



**AB 900 JAIL CONSTRUCTION FUNDING PHASE II**

**EXECUTIVE STEERING COMMITTEE MEETING**

**CHP ACADEMY – TRAINING ROOM #10  
3500 REED AVENUE  
WEST SACRAMENTO, CA 95605**

**AUGUST 1, 2011**

**BRIEFING WORKBOOK**

CORRECTIONS STANDARDS AUTHORITY  
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**Corrections Standards Authority  
AB 900 Jail Construction Funding Phase II**

**CORRECTIONS STANDARDS AUTHORITY BOARD MEMBERS**

**Matthew L. Cate, Chair, Corrections Standards Authority  
Secretary, California Department of Corrections and Rehabilitation**

**Scott Kernan**

Chief Deputy Secretary, Adult Operations, CDCR

**Rachel Rios**

Chief Deputy Secretary, Division Juvenile Justice, CDCR

**Eleanor Andrade-Silva**

Case Services Administrator, CDCR

**Michele Minor**

Chief, Division of Adult Programs, CDCR

**Vacant**

Sheriff (jail with RC of 200 inmates or less)

**Leroy Baca**

Sheriff (jail with RC of over 200 inmates)  
County of Los Angeles

**Vacant**

County Supervisor/Administrative Officer

**Linda Penner**

Chief Probation Officer (county over 200,000 pop.)  
County of Fresno

**Adele Arnold**

Chief Probation Officer (county under 200,000 pop.)  
County of Siskiyou

**Vacant**

Administrator, Local Detention Facility

**Dr. Mimi H. Silbert**

Administrator, Local Community-Based Correctional  
Program/Delancey Street Foundation

**Collene Campbell**

President, Memory of Victims Everywhere and Force 100

**Carol Biondi**

Public Member

**Kimberly Epps**

Rank and File Representative, Juvenile Probation Officer  
San Bernardino County Probation Department

**Cleotha Adams**

Rank and File Representative, Deputy Sheriff  
Yuba County Sheriff's Department

**Sandra McBrayer**

Representative, Community-Based Youth Service  
Organization/The Children's Initiative

**Vacant**

Rank and File Representative, State Parole Officer

**Charlotte Mello**

Rank and File Representative,  
State Adult Correctional Facility

Staff

Debbie Rives, Executive Director

Corrections Planning & Programs  
Division  
Deputy Director, Vacant Position

Standards & Training for Corrections  
Division  
Evonne Garner, Deputy Director (A)

Facilities Standards & Operations  
Division  
Gary Wion, Deputy Director (A)

County Facilities Construction  
Division  
Robert Takeshta, Deputy Director

**Corrections Standards Authority  
AB 900 Jail Construction Funding Phase II  
Executive Steering Committee Workbook**

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**AGENDA**  
**CORRECTIONS STANDARDS AUTHORITY**  
**EXECUTIVE STEERING COMMITTEE MEETING**  
**AB 900 PHASE II JAIL CONSTRUCTION FUNDING**  
**MONDAY, AUGUST 1, 2011**  
**10:00 A.M. TO 4:00 P.M.**

**CHP ACADEMY – TRAINING ROOM #10**  
**3500 REED AVENUE**  
**WEST SACRAMENTO, CA 95605**

**Welcome and Introductions**

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**Bob Takeshta**

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**Bob Takeshta**  
**Staff**

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**ESC**  
**Staff**

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**ESC**  
**John Kohls, PhD**  
**John Berner, PhD**  
**Staff**

**Public Comment**

**Audience**

**Timelines and Next Steps**

**ESC**  
**Deputy Director**  
**Bob Takeshta**

**AB 900 Phase II Jail Construction Funding  
Executive Steering Committee Roster**

**Donny Youngblood, Sheriff**  
Kern County Sheriff's Department

**Steve Moore, Sheriff**  
San Joaquin County Sheriff's Department

**Jerry Powers, Chief Probation Officer**  
Stanislaus County Probation Department

**Dave Robinson, Sheriff**  
Kings County Sheriff's Department

**Teri Daly, County Administrative Officer**  
El Dorado County Administrative Office

**Kathy Long, County Supervisor**  
Ventura County Board of Supervisors

**Scott Kernan, Undersecretary**  
California Department of Corrections and  
Rehabilitation

**Gary Wyatt, County Supervisor**  
Imperial County Board of Supervisors

**Cynthia Florez-DeLyon, Chief – Office of  
Policy Standardization, Adult Institutions**  
California Department of Corrections and  
Rehabilitation

**County Facilities Construction Division Staff**

Robert Takeshta,  
Deputy Director  
916.322.8346

Leslie Heller,  
Field Representative  
916.323.8618

Charlene Aboytes,  
Field Representative  
916.324.1914

**Corrections Standards Authority  
AB 900 Jail Construction Funding Phase II  
Goals of the Upcoming Executive Steering Committee Meeting**

The Corrections Standards Authority (CSA) Board has appointed the nine members of the Executive Steering Committee (ESC). The Chair will be selected by the body of the ESC. The ESC will meet on August 1, 2011 to discuss issues and reach agreement on recommendations to be made to the CSA Board on the following:

- 1) Elements of the funding application and the process that counties will follow to apply for AB 900 Phase II jail construction financing.
- 2) Specific factors (criteria) to be used to determine the rank order of projects to be recommended for funding.
- 3) The process that the ESC will follow to recommend successful county projects to the CSA Board.

**Corrections Standards Authority  
AB 900 Jail Construction Funding Phase II  
Background and Role of the  
Executive Steering Committee**

**Executive Steering Committee's Purpose:**

The Executive Steering Committee (ESC) approach is a model for making sound decisions that encompass a wide range of expertise from the corrections field. Often when the Corrections Standards Authority (CSA) is involved in a new activity, project or program, CSA will establish an ESC to oversee that process. ESCs are special committees appointed by the CSA Board, as the need arises, to carry out specified tasks and to submit findings and recommendations from that effort to the CSA Board.

