

DATE: November 17, 2016 **AGENDA ITEM: J**

TO: BSCC Chair and Members

FROM: Magi Work, Deputy Director, magi.work@bscc.ca.gov

SUBJECT: Senate Bill 844, The Financing of Adult Local Criminal Justice Facilities Construction Financing Program, Approval and Release of the Request for Proposals: **Requesting Approval.**

Summary

This agenda item requests that the Board of State and Community Corrections approve the Senate Bill (SB) 844 Request for Proposals (RFP) (Attachment J-1), approve the release of the RFP following the final adoption of the SB 844 regulations (Agenda Item I).

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 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 constructed or renovated. (Gov. Code, § 15820.946, subd. (g).)
3. Financing shall be awarded only 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.

Similar to SB 863, the BSCC shall determine the funding and scoring criteria consistent with requirements in SB 844 Chapter 34. As a mandatory criterion counties are required to submit documentation of 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 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. (Gov. Code, § 15820.946, subd. (b)(1) & (2).)

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. (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 documents an existing housing capacity deficiency and 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, subds. (e) & (d).)

At its September 22, 2015 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 its member Sheriff Geoff Dean of Ventura County as ESC chair. The Board approved a membership roster for the ESC to develop recommendations for the Request for Proposals and proposal evaluation criteria, to review and rate proposals, and to make conditional award recommendations to the Board (Attachment I-2). The ESC met on October 20, and November 10, 2016. Additionally, the ESC received letters from the public prior to each ESC meeting (Attachment J-3).

Once the SB 844 regulations are adopted by the Office of Administrative Law the SB 844 RFP may be solicited.

The table below outlines the timeline of events the ESC is recommending to the Board.

SB 863 RFP Timeline

December, 2016 (tentative)	The BSCC issues SB 863 RFP
January 18, 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 18, , 2016	ESC convenes, makes final rating and ranks proposals for funding recommendations to the Board.
June, 2017	ESC recommendations presented to the BSCC for financing action/intent to make a conditional award at the BSCC regularly scheduled meeting.

The RFP is intended to solicit proposals to establish a rank-ordered list of ALCJF projects, and to conditionally allocate financing to projects for design and construction, including expansion or renovation with an emphasis on programing and treatment. Projects that are given a conditional award will be required to be certified by the BSCC, and then obtain final approval of financing eligibility (ability to participate in the sale of lease-revenue bonds in connection with the project) by the State Public Works Board.

Recommendation/Action Needed

Staff recommends the Board approve Senate Bill 844 Jail Construction Financing Program RFP and approve its release after the regulations have been adopted (tentative December 2016).

Attachments

- J-1: Request for Proposals, recommended by the ESC on November 10, 2016
- J-2: September 22, 2016 BSCC Board Meeting Agenda Item E
- J-3: Public Comment Letters