

**TITLE 15, DIVISION 1, CHAPTER 1, SUBCHAPTER 6  
CORRECTIONS STANDARDS AUTHORITY**

**LOCAL JAIL CONSTRUCTION FINANCING PROGRAM**

ARTICLE 1. GENERAL PROVISIONS .....	3
§1700. Purpose. ....	3
§1706. Definitions. ....	3
ARTICLE 2. ELIGIBILITY REQUIREMENTS .....	7
§ 1712. Eligibility Requirements for Phase I.....	7
§ 1712.1. Eligibility Requirements for Phase II. ....	8
§ 1714. Matching Fund Requirements for Phase I. ....	8
§ 1714.1. Matching Fund Requirements for Phase II. ....	9
ARTICLE 3. APPLICATION TO PARTICIPATE IN THE LOCAL JAIL CONSTRUCTION FINANCING PROGRAM.....	10
§ 1730. Proposal Process for Phase I.....	10
§ 1730.1. Application Process for Phase II.....	11
§ 1731. Needs Assessment Study. ....	11
§ 1740. Phase I Proposal Evaluation Criteria. ....	12
§ 1740.1. Phase II Application Assessment Factors.....	12
§ 1747. Steps to Proceed with Construction for Design-Bid-Build Projects.....	12
§ 1747.1. Steps to Proceed with Construction for Design-Build Projects.....	13
§ 1747.5. Requirements for the Siting Agreement in Phase I. ....	14
§ 1748. Requirements for the Project Delivery and Construction Agreement. ....	14
§ 1748.5. Requirements for the Corrections Standards Authority’s Agreement. ....	14
§ 1749. Submittal of Architectural Drawings and Specifications for Design-Bid-Build Projects. .....	15
§ 1749.1. Submittal of Performance Criteria and Architectural Drawings and Specifications for Design-Build Projects.....	15
§ 1750. Operational Program Statement/Staffing Plan/Operating Cost Analysis for Design-Bid- Build Projects.....	16
§ 1750.1. Operational Program Statement/Staffing Plan/Operating Cost Analysis for Design- Build Projects.....	16
§ 1751. General County Requirements.....	17
§ 1752. Ground Lease.....	17
§ 1753. Right of Entry for Construction.....	17
§ 1754. Facility Sublease. ....	18
ARTICLE 4. ADMINISTRATION OF REIMBURSEMENTS AND PROJECT MONITORING... ..	18
§ 1756. Disbursement of State Reimbursements.....	18
§ 1757. Pooled Money Investment Board. [Repealed].....	18
§ 1760. Record Keeping and Accounting.....	18
§ 1766. Monitoring of Process.....	19
§ 1767. Completion of Project.....	19
§ 1768. Project Modifications.....	19
§ 1770. Audits.....	20
§ 1772. Unused Conditional Awards.....	21

ARTICLE 5. APPEAL PROCEDURES .....	21
§ 1776. Purpose. ....	21
§ 1778. Definitions. ....	21
§ 1788. Request for Corrections Standards Authority Appeal Hearing. ....	22
§ 1790. Corrections Standards Authority's Hearing Procedures. ....	22
§ 1792. Corrections Standards Authority's Decision. ....	23

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**LOCAL JAIL CONSTRUCTION FINANCING PROGRAM**

**ARTICLE 1. GENERAL PROVISIONS**

**§1700. Purpose.**

The purpose of these regulations is to implement and specify Chapters 3.11 and 3.12 of Title 2, Division 3, Part 10b of the California Government Code.

Note: Authority cited: Sections 15820.906 and 15820.916, Government Code; and Section 6030, Penal Code. Reference: Sections 15820.90, 15820.901, 15820.902, 15820.903, 15820.905, 15820.906, 15820.907, 15820.91, 15820.911, 15820.912, 15820.913, 15820.915, 15820.916 and 15820.917, Government Code.

**§1706. Definitions.**

The following words, where used in this subchapter, shall have the meaning hereafter ascribed to them in this article, unless the context of their use clearly requires a different meaning.

“Local Jail Construction Financing Program” means the requirements set forth in Chapters 3.11 and 3.12 of Title 2, Division 3, Part 10b of the California Government Code to finance the construction of local jails.

“Administrative work plan” means a comprehensive plan for designing, performing and managing the proposed project.

“Applicant” means the participating county that is applying for financing through the Local Jail Construction Financing Program.

“Application” means the document prepared by a county, or two or more counties if a common application, by which a request is made to participate in Phase II of the Local Jail Construction Financing Program.

“Application assessment factors” means criterion by which applications will be assessed, as stipulated in Sections 1712.1, 1714.1, 1730.1, 1731, and 1740.1 of these regulations, for financing through Phase II of the Local Jail Construction Financing Program.

“Assist the State in siting mental health day treatment and crisis care, and/or a continuum of care for parolees” means a Board of Supervisors’ resolution outlining the county’s intent to assist the State in siting mental health day treatment and crisis care, pursuant to Penal Code Section 3073, and/or a continuum of care at the conclusion of an offenders parole period in Phase I of the Local Jail Construction Financing Program.

“Assist the State in siting reentry facilities” means a Board of Supervisors’ resolution outlining the county’s intent to assist the State in siting a reentry facility, pursuant to Penal Code Section 6270 in Phase I of the Local Jail Construction Financing Program.

“Authority” means State Corrections Standards Authority, which acts by and through its Executive Director and representatives.

“Board” means the State Public Works Board.

“Board of Supervisors’ resolution” means a written resolution by a County Board of Supervisors.

“CCR” means California Code of Regulations.

“CDCR” means the California Department of Corrections and Rehabilitation.