**Executive Steering Committee's Member Composition:**

All ESCs are made up of professionals who are knowledgeable in the areas of activity, project or program impact. These subject matter experts advise the CSA in its evaluation of technical requirements for any planning or revision effort; assist the CSA in the design of criteria and approaches to be used in completing administrative or legislative assigned tasks; help the CSA determine the appropriateness of any formal review or rating process it plans to use; coordinate any necessary workgroup efforts; hold hearings; and submit their findings and recommendations to the CSA Board.

**Executive Steering Committee's Role:**

In many previous jail construction grant programs administered by the CSA, the ESC has played a critical role in developing the criteria, rating factors and review process for the Request for Proposals (RFP) within the parameters of the legislation that appropriated the funds. In the past, the RFP was issued and counties responded with project proposals, it was the ESC's responsibility to review and rank those proposals based upon the criteria established in the RFP. The end result was a rank-ordered list of counties and projects that are recommended for funding. The ESC's recommended list was then submitted to the CSA Board for final approval. This ESC process has been very successful in the past and is viewed as a fair and defensible strategy for awarding local jail construction funds.

**Corrections Standards Authority**  
**AB 900 Jail Construction Funding Phase II**  
**Executive Steering Committee Meetings Are Open to the Public**

As an advisory committee to the Corrections Standards Authority Board, the Executive Steering Committee (ESC) meetings are to be conducted as "open meetings" in accordance with the Bagley-Keene Open Meeting Act of 2004 (OMA). Generally, the OMA requires all state bodies to publicly notice their meetings at least 10 days prior to the meeting, prepare and post the agenda where it is visible to the public, including on the Internet, accept public testimony and conduct meetings and reach decisions on their business in public unless specifically authorized by the OMA to meet in closed session. The public must also have access to all non-confidential material provided to the ESC members at or before the meeting. Therefore, the material provided in this workbook will be available for public perusal at the ESC meeting.

For more information regarding OMA, CSA staff can provide you with [A Handy Guide to the Bagley-Keene Open Meeting Act of 2004](#), published by the California Attorney General's Office.

**Corrections Standards Authority**  
**AB 900 Jail Construction Funding Phase II**  
**Brief History of Local Detention Facility Construction Funding**

The Corrections Standards Authority (CSA), formerly known as the Board of Corrections, has been administering local detention facility construction funding since 1980 when the legislature allocated the first \$40 million to the County Jail Capital Expenditure Fund. Starting in 1982 there were a series of voter approved propositions authorizing the sale of general obligation bonds totaling \$1.455 billion to fund new construction or renovation of county jails.

Beginning in 1997, the focus shifted to the need to expand and construct juvenile halls and camp facilities. The Violent Offender Incarceration and Truth-in-Sentencing Incentive Grant Program, spanning the years from 1997 to 2002, provided a total of \$318,777,026 in federal funds, \$280,901,508 of which was spent on juvenile facility construction while \$37,875,518 went toward adult facilities. In 1998 the Legislature established the County Juvenile Correctional Facilities Capital Expenditure Act and appropriated a total of \$172,375,000 in State General Funds for juvenile facility construction or renovation projects.

California's jail construction fund of over \$1.5 billion, combined with county match dollars, increased local jail capacity in 57 counties from 31,824 beds in 1980 to 72,662 beds as of June 2007.

California's \$280,901,508 in federal grant funds and \$172,375,000 in state grant funds, combined with county match dollars, increased capacity in local juvenile facilities in 42 counties from 11,399 in 1999 to 14,567 by October 2007.

On May 3, 2007, the Public Safety and Offender Rehabilitation Services Act of 2007 (also known and referred to as AB 900), became law. Up to \$1.2 billion (in two phases) was authorized by the legislation for county jail construction. Phase I of AB 900 contained financing authority of \$650 million and as of November 19, 2009, eleven counties have been conditionally awarded. Under Phase I, up to 5,489 beds will be added to California's local jail capacity. Please see the AB 900 Jail Construction Financing Program Project Status Update in Tab 5.

**SUMMARY OF CONSTRUCTION FUNDING**

<b>Year Enacted</b>	<b>Source</b>	<b>Allocation</b>	<b>Funding Type</b>	<b>Adult or Juvenile</b>
1980	AB 3245	\$40,000,000	State General Fund	Adult
1982	Proposition 2	\$280,000,000	G.O. Bonds	Adult
1984	Proposition 16	\$250,000,000	G.O. Bonds	Adult
1986	Proposition 52	\$475,000,000	G.O. Bonds	Adult
1987	Proposition 80	\$40,000,000	G.O. Bonds	Adult
1988	Proposition 86	\$410,000,000	G.O. Bonds	Adult
1997 - 2002	VOI/TIS	\$37,875,518	Federal Funds	Adult
1997 - 2002	VOI/TIS	\$280,901,508	Federal Funds	Juvenile
1998	AB 2796	\$98,500,000	State General Fund	Juvenile
2000	AB 1740	\$73,875,000	State General Fund	Juvenile
2007	AB 900	\$650,000,000	Lease-Revenue Bonds	Adult
<b>TOTAL</b>		<b>\$2,636,152,026</b>		

**Corrections Standards Authority  
AB 900 Jail Construction Funding  
Summary of AB 900 Legislation, Amendments and Background Information  
For the Financing of County Jail Facilities**

The following summary provides highlights of the AB 900 legislation (Chapter 7; Statutes of 2007), signed into law on May 3, 2007, including amendments resulting from 2011 legislation (AB 111 and AB 94) as it relates to the financing of county jail facilities:

**Chapters 3.11 and 3.12 – Financing of County Jail Facilities**

**\$1.2 billion in county jail construction funding**

- Lease-revenue bond financing
- Phased funding:
  - Phase I -- \$617,119,000; funding authority for project commencement expires in 2017.
  - Phase II -- \$602,881,000; no sunset on funding authority.

**Funding preferences**

- Phase I – CSA and CDCR shall give funding preference to:
  - Counties that assist the state (California Department of Corrections and Rehabilitation/CDCR) in siting reentry facilities;
  - Counties that assist the state (CDCR) in siting mental health day treatment and crisis care for parolees; and
  - Counties that provide a continuum of care so that parolees with mental health and substance abuse needs can continue to receive services at the conclusion of their period of parole.
- Phase II – CSA and CDCR shall give funding preference to:
  - Counties that committed the largest percentage of inmates to state custody in relation to the total inmate population of CDCR in 2010.
  - Counties that relinquish their conditional awards, provided that those counties agree to continue to assist the state in siting reentry facilities.

