes preliminary ratings |

| | |
|---------------------|--|
| May 17, 2017 | ESC convenes, makes final rating and ranks proposals for funding recommendations to the Board. |
| June 8, 2017 | ESC recommendations presented to the BSCC for financing action/intent to make a conditional award at the BSCC regularly scheduled meeting. |

Recommendation/Action Needed

Staff recommends the Board approve for conditional awards the six small counties, one medium county, and one large county that ranked highest on the list established by the Senate Bill 844 Jail Construction Financing Program ESC. Staff also recommends the Board approve a \$20 Million conditional award to Napa County for its Senate Bill 844 Jail Construction Funding Project.

Attachments

- H-1: September 22, 2016 BSCC Board Meeting Agenda Item E
- H-2: Public Comments Received Prior to ESC Meetings
- H-3: November 17, 2016 BSCC Board Meeting Agenda Item I
- H-4: List of All Applicants
- H-5: SB844 Final ESC Ranking