“Cash match” and “hard match” are used interchangeably and mean cash dedicated to the project by the applicant for eligible expenditures as defined in Section 1714 and Section 1714.1.

“Concept drawings” means, with respect to a design-build project, any drawings or architectural renderings that may be prepared, in addition to performance criteria, in such detail as the participating county determines necessary to sufficiently describe the participating county’s needs.

“Conditional award” means the maximum amount of state reimbursement a participating county may receive for a project through the Local Jail Construction Financing Program, subject to or conditioned upon certain requirements including, but not limited to: 1) each participating county’s project must be approved by the Authority and the Board at various stages throughout planning and construction as required by these regulations; 2) each participating county must enter into the state/county agreements as required by these regulations; and 3) the financing mechanism of lease-revenue bonds are able to be sold for each selected project.

“Construction bid” means a construction bid with respect to a design-bid-build project.

“Construction documents” means architectural plans and specifications that are one hundred percent (100%) complete and generally include: completed specifications with bid proposal documents; completed construction drawings; and special interest items (corrections, modifications, or additions made to the documents).

“Construction management” means a specialized, multidisciplinary function provided by a firm or individual acting as the county’s representative with the responsibility to guide the county through all phases of delivery of the construction project.

“Corrections Standards Authority agreement” also known as the CSA agreement, means the written agreement and any amendments thereto which outline roles and responsibilities between the participating county and the Authority as it relates to the oversight of the project.

“Cost effectiveness” means a computed factor that is the state dollar cost per net gain in beds, to be computed as the total amount of state funds requested divided by the total net gain in beds.

“County” means a legal subdivision of the State of California as defined in subsection (a) of Section 1 of Article XI of the California Constitution.

“Design-bid-build” means a construction procurement process independent of the design process and in which the construction of a project is procured based on completed construction documents.

“Design-build” means a construction procurement process in which both the design and construction of a project are procured from a single entity.

“Design capacity” includes all housing areas, even those specialized units that are not included in the rated capacity. It does not, however, include temporary holding cells, such as those in the reception and booking areas of the facility. Design capacity is used in calculating costs per bed and square foot.

“Design development” means architectural plans and specifications that are fifty percent (50%) complete and generally include: outline specifications (detention hardware, equipment, and furnishings); floor plans (to scale with dimensions, room designations, references, wall types, and ratings); building sections (heights and dimensions); interior elevations; and preliminary structural, mechanical, and electrical drawings.

“Detention alternatives” means programming efforts designed to reduce jail crowding as well as recidivism among local offenders.

“EIR” means environmental impact report; a report as defined in the California Environmental Quality Act (CEQA) as implemented in Title 14, CCR, Public Resources Code, Sections 21000-21177.

“Evaluation and rating process” means the method by which each county’s proposal will be evaluated using the criteria stipulated in Sections 1712, 1714, 1730, 1731, and 1740 of these regulations resulting in a rank ordered list for financing consideration.

“Facility administrator” means the sheriff or other official charged by law with the administration of a local jail.

“Facility lease” means a lease-revenue bond financing document in which the Board leases the site and the Board-financed local jail facility to CDCR for the term of the bonds and, subject to availability for use and occupancy, the CDCR agrees to pay rent and other related obligations.

“Facility sublease” means a sublease of the Board-financed local jail facility from CDCR, with the consent of the Board, to a participating county, for its use, operation and maintenance, as described in Section 1754.

“Ground lease” means a lease between a participating county and CDCR, with the consent of the Board, to place possession and control of the real property upon which the Board-financed local jail facility will be constructed with CDCR as described in Section 1752.

“Hard match” and “cash match” are used interchangeably and mean cash dedicated to the project by the applicant for eligible expenditures as defined in Section 1714 and Section 1714.1.

“In-kind match” and “soft match” are used interchangeably and mean local funds in the form of property value or management/administrative services dedicated to the project by the applicant for eligible expenditures as defined in Section 1714 and Section 1714.1.

“Interim Financing” is a loan or loans that the CDCR and the Board obtain for the state’s share of the project and which may be obtained pursuant to: i) Sections 16312 and 16313 of the California Government Code (Pooled Money Investment Board loans), (ii) Section 15849.1 of the California Government Code (General Fund loans), or iii) any other appropriate source.

“Large county” means a county with a general county population from 700,001 and above as estimated by the State Department of Finance for January 1, 2007 for Phase I and January 1, 2011 for Phase II.

“Lease-revenue bonds” and “state bond financing” are interchangeable and mean lease-revenue bonds issued by the State Public Works Board for jail facilities as authorized in Chapters 3.11 and 3.12 of Title 2, Division 3, Part 10b of the California Government Code, as may be amended from time to time.

“Local jail” means Type II, III and IV facilities as defined in Title 15, CCR, Section 1006 and Title 24, CCR, Part 1, Section 13-102. Pursuant to Section 1712 and Section 1712.1, only county-owned and operated local jails are eligible for state bond financing. Temporary and court holding facilities are not eligible for state bond financing.

“Match” means local funds in the form of cash, property value, or management/administrative services contributed by a county on a state bond financed project in the ratio described in Section 1714 and Section 1714.1.

“Medium county” means a county with a general county population from 200,001 to 700,000 as estimated by the State Department of Finance for January 1, 2007 for Phase I and January 1, 2011 for Phase II.

“Needs assessment study” means a compilation of data that substantiates and justifies the scope of the project proposed to be funded through the Local Jail Construction Financing Program.

“Net gain in beds” means the number of beds (rated capacity and special use beds) to be added, minus the number of existing beds (rated capacity and special use beds) to be eliminated in the county (if any) as a result of the project constructed through the Phase I of the Local Jail Construction Financing Program.