**Other highlights of AB 900**

- Phase I specific:
  - Matching fund requirement – 25% minimum of total project costs; however, CSA may reduce match for counties under 200,000 population upon petition by a county to the CSA requesting a lower level of matching funds.
- Phase II specific:
  - Matching fund requirement – 10% minimum of total project costs; however, CSA may reduce match for counties under 200,000 population upon petition by a county to the CSA requesting a lower level of matching funds.
  - A county shall not receive more than one hundred million dollars (\$100,000,000) in lease-revenue bond financing.
  - A county that has received a conditional award may relinquish its Phase I conditional award, provided that no state moneys have been encumbered in contracts let by the county, and may reapply for a conditional award under Phase II.
- County responsibilities: site and design facility; construct facility with aid of state financing; and operate and maintain facility at county expense.

### **State Public Works Board (SPWB)/Lease-revenue bond financing**

- The scope and cost of approved local jail facility projects shall be subject to approval and administrative oversight by the SPWB.
- The ownership interest of a participating county in the site(s) for a jail facility must be determined to be adequate by the SPWB for purposes of its financing.
- State will own jail facility for the term of bond indebtedness (approx. 30 years)
- SPWB will lease facility to CDCR; CDCR will sub-lease to county.
- The SPWB, CDCR, and the County shall enter into agreements that shall provide, at a minimum, performance expectations of the parties, roles and responsibilities.
- Counties may be reimbursed for the costs of acquisition, facility design and construction.

### **Additional implications of lease-revenue bond financing**

- Existing facilities that are attached to new construction will be subject to:
  - current seismic standards and
  - current fire and life safety standards.

### **Regulations and procedures**

- CSA shall develop regulations and procedures that, at a minimum, address the following:
  - Consideration of cost effectiveness in determining approval or disapproval of projects;
  - Certification by a county of project site control through either fee simple ownership or comparable long-term possession;
  - Documentation of need for the project;
  - Written project proposal;
  - Submittal of a staffing plan and operational cost projections, including documentation that the jail will be safely staffed and operated within 90 days of completion;
  - CSA may require changes in construction materials to enhance safety and security
  - CSA approval of architectural drawings;
  - State Fire Marshal approval of architectural drawings; and
  - Final determination of environmental impact report.

**Corrections Standards Authority  
AB 900 Jail Construction Funding Phase II  
Summary of AB 111 and AB 94  
2011 Realignment Legislation Addressing Public Safety**

The following summary provides highlights of the AB 111 legislation (signed into law April 4, 2011) and AB 94 (signed into law May 9, 2011), amending Phase II of AB 900 (signed into law May 3, 2007).

- Relative to Phase I, \$617,119,000 in lease-revenue bond financing authority remains, as does the year 2017 funding authority expiration for commencing of projects. (AB 111) (\$617,119,000 represents the total award amount for the current 11 conditionally awarded counties.)
- Phase II authorizes \$602,881,000 in lease-revenue bond financing (AB 111); there is no sunset date on funding authority for Phase II. (The new Phase I and Phase II funding authority amounts equal in total the originally authorized \$1.2 billion for jail construction as defined in AB 900.)
- A county's contribution (match) for projects funded under Phase II shall be a minimum of 10 percent of the total project costs. The CSA may reduce matching fund requirements for participating counties with a general population below 200,000 upon petition by a participating county to the CSA requesting a lower level of matching funds. (AB 94)
- A participating county shall not receive more than one hundred million dollars (\$100,000,000) in lease-revenue bond financing. (AB 94)
- A county that has received a conditional award in Phase I may relinquish its conditional award, provided that no state moneys have been encumbered in contracts let by the county, and may reapply for a conditional award in Phase II. (AB 94)
- Proceeds from the revenue bonds, notes or bond anticipation notes may be used to reimburse a participating county for the costs of acquisition, preliminary plans, working drawings, construction and a reasonable construction reserve for approved projects. (AB 900, AB 111, AB 94)

**Funding preferences for Phase II**

- The CDCR and CSA shall give funding preference to counties that committed the largest percentage of inmates to state custody in relation to the total inmate population of CDCR in 2010. (AB 111)
- The CDCR and CSA shall give funding preference to counties that relinquish their Phase I conditional awards, provided that those counties agree to continue to assist the state in siting reentry facilities. (AB 94)



OFFICE OF THE GOVERNOR

MAY 09 2011

To the Members of the California State Assembly:

I am signing Assembly Bill 94 because it is an important component of my overall strategy to realign public safety. This bill will provide an easier pathway for counties to access the AB 900 Jail Financing Program provided in existing law. In implementing this bill, I expect that the Corrections Standards Authority will structure the competitive process for projects in a way that fairly balances the preferences specified in the bill and existing law and allows small, medium, and large counties to compete for project financing. Additionally, I acknowledge that my Administration will seek future legislation to adjust the appropriations for the two phases of the AB 900 Jail Financing Program once it is known which counties relinquish Phase 1 awards to compete in Phase 2.

Sincerely,

Edmund G. Brown Jr.

A handwritten signature in black ink that reads "Edmund G. Brown Jr." with a large, stylized flourish at the end.

## COMMITTEES

NATURAL RESOURCES, CHAIR  
 SELECT COMMITTEE ON DISABILITIES, CHAIR  
 SELECT COMMITTEE ON WINE, CHAIR  
 JOINT COMMITTEE ON FISHERIES AND  
 AQUACULTURE, CHAIR

## BUDGET

BUDGET SUBCOMMITTEE #1  
 JOINT LEGISLATIVE BUDGET  
 ENVIRONMENTAL SAFETY AND  
 TOXIC MATERIALS  
 GOVERNMENTAL ORGANIZATION

# Assembly California Legislature



**WESLEY CHESBRO**  
 ASSEMBLYMEMBER, FIRST DISTRICT

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June 9, 2011

The Honorable Jerry Brown  
 Governor, State of California  
 State Capitol  
 Sacramento, CA 95814

Dear Governor Brown:

I am writing to request that a process be created to ensure that small rural counties have access to funding for the construction of local detention facilities.

