

TO: Chairman and Members

DATE: March 14, 2013

**SUBJECT: SB 81 Local Youthful Offender
Rehabilitative Facilities Construction Financing
Financing Program – Monterey County’s Request
for Time Extension to Provide Site Assurance**

AGENDA ITEM: D

**ACTION: X
INFORMATION:**

RESOURCE PERSON: Charlene Aboytes

Summary:

This agenda item requests the Board of State and Community Corrections (BSCC) grant a time extension to Monterey County to meet the site assurance requirement in the Senate Bill (SB) 81 Request for Proposals (RFP) – Construction, Expansion or Renovation of Local Youthful Offender Rehabilitative Facilities.

Background:

In August 2007 Governor Arnold Schwarzenegger signed the 2007 Budget Act. The budget included funding to implement the Local Youthful Offender Rehabilitative Facilities Construction Financing Program authorized by Senate Bill (SB) 81. This legislation included \$100 million in financing authority through lease-revenue bonds for the construction of local youthful offender rehabilitative facilities. In October 2010, Governor Schwarzenegger signed Assembly Bill (AB) 1628. Among its many provisions, this bill added \$200 million in lease-revenue bond financing authority to the Local Youthful Offender Rehabilitative Facilities Construction Financing Program.

The Corrections Standards Authority (CSA) Board approved the release of the SB 81 Request for Proposals – Construction, Expansion or Renovation of Local Youthful Offender Rehabilitative Facilities in July 2008. By the November 2010 meeting, the CSA Board conditionally awarded all of the counties that submitted applications for this construction financing program.

As a long-standing requirement of receiving state funding for local detention facility construction, counties awarded state funds are required to provide to BSCC a site assurance for their local facility site within a specified period of time from being noticed of the funding award. The purpose of this site assurance requirement is to avoid potential delays in project startup while a county works to obtain an appropriate site. In the SB 81 process, the site assurance time period was defined as 90 days from notice of award, as outlined in the RFP. The site assurance requirement is met by providing specified language in a county Board of Supervisors’ resolution indicating, in part, “...that the county has project site control through either fee simple ownership of the site or comparable long-term possession of the site, and right of access to the project sufficient to assure undisturbed use and possession of the site...”

Monterey County was conditionally awarded SB 81 financing by the CSA Board on November 18, 2010. However, the submitted proposal did not provide site assurance. At the March 2011 CSA Board meeting,¹ Monterey County requested and received a 12-month time extension to complete the necessary work to meet the site assurance requirements of this construction financing program.

At the March 2012 CSA Board meeting, Monterey County requested and received a further time extension of 12 months to complete the site assurance requirement. Budget concerns forced the County to reconsider their conceptual design approach for the new facility to reduce project cost without impacting the total beds that will be constructed.

While the Probation Department has continued to have strong local support for their juvenile justice center, there has been some public resistance to the County-owned site shown on the proposal. Please see Attachment A for the County's request for an additional 12 months to allow further public outreach, develop alternative analysis with public input and then complete the site assurance requirement.

A representative from Monterey County is in attendance to answer questions from Board members.

Recommendation/Action Needed:

Staff recommends that the Board approve Monterey County's request for a 12 month time extension to provide the BSCC the required site assurance for their SB 81 project by February 2014.

¹ The 90-day timeframe expired in February 2011 resulting in the time extension request being heard by the CSA Board in March 2011.



MONTEREY COUNTY

PROBATION DEPARTMENT

Office of the Chief

Manuel Real
Chief Probation Officer

Marcia Parsons
Asst. Chief Probation Officer

March 1, 2013

Charlene Aboytes, Field Representative
Board of State and Community Corrections (BSCC)
600 Bercut Drive
Sacramento, CA 95811

Dear Ms. Aboytes:

The County of Monterey seeks a further extension of 12 months to perform all necessary work required to provide site assurance for the SB81 Local Youthful Offender Rehabilitative Facilities Construction grant. We recognize that this third request is without precedent but we believe the circumstances and the success of this endeavor warrant your full consideration.

During the past few years, Monterey County faced significant budget cuts which have severely constrained capital improvement programs, as well as structural changes in probation and detention operations with the implementation of the AB109 Public Safety Realignment.

In spite of these on-going challenges, we have been working diligently on allocating local resources to the project and identifying the site for the new juvenile detention facility, as required by the conditional award. On January 15, 2013, the Monterey County Board of Supervisors approved a financing plan for an additional \$17 Million for the construction of the new juvenile detention facility.

While there is strong and continued support for this project, the proposal of utilizing the county-owned, unencumbered East Laurel site has - so far - encountered public resistance. The Probation Department hosted an open house and site tour for the community to explain the need for the new facility and the reasons the location had been identified as the proposed site. A number of attendees voiced concerns and opposition to the proposal.

We are therefore requesting an additional 12-month extension to allow further public outreach, develop alternative analysis with public input, and then finalize the project with your agency. On February 26th the Monterey County Board of Supervisors authorized the Chief Probation Officer to request this extension.

Request for Site Assurance Extension

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We have attached a proposed schedule to achieve site assurance within the extension requested. Your favorable consideration of the request would be greatly appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Real', with a stylized flourish at the end.

Manuel Real
Chief Probation Officer

Attachment: Site Assurance Schedule

Site Assurance Schedule

Task	Timeline
Alternatives Analysis/ Community Outreach	March 2013 to August 2013
Environmental Process	August 2013 to July 2014
Site Assurance	February 2014
Preliminary Engineering	March 2014 to Sept 2014
Final Design	Sept 2014 to Sept 2016
Construction	March 2017 to March 2019