“Operational program statement” means a description of the intended operation of a local jail proposed to be financed through the Local Jail Construction Financing Program.

“Participating county” means any county or regional consortium of counties within the state that has been certified to the Board by the CDCR as having satisfied all of the requirements set forth in Chapter 3.11 or 3.12 of Title 2, Division 3, Part 10b of the California Government Code, respectively, for financing the construction or renovation of a local jail facility pursuant to those chapters.

“Performance criteria” means, with respect to a design-build project, the information that fully describes the scope of the proposed project and includes, but is not limited to, the size, type, and design

character of the buildings and site; the required form, fit, function, operational requirements, and quality of design, materials, equipment, and workmanship; and any other information deemed necessary to sufficiently describe the participating county's needs; including documents prepared pursuant to paragraph (1) of subdivision (d) of Section 20133 of the Public Contract Code.

"Phase I" means the process and awarding of financing pursuant to Chapter 3.11 of Title 2, Division 3, Part 10b of the California Government Code.

"Phase II" means the process and awarding of financing pursuant to Chapter 3.12 of Title 2, Division 3, Part 10b of the California Government Code.

"Preliminary plans" means a site plan, architectural floor plans, elevations, outline specifications and a cost estimate for each utility, site development, conversion, and remodeling project. The drawings shall be sufficiently descriptive to accurately convey the location, scope, cost and the nature of the improvement being proposed.

"Project" means the construction or renovation of a local jail facility proposed to be financed through the Local Jail Construction Financing Program.

"Project delivery and construction agreement" means the written agreement and any amendments thereto between the Board, the CDCR, the Authority, and the participating county supplying the terms, provisions, and conditions governing the delivery of the project, as well as other supplemental terms and conditions that are deemed necessary to the project by the Board as described in Section 1748.

"Proposal" means the document prepared by a county, or two or more counties if a common application, by which a request is made to participate in Phase I of the Local Jail Construction Financing Program.

"Proposal evaluation criteria" means criterion by which proposals will be rated for financing through Phase I of the Local Jail Construction Financing Program.

"Rated capacity" means the number of inmate occupants, as determined by the Authority, for which a facility's single and double occupancy cells or dormitories (excluding those areas dedicated for medical or mental health care or disciplinary isolation housing), were planned and designed in conformity with the standards and requirements contained in Title 15, CCR, Division 1, Chapter 1, Subchapter 4 and Title 24, CCR, Part 1, Section 13-102 and Part 2, Section 1231.

"Reentry preference" means preference given to counties in Phase I of the Local Jail Construction Financing Program that agree to assist the State in siting reentry facilities pursuant to Government Code Section 15820.907.

"Regional consortium of counties" means two or more counties bound together by a memorandum of understanding or a joint powers agreement identifying the terms, conditions, rights, responsibilities, and financial obligations of all parties.

"Schematic design" means architectural plans and specifications that are thirty percent (30%) complete and generally include: a site plan; floor plan; exterior elevations and cross sections; type of construction; and actual gross floor area.

"Scope of work and project impact" means a description of the project and the impact the project will have on the county's detention system.

"Site" means the property on which the Board-financed local jail facility is located, including a buffer zone. Roadways or areas serving functions other than the jail shall not be considered part of the site.

"Small county" means a county with a general county population of 200,000 or fewer as estimated by the State Department of Finance for January 1, 2007 for Phase I and January 1, 2011 for Phase II.

"Soft match" and "in-kind match" are used interchangeably and mean local funds in the form of property value or management/administrative services dedicated to the project by the applicant for eligible expenditures as defined in Section 1714 and Section 1714.1.

"Special use beds" means beds for the purpose of appropriately housing offenders in medical, mental health or disciplinary rooms, cells or units that are planned and designed in conformity to the standards

and requirements contained in Title 15, CCR, Division 1, Chapter 1, Subchapter 4 and Title 24, CCR, Part 1, Section 13-102 and Part 2, Section 1231.

“Staffing plan” means an assessment and identification of staffing levels needed to operate the proposed project.

“State bond financing” and “lease-revenue bonds” are used interchangeably and mean lease-revenue bonds issued by the State Public Works Board for jail facilities as authorized in Chapters 3.11 and 3.12 of Title 2, Division 3, Part 10b of the California Government Code, as may be amended from time to time.

“State reimbursements” are payments made to the county by CDCR to reimburse the county for project costs which were deemed eligible for state financing.

“Working drawings” means a complete set of plans and specifications showing and describing all phases of a project, architectural, structural, mechanical, electrical, civil engineering and landscaping systems to the degree necessary for the purposes of accurate bidding by contractors and for the use of artisans in constructing the project.

Note: Authority cited: Sections 15820.906 and 15820.916, Government Code; and Section 6030, Penal Code. Reference: Sections 15820.90, 15820.901, 15820.902, 15820.903, 15820.905, 15820.906, 15820.907, 15820.91, 15820.911, 15820.912, 15820.913, 15820.915, 15820.916, and 15820.917, Government Code.