As you are aware, both Assembly Bills 94 and 111, contain language stating, "the CDCR and SCA shall give funding preference to counties that committed the largest percentage of inmates to state custody in relation to the total inmate population of CDCR in 2010." I am concerned that this provision will preclude small, rural low-population counties from qualifying for much needed funds to modernize or repair their detention facilities.

Assembly Bill 900 (2007) authored by Assemblyman Solorio, created a framework for awarding state bond funding for the construction of local jails. In preparation of appropriating those funds, the Corrections Standards Authority (CSA) devised an equitable process in awarding these funds among all counties, both small and large, based on their respective populations. This allowed small counties to compete for one pot of funds while the other counties competed for a separate but larger pool of funds. This process ensured that our smaller, lower population counties could access these much needed funds to improve their rapidly deteriorating facilities.

It is for this reason that I strongly urge you to create a similar process for funds, pursuant to Assembly Bills 94 and 111, where there would be two separate pool of funds, one for smaller population counties, and another larger fund for the more populous counties. This will ensure that smaller counties are not precluded from this much needed funding since they do not have a large a number of inmates in the state prison system.

Thank you for your consideration of my request.

Sincerely,

**WESLEY CHESBRO**  
 Assemblymember, 1<sup>st</sup> District

Cc: Ana Mantosantos, Director of the Department of Finance  
 Matthew Cate, Secretary of the California Department of Corrections & Rehabilitation



**Corrections Standards Authority  
AB 900 Jail Construction Funding Phase II**

**Issues Paper for the  
Executive Steering Committee  
August 1, 2011 Meeting**

This document outlines many decision points for consideration by the Executive Steering Committee (ESC). Some issues overlap and decisions made in one area can impact other areas. There are some unique provisions of the Phase II funding as outlined in AB 111 and AB 94 (known as the *2011 Realignment Legislation Addressing Public Safety*, amending the second phase of AB 900 funding provisions) that must be considered, as well as a variety of past practices and approaches that may be helpful. It is not an exhaustive list of possibilities, nor are there "right or wrong" decisions for many of the issues. Rather, this paper is intended to provoke advance thought prior to the ESC meeting, when consensus will be sought on key elements to recommend to the Corrections Standards Authority (CSA) Board for inclusion in the application and funding process.

**Mandated Funding Preferences**

- 1. Phase II legislation indicates that preference shall be given to those counties that committed the largest percentage of inmates to state custody in relation to the total inmate population of the California Department of Corrections and Rehabilitation (CDCR) in 2010. How should preference be given?**

Some ways to consider applying the preference are:

- Following the CDCR admissions data, use a "hard preference" to award those counties with the highest admissions that can appropriately articulate and justify a needed project.
- Establish funding set-asides for small, medium and large counties and apply the preference within each set-aside.

- 2. Phase II legislation indicates that preference shall be given to those Phase I counties that relinquish their conditional awards provided that those counties agree to continue to assist the state in siting reentry facilities. How should preference be given?**

Some considerations for applying the preference are:

- Establish that there is a first priority automatically provided to Phase I counties that wish to relinquish their current award while continuing to assist with reentry siting if they receive a Phase II award. This first priority would put those counties ahead of counties with only the state admissions preference.
- For counties that receive the preference, can they change their project's scope (i.e., number of beds) or the state dollar amount requested in their Phase I project?

- 3. Legislation states that a county that has received a Phase I conditional award "may relinquish its conditional award, provided that no state moneys have been**

**encumbered in contracts let by the county, and may reapply for a conditional award...” in Phase II. At what point will a county need to relinquish its conditional award, and will the county know its potential for securing an award in Phase II?**

The lower amount of required match in Phase II is appealing to affected counties. At the same time, there is concern over giving up a Phase I award that appears secure and competing for a Phase II award that may be uncertain, potentially leaving a county without any award when the process is complete. Should there be a built-in safeguard for counties desiring to relinquish their Phase I award, assuring them that they will not be left without an award, assuming the county follows all pertinent procedures set forth for Phase I and II?

### **Scope of Work Issues**

**4. Do each of the AB 900 Phase II county jail construction projects need to result in added bed capacity for each respective county?**

The AB 900 legislation was recognized as the funding means for adding county jail bed capacity and the Phase I ESC required a net gain in beds for each funded project. Phase II of the funding is authorized at this time in response to the realignment effort that shifts specific portions of the state prison population to the county jail facilities, and in recognition of the need to add county jail capacity. It is anticipated that the number of inmates coming back to counties will have a significant impact on local jail capacity. Neither the Phase I nor Phase II legislation sets forth specific requirements regarding added capacity.

**5. How will counties applying for Phase II financing justify their construction needs?**

Pertinent to the realignment effort and the potential added capacity needs of counties, CDCR has provided admissions data specifying the number of state prison admissions by county for the calendar year 2010. Separate from that, and relative to the existing requirement that counties perform a methodical assessment of their jail system needs prior to construction, Title 24, Part I, Section 13-102(c)2 of the California Code of Regulations requires that if a county intends to construct a facility or add 25 or more beds to an existing facility, the county must complete a needs assessment study. Historically, the BOC/CSA has allowed counties to submit an update of their previous needs assessment for the purposes of submitting proposals. Also as past practice, the ESC has typically required that counties summarize their needs assessment outcomes within their funding proposal.

**6. Should renovation or deferred maintenance projects be funded in addition to projects that add bed space?**

Counties have a variety of pent up needs for many types of construction projects affecting jails. Some may want to build new jails or add new housing units to existing jails, in order to replace old, dilapidated facilities or housing units, resulting in a limited amount of net gain in beds. Some may want to undertake extensive renovation or perform deferred maintenance of existing facilities that is unrelated to adding bed

space. Legislation does not specifically preclude renovation or deferred maintenance. However, the Phase I Request for Proposals (RFP) carried the provision that "Projects for deferred maintenance only, or renovation not resulting in added beds, are not eligible under this financing program."

