

DATE: November 12, 2015

AGENDA ITEM: E

TO: BSCC Chair and Members

FROM: Magi Work, Deputy Director, [magi.work@bscc.ca.gov](mailto:magi.work@bscc.ca.gov)SUBJECT: Senate Bill 863 (Adult Local Criminal Justice Facilities Construction Financing Program): Executive Steering Committee's Funding Recommendations: **Requesting Approval.**

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**Summary**

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This agenda item requests approval of conditional award recommendations totaling \$500,000,000 submitted by the Senate Bill (SB) 863 Local Adult Criminal Justice Facilities Construction Funding Executive Steering Committee. The recommendations for 12 fully funded and three partially funded projects are as follows:

FINAL RANKING					
Small	Applicant	Code	Requested	Recommended Conditional Award	Score
\$100,000,000	Amador	C25	17,179,000	17,179,000	103.74
	Colusa	C15	20,000,000	20,000,000	103.63
	Yuba	C13	20,000,000	20,000,000	99.99
	Trinity	C18	20,000,000	20,000,000	97.41
	Humboldt	C27	20,000,000	20,000,000	95.94
	Napa	C20	20,000,000	2,821,000	94.70
Medium	Applicant	Code	Requested	Recommended Conditional Award	Score
\$160,000,000	Butte	C2	40,000,000	40,000,000	104.04
	Sonoma	C32	40,000,000	40,000,000	99.44
	Yolo	C11	30,500,000	30,500,000	94.72
	Merced	C22	40,000,000	40,000,000	92.23
	Placer	C1	40,000,000	9,500,000	92.18
Large	Applicant	Code	Requested	Recommended Conditional Award	Score
\$240,000,000	San Francisco	C16	80,000,000	80,000,000	106.98
	Santa Clara	C19	80,000,000	80,000,000	103.66
	Alameda	C21	54,340,000	54,340,000	102.09
	Ventura	C12	55,137,000	25,660,000	99.80

## Background

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On June 20, 2014, Senate Bill 863 (Chapter 37, Statutes of 2014 (SB 863) became law, authorizing up to \$500,000,000 in state lease-revenue bond financing for the acquisition, design and construction of Adult Local Criminal Justice Facilities (ALCJF).

An ALCJF must be 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 (GC) section 15820.93(b) (1) and (2):

1. Improved housing with an emphasis on expanding program and treatment space as necessary to manage the adult offender population.
2. Custodial housing, reentry, program, mental health or treatment space necessary to manage the adult offender population.

As provided in SB 863 (GC section 15820.936(d)), proposed projects may include the replacing of existing housing capacity, realizing only a minimal increase in capacity, if the requesting county clearly documents an existing capacity deficiency.

Scoring consideration was given to counties that have not received funding from Assembly Bill 900 or Senate Bill 1022 (GC section 15820.936(b)).

As a mandatory criterion, counties were required to submit documentation of the percentage of pretrial inmates in the county jail from January 1, 2013 to December 31, 2013, inclusive, and a description of the county's current risk-assessment-based pretrial release program.

In addition, SB 863 stated:

Funding preference shall be given to counties that are most prepared to proceed successfully with financing in a timely manner, which includes a Board of Supervisors' Resolution and documentation of CEQA compliance. (GC 15820.936(b))

Funding consideration shall be given to counties seeking to replace compacted, outdated, or unsafe housing capacity or are seeking to renovate existing or build new facilities that provide adequate space for the provision of treatment and rehabilitative services, including mental health treatment. (GC 15820.936(c))

At its September 11, 2014 meeting, the BSCC Board approved the establishment of an ESC (Attachment E-1) for the SB 863 Adult Local Criminal Justice Facilities Construction Program. The Board appointed BSCC member Dean Growdon, Sheriff of Lassen County, and Ian Parkinson, Sheriff of San Luis Obispo County, as ESC co-chairs. The Board directed the two co-chairs to convene an ESC to develop recommendations for the Request for Proposals (RFP) and proposal evaluation criteria, to review and rate proposals, and to make conditional award recommendations to the Board. The ESC met four times in 2015: January 21, February 26, March 25, and April 29. The four meetings were open to the public, and members of the public provided numerous comments for the ESC to consider.

On June 10, 2015, the BSCC authorized the release of the SB 863 Adult Local Criminal Justice Facility Construction financing RFP. The proposals were due back to the BSCC staff on August 28, 2015.

On June 26, 2015, 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.

Proposals were due on August 28, 2015. The BSCC received 32 proposals – 10 large county proposals, eight medium county proposals, and 14 small county proposals. The total dollar amount requested from the 32 counties was approximately \$1.2 billion (Attachment E-2). A raters' training was held for the SB 863 ESC members on September 16, 2015. 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 October 26, 2015.

The ESC convened for a final meeting on November 2, 2015. 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 15 recommended for funding. (Attachment E-3). At the request of the ESC chairs, after the meeting 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.

#### SB 863 RFP Timeline

<b>June 10, 2015</b>	<b>The BSCC issues SB 863 RFP</b>
June 26, 2015	Bidders' Conference in Sacramento
August 28, 2015	Proposals due to the BSCC
August 31, thru September 11, 2015	BSCC technical review. Counties are given the opportunity to correct technical deficiencies.
September 16, 2015	Raters' training
September 16 thru October 26, 2015	ESC reviews the proposals and makes preliminary ratings
November 2, 2015	ESC convenes, makes final rating, and ranks proposals for funding recommendations to the Board.
November 12, 2015	ESC recommendations presented to the BSCC for financing action/intent to make a conditional award at the BSCC regularly scheduled meeting.

### **Recommendation/Action Needed**

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Staff recommends the Board approve for conditional awards the six small counties, five medium counties, and four large counties that ranked highest on the list established by the Senate Bill 863 Jail Construction Financing Program ESC.

Staff also recommends that should a county revert its conditional award back to the State, staff would be allowed to offer the funds to the next-ranked county within the same population category.

### **Attachments**

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E-1: September 11, 2014 BSCC Board Meeting Agenda Item J

E-2: List of All Applicants

E-3: SB 863 Final Ranking