## **ARTICLE 2. ELIGIBILITY REQUIREMENTS**

### **§ 1712. Eligibility Requirements for Phase I.**

- (a) To be eligible for participation in Phase I of the Local Jail Construction Financing Program, a county shall:
  - (1) Submit the required proposal described in Section 1730 of these regulations;
  - (2) Complete or update a needs assessment study as prescribed in Section 1731 of these regulations;
  - (3) Provide match as specified in Section 1714 of these regulations;
  - (4) Provide a copy of a signed Board of Supervisors’ resolution agreeing to assist the State in siting a reentry facility in their county, pursuant to Penal Code Section 6270, if applicable; and/or,
  - (5) Provide a copy of a signed Board of Supervisors’ resolution agreeing to assist the State in siting mental health day treatment, crisis care, and/or a continuum of care for parolees in their county, pursuant to Penal Code Section 3073, if applicable.
- (b) If the conditions in subsection (a) of this regulation are met counties may apply for reimbursement for the following:
  - (1) Costs of construction of the Authority-approved local jail facility project including site preparation, fixed equipment and fixed furnishings, and installation of fixed equipment and fixed furnishings necessary for the operation of the facility, not to exceed seventy five percent (75%) of the total project costs. Costs in excess of these levels, including higher than expected construction bids, unanticipated costs, cost overruns, and costs of moveable equipment and moveable furnishings, shall be funded by the county.
- (c) Projects or items not eligible for state reimbursement under these regulations shall include, but not be limited to, the following:
  - (1) Temporary holding or court holding facilities.
  - (2) Local jail facilities or portions thereof operated by jurisdictions other than counties. City, state and federal facilities are not eligible.

- (3) Purchase, lease, or rent of land; personnel or operational costs; construction management; architectural programming and design; environmental reports; soil and/or water contamination assessment/mitigation; excavation of burial sites; moveable equipment and moveable furnishings; public art; off-site costs including access roads, power generation and utilities development; costs attributable to county building permit fees and/or building code inspection fees; supplies; bonus payments; and debt service or interest payments on indebtedness required to finance the county's share of project costs.

Note: Authority cited: Section 15820.906, Government Code; and Section 6030, Penal Code. Reference: Sections 15820.901 15820.906, 15820.907, Government Code; and Sections 3073 and 6270, Penal Code.

### **§ 1712.1. Eligibility Requirements for Phase II.**

- (a) To be eligible for participation in Phase II of the Local Jail Construction Financing Program, a county shall:
  - (1) Complete the application process described in Section 1730.1 of these regulations;
  - (2) Complete or update a needs assessment study as prescribed in Section 1731 of these regulations;
  - (3) Provide match as specified in Section 1714.1 of these regulations;
- (b) If the conditions in subsection (a) of this regulation are met counties may apply for reimbursement for the following:
  - (1) Costs of construction of the Authority-approved local jail facility project including site preparation; architectural programming and design (by consultants or contractors); construction management (for activities by consultants or contractors); building permit fees, sewer/utility use or unit fees, and for building inspection fees; fixed equipment and fixed furnishings, and installation of fixed equipment and fixed furnishings necessary for the operation of the facility; and moveable equipment and moveable furniture (subject to State review and approval); not to exceed ninety percent (90%) of the total eligible project costs.
- (c) Costs in excess of ninety percent (90%) of the total eligible project costs, including higher than expected construction bids, unanticipated costs and cost overruns shall be funded by the county.
- (d) Projects or items not eligible under these regulations shall include, but not be limited to, the following:
  - (1) Temporary holding or court holding facilities.
  - (2) Local jail facilities or portions thereof operated by jurisdictions other than counties. City, state and federal facilities are not eligible.
  - (3) Lease or rent of land; personnel or operational costs; supplies; bonus payments; and debt service or interest payments on indebtedness required to finance the county's share of project costs.

Note: Authority cited: Section 15820.916, Government Code; and Section 6030, Penal Code. Reference: Sections 15820.911, 15820.916 and 15820.917, Government Code; and Sections 3073 and 6270, Penal Code.

### **§ 1714. Matching Fund Requirements for Phase I.**

- (a) Participating county matching funds for projects proposed to be financed under these regulations for Phase I shall be a minimum of twenty-five percent (25%) of the total project costs pursuant to California Government Code Section 15820.907.
- (b) The Authority may reduce the Phase I matching fund requirements for participating counties with a general population 200,000 or fewer upon petition by a participating county to the Authority requesting a lower level of matching funds.

- (c) Cash match for Phase I must be at least 10 percent (10%) of total eligible project costs for large counties and at least 5 percent (5%) of total eligible project costs for medium and small counties.
- (d) Expenditures eligible as cash match for Phase I shall include those for:
  - (1) Costs of construction of the Authority, CDCR and Board-approved local jail facility project;
  - (2) Architectural programming and design by consultants or contractors;
  - (3) Preparation of full or focused environmental reports by consultants or contractors; and,
  - (4) Construction management by consultants or contractors.
- (e) In-kind match for Phase I cannot exceed 15 percent (15%) of total eligible project costs for large counties and cannot exceed 20 percent (20%) of total eligible project costs for medium and small counties.
- (f) Expenditures eligible as in-kind match for Phase I shall include those defined above as eligible cash match expenditures, plus the following:
  - (1) Costs to audit the state bond financed project including staff salary/benefits of independent county auditor or services of a contracted auditor;
  - (2) A needs assessment study (or studies where applicable);
  - (3) Site acquisition cost or current fair market value supported by an independent appraisal of on-site land cost/value of new facility construction, or on-site land cost/value of a closed facility that will be renovated and reopened, and/or on-site land used for expansion of an existing facility. Costs cannot be claimed for land that is under an existing operational local jail facility;
  - (4) County administration where the staff salary/benefits are directly related to the construction project; and,
  - (5) Transition planning, including staff salary/benefits and consultant activities directly related to the construction project.
- (g) To qualify as match, local expenditures must be directly for the project.

Note: Authority cited: Section 15820.906, Government Code; and Section 6030, Penal Code. Reference: Sections 15820.906 and 15820.907, Government Code.