## **7. Can counties build for projected future need?**

There have been times when the BOC/CSA allowed counties to build the amount of beds necessary to meet reasonable, foreseeable future need (i.e., within approximately two years of anticipated construction completion) in order to avoid situations where new facilities/housing units are soon crowded after opening. In other funding processes, building for needs beyond the current need was not allowed, in an effort to spread the dollars further and maximize the number of projects funded.

A departure from history is now the unprecedented realignment effort and the shift of a portion of the state prison population to the county level. This provokes concern from counties on how they will keep up with the demand for local beds.

## **Use of State Funds**

### **8. Historically, the BOC/CSA has provided state reimbursement funding for construction costs only. With the Phase II process, should the state dollars pay for more than just construction costs?**

Prior to AB 900, construction funding processes did not legally allow for the state to reimburse counties for project costs other than the actual costs of construction. The BOC/CSA has defined construction costs as the direct costs associated with constructing the building, including site work within a reasonable buffer. With state reimbursement funding for construction costs only, this leaves the county to cover all other project costs with county dollars, much of which can be claimed within the required matching fund contribution.

AB 900 legislation – Phases I and II, indicate this funding may be used to finance the acquisition, design and construction, and a reasonable construction reserve for a local jail facility project. AB 900 became the first opportunity, by way of its legislative language, for the state dollars to cover project costs other than actual construction costs. However, Phase I policies continued the theme of state dollars paying for construction costs only in order to spread the total dollars further, resulting in a greater number of projects being funded as opposed to funding a greater amount of project costs on a fewer number of total projects.

## **Funding Set-Asides**

### **9. Should there be funding set-asides for small/rural counties (200,000 or less in population), medium/suburban counties (200,001 to 700,000 population) and/or large/urban counties (over 700,001 population)?**

The Phase I, AB 900 ESC elected to create funding set-asides for small, medium and large counties. Under this scenario, a designated amount of available funds was earmarked for like-size counties which would compete with their counterparts for

available funds (e.g., rural versus rural; suburban versus suburban; and urban versus urban). This ensured that funds would be available for all size counties.

Among the factors to consider are 1) the Phase II legislation stipulates that funding preference be given "...to counties that committed the largest percentage of inmates to state custody in relation to the total inmate population of CDCR in 2010."; and, 2) the Governor's AB 94 signing message that states "...I expect that the Corrections Standards Authority will structure the competitive process for projects in a way that fairly balances the preferences specified in the bill and existing law and allows small, medium and large counties to compete for project financing."

**10. There currently is no ability to move funding amounts from Phase I to Phase II related to awards that may be relinquished in Phase I. To do so would require future legislation. If future legislation allows moving the relinquished funds from Phase I to Phase II, should those funds stay in the same county size set-aside (small, medium and large), for the potential future awarding of yet unfunded projects in Phase II?**

Assuming there will be a greater number of Phase II project proposals than available funding, there will be counties with unfunded projects. Determining at this point how the future available funding from relinquished Phase I awards will be handled eliminates unnecessary delays in having additional Phase II projects funded in the future.

**Cost and Project Caps**

**11. Should there be a way to limit the amount of money a county receives to assure that a particular county doesn't receive a disproportionate amount of funding?**

Phase II legislation stipulates that a county shall not receive more than \$100 million in lease-revenue bond financing. Beyond this there are no legislated limits. Historically BOC/CSA has put a limit on state dollars per project. In Phase I the limits on state dollars per project were \$30 million for small counties, \$80 million for medium counties and \$100 million for large counties.

**12. Should there be a limit on the number of project proposals from a county?**

Historically, some larger counties have desired to submit multiple project proposals for the construction or expansion of more than one county facility. Some past processes have limited the number of project proposals to one from each county (due to limited amount of funds available), while other past processes have allowed individual counties to submit multiple project proposals. When multiple project proposals have been allowed, each project proposal was rated separately and counties were asked to designate whether ability to proceed was contingent upon other project proposals also being funded. (Phase II legislation stipulates that a county shall not receive more than \$100 million in lease-revenue bond financing.)

**13. If a county has a Phase I awarded project and intends to keep the Phase I award, can that county apply for a Phase II project(s) as well?**

It is possible that counties with a Phase I project may desire a Phase II project also, resulting in two (or more) AB 900 projects for a given county if the Phase II process allows for such.

**Match Requirements**

**14. The Phase II legislation requires that a county's contribution (match) shall be a minimum of 10 percent of the total project costs. As further specified, the CSA may reduce contribution requirements for counties with a general population below 200,000 upon petition by the county to the CSA requesting a lower level of contribution.**

Historically the BOC/CSA has separated the legislated overall/total match requirement (represented as a percentage) into cash and in-kind percentages which would make up the total. Cash and in-kind match percentages are not specified in legislation. For example, in Phase I of AB 900 a minimum of 25 percent match of total project costs was required by legislation. The CSA then specified in the RFP that of the 25 percent total match, small and medium counties would provide a minimum of 5 percent cash (hard) match and large counties a minimum of ten percent cash match, with all counties making up the balance of required match in in-kind match contributions. For small counties requesting a match reduction, CSA still required the minimum five percent cash match.

Historically cash match has included: architectural planning and design; environmental reports/mitigation; construction management; and construction costs not part of the state dollar reimbursement. In-kind match included: the needs assessment; site acquisition/land; county administration; transition planning; and end-of-project fiscal audit.

**15. AB 900 legislation Phases I and II allows that a county of 200,000 or less in general population may petition the CSA for consideration of a reduction in match. How will this be determined?**

In Phase I counties were asked to state their match reduction request at the time of proposal submission, and action granting the request was taken by the CSA Board prior to award. To simplify this process, Phase II could include a statement in the application document that any small counties' match reduction petition, as stated in their application, will be accepted as long as the application rules are all followed. This approach could eliminate the added step of CSA Board approval that occurs before awards are granted at a subsequent meeting.