**§ 1714.1. Matching Fund Requirements for Phase II.**

- (a) Participating county matching funds for projects proposed to be financed under these regulations for Phase II shall be a minimum of ten percent (10%) of the total project costs pursuant to California Government Code Section 15820.917.
- (b) The Authority may reduce the Phase II matching fund requirements for participating counties with a general population 200,000 or fewer upon petition by a participating county to the Authority requesting a lower level of matching funds.
- (c) Participating county matching funds for Phase II can be any combination of cash and in-kind match, subject to the limitations established in this section.
- (d) Expenditures eligible as cash match for Phase II shall include the following:
  - (1) Costs of construction of the Authority, CDCR and Board-approved local jail facility project as identified section 1712.1(b)(1) above;
  - (2) Moveable equipment and moveable furnishings (subject to State review and approval);
  - (3) Architectural programming and design by consultants or contractors;
  - (4) Preparation of full or focused environmental reports by consultants or contractors;
  - (5) Building permit fees, sewer/utility use or unit fees, and for building inspection fees;
  - (6) Off-site costs, including access roads and utilities development, outside of a reasonable buffer zone surrounding the perimeter of the security fence, detention facility building and parking lot; and,
  - (7) Public art.

- (e) Expenditures eligible as in-kind match for Phase II shall include the following:
- (1) Costs to audit the state bond financed project including staff salary/benefits of independent county auditor or services of a contracted auditor;
  - (2) A needs assessment study (or studies where applicable);
  - (3) Site acquisition cost or current fair market value supported by an independent appraisal of on-site land cost/value of new facility construction, or on-site land cost/value of a closed facility that will be renovated and reopened, and/or on-site land used for expansion of an existing facility. Costs cannot be claimed for land that is under an existing operational local jail facility;
  - (4) County administration where the staff salary/benefits are directly related to the construction project;
  - (5) Transition planning, including staff salary/benefits and consultant activities directly related to the construction project; and,
  - (6) Real estate due diligence costs as billed to the county by the State.
- (f) To qualify as match, local expenditures must be directly for the project.

Note: Authority cited: Section 15820.916, Government Code; and Section 6030, Penal Code. Reference: Sections 15820.916 and 15820.917, Government Code.

### **ARTICLE 3. APPLICATION TO PARTICIPATE IN THE LOCAL JAIL CONSTRUCTION FINANCING PROGRAM**

#### **§ 1730. Proposal Process for Phase I.**

- (a) The proposal for Phase I will be submitted on either the 2007 Local Jail Construction Funding Program Proposal Form, dated December 20, 2007, attached to the Request for Proposals Construction or Expansion of County Jails or the 2007 Local Jail Construction Funding Program, AB 900 – Phase 1 – 2009 Edition Proposal Form, dated July 21, 2009, attached to the Request for Proposals, Construction or Expansion of County Jails, AB 900 – Phase 1 – 2009 Edition, and incorporated into these regulations by reference herein. This is an interactive form to be completed by counties electronically, printed and submitted as the project proposal along with other required documents as attachments. The form can be accessed through the Authority's website at [http://www.cdcr.ca.gov/Divisions\\_Boards/CSA/](http://www.cdcr.ca.gov/Divisions_Boards/CSA/). It is also available to the public upon request directly from the Authority's business office in Sacramento, CA.
- (b) Phase I proposals shall consist of, but not be limited to, the following:
- (1) A signed Board of Supervisors' resolution agreeing to assist the State in siting a reentry facility in its county, pursuant to Penal Code Section 6270, if applicable;
  - (2) A signed Board of Supervisors' resolution identifying the reentry site location(s), accompanied by a resolution from the City Council if the site is located within the limits of the city, if applicable;  
(A) Pursuant to Section 1747.5, a siting agreement will be required.
  - (3) A signed Board of Supervisors' resolution agreeing to assist the State in siting mental health day treatment, crisis care, and/or a continuum of care for parolees in its county, pursuant to Penal Code Section 3073, if applicable;
  - (4) A signed Board of Supervisors' resolution authorizing submission of the proposal for state bond financing for a local jail facility;
  - (5) A needs assessment study as prescribed in Section 1731 of these regulations;
  - (6) A description of the project need;

- (7) An estimated budget for the project, which must identify the amount of state bond financing requested and the local match to be provided; and,
- (8) A description of the proposed scope of work for the project including project impact, (i.e., number of beds to be added), a construction and administrative work plan, and an estimated timetable for completion of major phases of the project.

Note: Authority cited: Sections 15820.906, Government Code; and Section 6030, Penal Code. Reference: Sections 15820.906, Government Code; and Sections 3073 and 6270, Penal Code.

### **§ 1730.1. Application Process for Phase II.**

- (a) Counties participating in the Phase II application process must submit to the Authority the 2011 Local Jail Construction Financing Program – AB 900 Phase II Application Form, dated October 6, 2011, and attached to the AB 900 Phase II Construction or Expansion of County Jails, Request for Applications, and incorporated into these regulations by reference herein. This is an interactive form to be completed by counties electronically, printed and submitted as the project application along with other required documents as attachments by January 11, 2012. The form can be accessed through the Authority’s website at <http://www.cdcr.ca.gov/CSA/index.html>. It is also available to the public upon request directly from the Authority’s business office in Sacramento, CA. The application shall include, but not be limited to, the following required exhibits and attachments:
  - (1) A signed Board of Supervisors’ resolution authorizing submission of the application for state bond financing for a local jail facility;
  - (2) A needs assessment study as prescribed in Section 1731 of these regulations;
  - (3) A description of the project need;
  - (4) An estimated budget for the project, which must identify the amount of state bond financing requested and the local match to be provided; and,
  - (5) A description of the proposed scope of work for the project, including project impact, (i.e., number of beds to be added), a construction and administrative work plan, and an estimated timetable for completion of major phases of the project.
- (b) In addition to the documents identified in subsection (c) of this section, a county that holds a Phase I conditional award and elects to relinquish that award to apply for a Phase II award and seeks preference for relinquishing, while continuing to assist the state in siting a reentry facility, shall also submit the following:
  - (1) A signed Board of Supervisors’ resolution agreeing to continue to assist the State in siting a reentry facility in its county, pursuant to Penal Code Section 6270, if applicable.

Note: Authority cited: Section 15820.916, Government Code; and Section 6030, Penal Code. Reference: Section 15820.916, Government Code; and Sections 3073 and 6270, Penal Code.

### **§ 1731. Needs Assessment Study.**

- (a) Any county or regional consortium of counties intending to construct or renovate a Type II, III or IV (as defined in Title 15, CCR, Section 1006 and Title 24, CCR, Section 13-102) local jail facility, or add 25 beds or more to an existing local jail facility shall complete a needs assessment study pursuant to Title 24, CCR, Part 1, Section 13-102(c)2. The needs assessment study shall be submitted with the Phase I proposal or Phase II application.

Note: Authority cited: Sections 15820.906 and 15820.916, Government Code; and Section 6030, Penal Code. Reference: Sections 15820.906 and 15820.916, Government Code.

**§ 1740. Phase I Proposal Evaluation Criteria.**

Pursuant to California Government Code Sections 15820.906 and 15820.907, the criteria by which the Phase I proposals shall be rated shall include the following:

- (a) Assisting the State in siting reentry facilities;
- (b) Assisting the State in siting mental health day treatment, crisis care, and/or a continuum of care for parolees;
- (c) Cost effectiveness;
- (d) Documentation of need for the project;
- (e) Detention alternatives;
- (f) Scope of work and project impact;
- (g) Administrative work plan;
- (h) Net gain in beds; and,
- (i) Cash match.

Note: Authority cited: Section 15820.906, Government Code; and Section 6030, Penal Code. Reference: Sections 15820.906 and 15820.907, Government Code.

**§ 1740.1. Phase II Application Assessment Factors.**

- (a) Pursuant to California Government Code Sections 15820.916 and 15820.917, the factors by which applications will be assessed shall include the following:
  - (1) The percentage of inmates the county committed to state custody in relation to the total inmate population of CDCR in 2010, or whether the participating county received a Phase I conditional award and wishes to relinquish that award and agrees to continue to assist the state in siting a reentry facility pursuant to Chapter 9.8 of Title 7 of Part 3 of the Penal Code.
  - (2) Cost effectiveness;
  - (3) Documentation of need for the project;
  - (4) Detention alternatives;
  - (5) Scope of work and project impact;
  - (6) Administrative work plan;
  - (7) Plan for adequate staffing of the facility;
  - (8) Effects of realignment; and,
  - (9) Budget.

Note: Authority cited: Section 15820.916, Government Code; and Section 6030, Penal Code. Reference: Sections 15820.916, and 15820.917, Government Code.

**§ 1747. Steps to Proceed with Construction for Design-Bid-Build Projects.**

- (a) The Authority shall ensure that the county is ready to proceed with construction. A participating county shall be deemed ready to proceed with construction when it has done all of the following:
  - (1) Met all the requirements in the proposal pursuant to Section 1730 or the application pursuant to Section 1730.1 of these regulations;
  - (2) As required in Section 1749, obtained compliance with the operational and physical plant requirements in the Minimum Standards for Local Detention Facilities in Title 15, CCR, Division 1, Chapter 1, Subchapter 4 and Title 24, CCR, Part 1, Section 13-102 and Part 2, Section 1231 and the fire and life safety requirements in Title 24, CCR, Part 2, Volume 1, Chapter 4, Section 408;
  - (3) Obtained confirmation that CDCR has received the following:
    - (A) Establishment of the scope, cost and schedule of the project by the Board;
    - (B) Approval of preliminary plans by the Board and the State Department of Finance;

- (C) Approval of working drawings by the State Department of Finance;
  - (D) Approval of proceeding to bid by the State Department of Finance; and
  - (E) Approval of construction bid award by the State Department of Finance.
- (4) Filed with the Authority a schedule of values of expected state reimbursements, cash match, and in-kind match and other budget items, along with a construction schedule, project management plan, and names, roles and contact information of key county personnel;
  - (5) Filed with the Authority a financial plan detailing arrangements to provide its portion of project costs, including reserves for cash flow, source of matching funds, and a schedule of anticipated match expenditure that is at least proportional to the expenditure of costs that are proposed to be reimbursed by the state;
  - (6) Filed with the Authority a statement citing any exemptions from federal laws, state or local laws, regulations, ordinances, standards, or requirements;
  - (7) Filed with the Authority documentation of California Environmental Quality Act compliance; and,
  - (8) Filed with the Authority a written certification, that the county has control of the site, either through fee-simple ownership or comparable long-term possession, and right of access to the facility sufficient to assure undisturbed use and possession.

Note: Authority cited: Sections 15820.906 and 15820.916, Government Code; and Section 6030, Penal Code. Reference: Sections 15820.901, 15820.906, 15820.911 and 15820.916, Government Code.