## Regional Jail Facilities

### **16. If multiple counties want to develop a regional jail facility project, how would this be addressed?**

The Phase I RFP addressed this issue. It required that counties desiring to construct a regional facility for the purpose of housing county inmates from multiple counties submit one single proposal from the lead county in which the project was to be constructed.

The proposal was required to include a county Board of Supervisors' resolution from each respective county in the partnership and a copy of a Memorandum of Understanding (MOU) or Joint Powers Agreement (JPA) between the partner counties. The agreement was to clearly identify the terms, conditions, rights, responsibilities and financial obligations of all parties in sufficient detail that demonstrated that the regional facility will confine offenders from all partner counties.

The ESC may wish to clarify that the size of the lead county would determine the set-aside category (small, medium or large) and only one award would be granted.

**Corrections Standards Authority  
AB 900 Jail Construction Funding Phase II  
Funding Preferences**

**Funding preferences**

- The CDCR and CSA shall give funding preference to counties that committed the largest percentage of inmates to state custody in relation to the total inmate population of CDCR in 2010. (AB 94 and AB 111)
  
- The CDCR and CSA shall give funding preference to counties that relinquish their conditional awards, provided that those counties agree to continue to assist the state in siting reentry facilities. (AB 94)

	#	COUNTY	ADMISSIONS TO CDCR 2010 (TOTAL FELON)	NUMBER OF ADMISSIONS RANK
LARGE COUNTIES, POPULATION 700,001+	1	LOS ANGELES	19,025	1
	2	SAN BERNARDINO	5,800	2
	3	SAN DIEGO	3,945	3
	4	RIVERSIDE	3,550	4
	5	ORANGE	3,513	5
	6	KERN	2,296	6
	7	SACRAMENTO	2,130	7
	8	SANTA CLARA	1,815	8
	9	FRESNO	1,727	9
	10	ALAMEDA	1,194	10
	11	VENTURA	737	14
	12	SAN MATEO	577	19
	13	SAN FRANCISCO	569	20
	14	CONTRA COSTA	455	23
MEDIUM COUNTIES, POPULATION 200,001 to 700,000	1	SAN JOAQUIN	1,098	11
	2	STANISLAUS	993	12
	3	TULARE	933	13
	4	SANTA BARBARA	676	15
	5	SOLANO	647	16
	6	MONTEREY	641	18
	7	BUTTE	500	22
	8	YOLO	438	24
	9	SONOMA	422	25
	10	PLACER	370	26
	11	MERCED	369	27
	12	SAN LUIS OBISPO	325	28
	13	SANTA CRUZ	164	36
	14	MARIN	115	40
SMALL COUNTIES, POPULATION Up to 200,000	1	KINGS	644	17
	2	SHASTA	511	21
	3	HUMBOLDT	301	29
	4	SUTTER	213	30
	5	TEHAMA	206	31
	6	MADERA	201	32
	7	IMPERIAL	193	33
	8	YUBA	182	34
	9	EL DORADO	179	35
	10	NAPA	162	37
	11	LAKE	148	38
	12	MENDOCINO	120	39
	13	AMADOR	87	41
	14	SAN BENITO	79	42
	15	SISKIYOU	74	43
	16	LASSEN	57	44
	17	TUOLUMNE	54	45
	18	GLENN	51	46
	19	CALAVERAS	43	47
	20	NEVADA	38	48
	21	COLUSA	36	49
	22	DEL NORTE	32	50
	23	MARIPOSA	28	51
	24	PLUMAS	25	52
	25	INYO	21	53
	26	TRINITY	15	54
	27	MONO	7	55
	28	MODOC	6	56
	29	ALPINE	4	57
	30	SIERRA	2	58

**CORRECTIONS STANDARDS AUTHORITY  
AB 900 PHASE I JAIL CONSTRUCTION FUNDING AWARDS  
November 19, 2009**

Rank	County	Amount Requested	Recommended Award	Preference Points		Total Points	Jail Beds	Jail Beds Net Gain
				Reentry Siting	Parolee Services			
Medium/Large County Category								
1	San Bernardino	\$100,000,000	\$100,000,000	300	100	1200.6	1368	1368
2	San Joaquin	\$80,000,000	\$80,000,000	300	100	1162.3	1280	1280
3	Kern	\$100,000,000	\$100,000,000	300	100	1096.7	790	790
4	Orange	\$100,000,000	\$0	300	0	1080.0	1536	0
5	Santa Barbara	\$56,295,000	\$56,295,000	300	100	1023.8	304	304
6	San Diego	\$100,000,000	\$100,000,000	300	0	1016.1	842	842
7	Monterey	\$80,000,000	\$0	300	100	943.0	448	0
8	Los Angeles	\$100,000,000	\$0	150	0	897.9	1152	0
9	San Luis Obispo	\$25,125,630	\$25,125,630	300	0	852.4	155	155
10	San Mateo	\$100,000,000	\$0	150	0	730	506	0
11	Butte	\$30,000,000	\$0	300	50	717.2	104	0
12	Placer	\$9,389,606	\$0	0	0	597.7	220	0
13	Stanislaus	\$39,790,500	\$0	0	0	543.8	300	0
14	Merced	\$27,846,040	\$0	0	50	467.3	96	0
15	Solano*	\$61,545,000	\$61,545,000	300	0*		362	362
	<b>SUBTOTAL</b>	<b>\$1,009,991,776</b>	<b>\$522,965,630</b>				<b>9463</b>	<b>5101</b>
Small County Category								
1	Yolo	\$30,000,000	\$0	300	100	1043.8	157	0
2	Kings	\$30,000,000	\$0	300	100	1039.3	170	0
3	Madera	\$30,000,000	\$30,000,000	300	100	994.4	144	144
4	Calaveras	\$26,387,591	\$26,387,591	300	100	905.4	95	95
5	Tuolumne	\$30,000,000	\$0	300	100	898.6	111	0
6	Shasta	\$24,999,187	\$0	0	100	872	229	0
7	Amador	\$22,712,000	\$22,712,000	300	100	867.7	89	89
8	El Dorado	\$20,000,000	\$0	150	100	858.3	128	0
9	San Benito	\$15,053,000	\$15,053,000	300	100	816.2	60	60
10	Sutter	\$5,990,288	\$0	0	0	505.2	42	0
	<b>SUBTOTAL</b>	<b>\$235,142,066</b>	<b>\$94,152,591</b>				<b>1225</b>	<b>388</b>
	<b>TOTAL</b>	<b>\$1,245,133,842</b>	<b>\$617,118,221</b>				<b>10688</b>	<b>5489</b>
	<b>MAX FUNDING</b>		<b>\$750,000,000</b>					
	<b>REMAINING \$</b>		<b>\$132,881,779</b>					