**§ 1747.1. Steps to Proceed with Construction for Design-Build Projects**

- (a) The Authority shall ensure that the county is ready to proceed with the design-build process. A participating county shall be deemed ready to proceed with the design-build process when it has done all of the following:
  - (1) Met all the requirements in the proposal pursuant to Section 1730 or the application pursuant to Section 1730.1 of these regulations;
  - (2) As required in Section 1749.1(a), obtained the Authority’s approval of the performance criteria or performance criteria and concept drawings. The performance criteria or performance criteria and concept drawings shall specify the project will meet the operational and physical plant requirements in the Minimum Standards for Local Detention Facilities in Title 15, CCR, Division 1, Chapter 1, Subchapter 4 and Title 24, CCR, Part 1, Section 13-102 and Part 2, Section 1231 and the fire and life safety requirements in Title 24, CCR, Part 2, Volume 1, Chapter 4, Section 408;
  - (3) Obtained confirmation that CDCR has received the following:
    - (A) Establishment of the scope, costs and schedule of the project by the Board;
    - (B) Approval of performance criteria or performance criteria and concept drawings by the Board;
    - (C) Approval of proceeding to design-build proposal solicitation by the State Department of Finance: and
    - (D) Approval of design-build contract award by the State Department of Finance.
  - (4) Filed with the Authority a schedule of values of expected state reimbursements, cash match, and in-kind match and other budget items, along with a construction schedule, project management plan, and names, roles and contact information of key county personnel;
  - (5) Filed with the Authority a financial plan detailing arrangements to provide its portion of project costs, including reserves for cash flow, source of matching funds, and a schedule of anticipated match expenditure that is at least proportional to the expenditure of costs that are proposed to be reimbursed by the state;

- (6) Filed with the Authority a statement citing any exemptions from federal laws, state or local laws, regulations, ordinances, standards, or requirements;
- (7) Filed with the Authority documentation of California Environmental Quality Act Compliance; and,
- (8) Filed with the Authority a written certification, that the county has control of the site, either through fee-simple ownership or comparable long-term possession, and right of access to the facility sufficient to assure undisturbed use and possession.

Note: Authority cited: Sections 15820.906 and 15820.916, Government Code; and Section 6030, Penal Code. Reference: Sections 15820.901, 15820.906, 15820.911 and 15820.916, Government Code.

**§ 1747.5. Requirements for the Siting Agreement in Phase I.**

- (a) In Phase I, a siting agreement between the CDCR and a participating county shall be entered into within ninety (90) calendar days following notification to the county by the Authority (with any additional time extensions at the discretion of the Authority) of the intent to conditionally award state bond financing for construction of a local jail facility based on a reentry preference. The signed siting agreement is necessary prior to the CDCR providing certification of financing to the Board where a preference for reentry has been awarded.
- (b) The agreement shall include, but not be limited to, the following:
  - (1) A description of the reentry site including the proximity of water, sewer and power supply.
  - (2) A signed Board of Supervisors’ resolution identifying the proposed reentry site location(s), accompanied by a resolution from the City Council if the site(s) are located within the limits of a city, if applicable;
  - (3) Language that states that the proposed site(s) is/are agreeable to CDCR.
  - (4) The roles, responsibilities and performance expectations of the parties to establish a reentry facility.
  - (5) A description of the needs of the individual county with respect to the parolee population, as well as the services and programs that will be available and/or necessary for a successful reentry facility.
  - (6) A description of the location and design of the reentry facility, staffing and operations (where applicable) and additional terms as the parties deem necessary.

Note: Authority cited: Sections 15820.906 and 15820.916, Government Code; and Section 6030, Penal Code. Reference: Sections 15820.905, 15820.907, 15820.915 and 15820.917, Government Code.

**§ 1748. Requirements for the Project Delivery and Construction Agreement.**

- (a) The project delivery and construction agreement between the Board, CDCR, the Authority, and a participating county shall be executed after the Board establishes the scope, cost and schedule of the project. The project delivery and construction agreement shall include the roles, responsibilities and performance expectations of the parties.

Note: Authority cited: Sections 15820.906 and 15820.916, Government Code; and Section 6030, Penal Code. Reference: Sections 15820.901, 15820.905, 15820.911 and 15820.915, Government Code.

**§ 1748.5. Requirements for the Corrections Standards Authority’s Agreement.**

- (a) The Corrections Standards Authority agreement between the Authority and the participating county shall be executed concurrently, or as concurrently as practicable, with the execution of the project delivery and construction agreement. The Corrections Standards Authority agreement shall include the roles and responsibilities of the participating county and the Authority as it relates to the oversight of the project.

Note: Authority cited: Sections 15820.906 and 15820.916, Government Code; and Section 6030, Penal Code. Reference: Sections 15820.901, 15820.905, 15820.911 and 15820.915, Government Code.

**§ 1749. Submittal of Architectural Drawings and Specifications for Design-Bid-Build Projects.**

- (a) Architectural drawings and specifications shall be submitted to the Authority at the schematic design phase, the design development phase, and the construction document phase, pursuant to Title 24, CCR, Part 1, Section 13-102(c)5.
- (b) The Authority will review the drawings and specifications as soon as practicable, but no later than thirty (30) calendar days, and in the event of any major deficiencies, the Authority will notify the county in writing. Deficiencies may be identified as either failures to comply with minimum jail standards or as design features that may pose serious safety, security, operational, or management problems if left uncorrected, even where minimum jail standards are not violated.
- (c) Pursuant to California Government Code Sections 15820.906 and 15820.916, to enhance safety and security, the Authority may require changes in construction materials if the materials proposed with the final plans and specifications are not essential or customary, as used statewide for same security level facilities.
- (d) Deficiencies in compliance with the operational and physical plant requirements in the Minimum Standards for Local Detention Facilities in Title 15, CCR, Division 1, Chapter 1, Subchapter 4 and Title 24, CCR, Part 1, Section 13-102 and Part 2, Section 1231 and construction materials shall be corrected by the county prior to advertising for bids.
- (e) Architectural drawings and specifications shall be submitted to the State Fire Marshal for review and approval.
- (f) The Board will have final approval of all projects, and Board approval or disapproval of any project is not subject to the appeal process as described in Article 5.
- (g) No state moneys shall be encumbered in contracts let by a participating county until construction document plans and specifications have been approved by the Authority and subsequent construction bids have been received.