\*Round 2; total points n/a

**AB 900 Jail Construction Financing Program**  
**Corrections Standards Authority**  
**Project Status Update**

*Updated 7/11/2011*

In May 2007 AB 900 was signed into law authorizing \$1.2 billion for county jail construction in response to the critical need for increased county jail capacity to alleviate crowding and related conditions. In order to receive state financing for a jail project, each participating county must provide a portion of the project costs in matching funds. Each of the 11 below listed counties currently has a conditional award through the Corrections Standards Authority for state financing of jail construction.

**PROJECTS ACTIVE IN THE STATE PUBLIC WORKS BOARD PROCESS**

Outlined below are the active county jail projects that are established in the State Public Works Board approval and oversight process for capital outlay projects.

**Calaveras County**

Adult Detention Facility – San Andreas

This jail project will result in the construction of a new facility with 160 beds, replacing an existing 65-bed facility for a net gain of 95 beds. Of the approximately \$36 million project costs, the State's share is up to \$26,387,591. Construction is anticipated to begin in July 2011 with completion in October 2013.

**Madera County**

County Jail – Madera

This jail project consists of renovation and expansion of an existing facility to include the addition of 144 beds at a project cost of approximately \$34 million, of which the state's share is up to \$30 million. Construction began in June 2011 and completion is anticipated in June 2013.

**San Bernardino County**

Adelanto Detention Center -- Adelanto

This jail project will result in the construction of a 1,368 bed expansion at an approximate cost of \$111 million, of which the State's share is up to \$100 million. Construction began in February 2010 and completion is anticipated in August 2013.

**San Diego County**

Women's Detention Facility – Santee

This construction project consists of the replacement of the existing women's detention facility, constructing 1,270 beds for a net gain of 842 beds. Project costs are estimated at \$268 million, of which the State's share is up to \$100 million. This design-build project has an estimated construction start date of November 2012 with completion in November 2015.

**Solano County**

Claybank Facility II – Fairfield

This jail project consists of the construction of a new 362-bed facility. Project costs are estimated at \$93 million, of which the state's share is up to \$61,545,000. There is an estimated construction start date of June 2012 with completion in June 2014.

## **REMAINING PROJECTS WITH A CONDITIONAL AWARD**

The projects outlined below are not yet established in the State Public Works Board approval and oversight process for capital outlay projects.

### **Amador County**

Adult Detention Facility

Award: \$22,712,000

This proposed project consists of constructing a 165-bed replacement facility, for a net gain of 89 beds.

### **Kern County**

Justice Facility

Award: \$100,000,000

This proposed project consists of construction of a new 790-bed facility.

### **San Benito County**

County Jail

Award: \$15,053,000

This proposed project consists of adding 60 beds to the existing facility.

### **San Joaquin County**

John J. Zunino Detention Facility

Award: \$80,000,000

This proposed project consists of an addition of 1,280 beds to the existing facility.

### **San Luis Obispo County**

Women's Jail and Medical/Mental Health/Program Building

Award: \$25,125,630

This proposed project consists of constructing a replacement women's facility with 198 beds for a net gain of 155 beds, as well as a medical/mental health/program building.

### **Santa Barbara County**

County Jail Northern Branch

Award: \$56,295,000

This proposed project consists of construction of a new 304-bed facility.

**Corrections Standards Authority**  
**AB 900 Jail Construction Funding Phase II**  
**An Overview of the Corrections Standards Authority**

The Corrections Standards Authority (CSA) (*formerly the Board of Corrections*) works in partnership with city and county officials to develop and maintain standards for the construction of local jails and juvenile detention facilities; the operation of state and local jails and juvenile detention facilities; and for the selection and training of state and local corrections personnel. The CSA also inspects local adult and juvenile detention facilities; administers grant programs that respond to facility construction needs and juvenile crime and delinquency; and conducts special studies relative to the public safety of California's communities.

In carrying out these major responsibilities, the CSA and its staff work closely with county sheriffs, directors of corrections and chief probation officers, as well as other state and local officials and community-based service providers, to achieve continued improvement in the conditions of local detention facilities and the delivery of effective state and local corrections programs.

The Board of Corrections was established in 1944 as part of the reorganization of the state prison system. Commencing July 1, 2005, the CSA was established within the California Department of Corrections and Rehabilitation (CDCR). As of that date, the Board of Corrections was abolished. Statutes relating to the authority, programs and mandates of the CSA are contained in the California Penal and Welfare and Institutions Codes. Operating regulations are found in Title 15 of the California Code of Regulations, and physical plant regulations are contained in Title 24.

The CSA is composed of 19 members, one of whom shall be the Secretary of the CDCR, or his or her designee, who shall be designated as the chairperson, and four of whom shall be subordinate officers of the secretary. At least one subordinate officer shall be a manager or administrator of a state correctional facility for adult offenders, and at least one subordinate officer shall be a manager or administrator of a state correctional facility for juvenile offenders. The remaining 14 members shall be appointed by the Governor after consultation with, and with the advice of, the secretary, and with the advice and consent of the Senate. The gubernatorial appointments shall include all of the following:

- 1) A county sheriff in charge of a local detention facility, which has a CSA rated capacity of 200 or less inmates.
- 2) A county sheriff in charge of a local detention facility, which has a CSA rated capacity of over 200 inmates.
- 3) A county supervisor or county administrative officer.
- 4) A chief probation officer from a county with a population over 200,000.
- 5) A chief probation officer from a county with a population under 200,000.
- 6) A manager or administrator of a county local detention facility.
- 7) An administrator of a local community-based correctional program.
- 8) Two public members, at least one of whom shall represent the interests of crime victims.

- 9) Four rank and file representatives: one juvenile probation officer who is a
- 10) first-line supervisor or lower rank, with a minimum of five years of experience as a juvenile probation officer; one deputy sheriff who is a sergeant or lower rank, with a minimum of five years of experience in an adult correctional facility; one state parole officer or parole agent; and one person with a minimum of five years experience working in a state adult correctional facility.
- 11) A representative of a community-based youth service organization.

### **County Facilities Construction Division**

The County Facilities Construction (CFC) Division works in collaboration with state and local government agencies in administering funding for county detention facility construction projects, for the purpose of enhancing public safety and conditions of confinement.

Specific activities of CFC include:

- Providing technical assistance to enhance facility planning, design and program administration that meets local needs, philosophies and priorities, as well as legislative and regulatory requirements;
- Convening committees to assist in the formation of project assessment criteria and processes;
- Providing workshops and informational forums to assist in planning processes;
- Distributing funding for the construction of local detention facilities;
- Assisting counties through the publication of practical handbooks, manuals and reports;
- Monitoring projects from inception through facility occupancy to ensure compliance with fiscal, programmatic and regulatory requirements, as well as to assess for technical assistance needs; and,
- Performing special studies or surveys as directed by the Legislature, CDCR, CSA or at the request of constituents.

### **Corrections Planning and Programs Division**

The Corrections Planning and Programs (CPP) Division develops, administers and evaluates programs designed to improve the effectiveness of state and local correctional systems and enhance public safety. In carrying out its responsibilities, the CPP works closely with federal, state and local government agencies, as well as the private sector and nonprofit service providers, to foster collaborative approaches for addressing crime and delinquency. The CPP provides extensive technical assistance and training to state and local agencies as well as grantees. Programs administered by the CPP include the following:

- The Federal Title II Formula Grants Program, Title V Community Prevention Grants Programs and Juvenile Accountability Block Grants Program, all support state and local efforts to reduce juvenile crime. Specialized initiatives funded through federal dollars include:
  - Disproportionate Minority Contact Reduction Initiatives;
  - Native American grant project;
  - CalGRIP – Anger Management and Youth Violence Prevention Training and Technical Assistance project; and,
  - Best Practices Approach Initiative – Training and Technical Assistance program.
- The Juvenile Justice Crime Prevention Act (JJCPA) supports community-based programs focusing on graduated sanctions for at-risk youth and young offenders. In administering the JJCPA, CPP assists counties in developing and updating comprehensive multi-agency juvenile justice plans that must be approved by the CSA before counties may access funds available through this initiative.
- The Juvenile Probation and Camp Funding program supports a broad spectrum of services in counties that operate juvenile camps and/or ranches. These funds are allocated to counties according to the number of occupied camp/ranch beds.
- The Proud Parenting Program supports community-based projects aimed at breaking the inter-generational cycle of violence and delinquency among at-risk youth, including teen parents and offenders on parole.
- The SB 81 Pilot Project supports two one-time probation projects with the overarching goal of testing program models for reducing the number of offenders entering state prison.
- The Youth Center/Youth Shelter Program supports the construction, renovation and monitoring of facilities that serve at-risk youth.
- The Youthful Offender Block Grant (YOBG) program provides funding for counties to provide custody and care (i.e. appropriate rehabilitative and supervisory services) to youthful offenders who previously would have been committed to the California Department of Corrections and Rehabilitation's Division of Juvenile Justice (DJJ). Individual county amounts are based on a formula provided in statute.

### **Facilities Standards and Operations Division**

The Facilities Standards and Operations (FSO) Division works in collaboration with local corrections agencies to maintain and enhance the safety, security and efficiency of state and local jails and juvenile detention facilities. Specific activities of the FSO include:

- Establishing and updating minimum standards regarding the design and operation of local adult and juvenile detention facilities (California Code of Regulations, Titles 15 and 24);

- Establishing and updating policies and procedures for state adult and juvenile detention facilities;
- Inspecting local detention facilities every two years and assisting agencies in their efforts to remain in compliance with minimum standards;
- Perform assessments of local juvenile detention facilities to determine their suitability as places to detain minors;
- Reviewing and analyzing all architectural plans for new facility construction and remodeling to determine cost-effectiveness and standards compliance;
- Administering the Jail Profile and Juvenile Detention Profile Surveys, which involve collecting and reporting data providing a statewide profile of local jails and juvenile detention facilities;
- Administering the Juveniles in Jail Removal/Compliance Monitoring Program, which involves monitoring, training and technical assistance activities related to federal compliance issues on the secure detention of status offenders and the separation of minors from adults;
- Providing technical assistance and training to cities and counties regarding standards compliance and various outsourcing opportunities; and,
- Perform special studies as directed by the legislature, the CSA, CDCR or at the request of constituents.

### **Standards and Training for Corrections Division**

The Standards and Training for Corrections (STC) Division works in collaboration with state and local corrections and public/private training providers in developing and administering programs designed to ensure the competency of state and local corrections professionals. Specific activities of STC include:

- Monitoring state and local corrections agencies for compliance with standards and assisting agencies in their efforts to meet selection and training standards;
- Establishing and maintaining Guidelines for Medical, Vision and Hearing Screening;
- Performing job analyses for selection and training standards and validation research for test development;
- Conducting studies involving the portability of selection exams for correctional classifications;
- Providing oversight and review of proctoring, security and delivery procedures for selection exams;

- Providing technical assistance to Human Resource Departments regarding selection standards, exam procedures and current best practices;
- Establishing and updating minimum selection and training standards (California Code of Regulations, Title 15);
- Administering a statewide training course certification process that includes a coordinated training delivery system;
- Developing and updating job related Core training curricula for entry-level correctional personnel;
- Providing technical assistance and support to corrections agencies and training providers;
- Providing technical assistance in the areas of Organizational Development, Strategic Planning and Training Needs Assessments;
- Providing training to corrections agencies in the areas of instructor development, curriculum design, training management and other topical areas of need; and,
- Coordinating and advising regional training manager associations statewide and assisting with the planning and delivery of the Annual Training Manager's Seminar.