Note: Authority cited: Sections 15820.906 and 15820.916, Government Code; and Section 6030, Penal Code. Reference: Sections 15820.901, 15820.906, 15820.911 and 15820.916, Government Code; and Section 6029, Penal Code.

**§ 1749.1. Submittal of Performance Criteria and Architectural Drawings and Specifications for Design-Build Projects.**

- (a) Performance criteria or performance criteria and concept drawings shall be submitted to the Authority for review and approval before the county issues a request for proposals for the services of a design-build entity.
- (b) Construction documents shall be submitted to the Authority and the State Fire Marshal for review and approval.
- (c) The Authority will review the construction documents as soon as practicable, but no later than thirty (30) calendar days, and in the event of any major deficiencies, the Authority will notify the county in writing. Deficiencies may be identified as either failures to comply with minimum jail standards or as design features that may pose serious safety, security, operational, or management problems if left uncorrected, even where minimum jail standards are not violated.
- (d) Pursuant to California Government Code Sections 15820.906 and 15820.916, to enhance safety and security, the Authority may require changes in construction materials if the materials proposed with the construction documents are not essential or customary, as used statewide for same security level facilities.

- (e) Deficiencies in compliance with the operational and physical plant requirements in the Minimum Standards for Local Detention Facilities in Title, 15, CCR, Division 1, Chapter 1, Subchapter 4 and Title 24, CCR, Part 1, Section 13-102 and Part 2, Section 1231 and construction materials shall be corrected prior to completion of construction.
- (f) The Board will have final approval of all projects, and Board approval or disapproval of any project is not subject to the appeal process as described in Article 5.
- (g) No state moneys shall be encumbered in contracts let by a participating county until performance criteria or performance criteria and concept drawings have been approved by the Authority pursuant to subsection (a) and a design-build contract has been awarded.

Note: Authority cited: Sections 15820.906 and 15820.916, Government Code; and Section 6030, Penal Code. Reference: Sections 15820.901, 15820.906, 15820.911 and 15820.916, Government Code; and Section 6029, Penal Code.

**§ 1750. Operational Program Statement/Staffing Plan/Operating Cost Analysis for Design-Bid-Build Projects.**

- (a) Pursuant to Title 24, CCR, Part 1, Section 13-102(c)3, an operational program statement shall be submitted with the schematic design drawings and specifications.
- (b) At the time the county submits the design development plans and specifications for review and approval, it shall also submit a preliminary staffing plan, along with an analysis of other anticipated operating costs, for the facility. At a minimum, this plan shall include the following:
  - (1) Staffing requirements under the proposed design capacity;
  - (2) Shift and post identification of staff for the proposed facility, delineated by custody and support staff;
  - (3) Transition team program statement and costs;
  - (4) Analysis of a thirty (30) year lifecycle operating costs and maintenance and energy costs for the proposed facility; and,
  - (5) Identification of, and revenue sources for, sufficient county funds needed to support the staffing levels and operating costs for the proposed facility.
- (c) Following Authority determination that the preliminary staffing plan complies with regulations, the facility administrator or designee shall submit the preliminary staffing plan and operating cost analysis to the Board of Supervisors for review and approval.

Note: Authority cited: Sections 15820.906 and 15820.916, Government Code; and Section 6030, Penal Code. Reference: Sections 15820.906 and 15820.916, Government Code.

**§ 1750.1. Operational Program Statement/Staffing Plan/Operating Cost Analysis for Design-Build Projects.**

- (a) At the time the county submits the performance criteria or performance criteria and concept drawings for review and approval with respect to a design-build project, it shall also submit an operational program statement, and a preliminary staffing plan, along with an analysis of other anticipated operating costs, for the facility. At a minimum, this plan shall include the following:
  - (1) Staffing requirements under the proposed design capacity;
  - (2) Shift and post identification of staff for the proposed facility, delineated by custody and support staff;
  - (3) Transition team program statement and costs;
  - (4) Analysis of a thirty (30) year lifecycle operating costs and maintenance and energy costs for the proposed facility; and,
  - (5) Identification of, and revenue sources for, sufficient county funds needed to support the staffing levels and operating costs for the proposed facility.

- (b) Following Authority determination that the preliminary staffing plan complies with regulations, the facility administrator or designee shall submit the preliminary staffing plan and operating cost analysis to the Board of Supervisors for review and approval.

Note: Authority cited: Sections 15820.906 and 15820.916, Government Code; and Section 6030, Penal Code. Reference: Sections 15820.906 and 15820.916, Government Code.

**§ 1751. General County Requirements.**

- (a) Pursuant to California Government Code Sections 15820.901 and 15820.911, a participating county may acquire, design, and construct the local jail in accordance with its local contracting authority.
- (b) Pursuant to California Government Code Sections 15820.901 and 15820.911, a participating county may assign an inspector during the construction of the project, notwithstanding California Government Code Section 14951.
- (c) Pursuant to California Government Code Sections 15820.901 and 15820.911, the participating county is the lead agency responsible for compliance with the California Environmental Quality Act.
- (d) With the consent of the Board, the CDCR and a participating county are authorized to enter into leases, subleases, contracts, or other agreements pursuant to California Government Code Sections 15820.905 and 15820.915.
- (e) In all agreements related to this program, the participating county shall indemnify, defend, and hold harmless the State of California for any and all claims and losses accruing and resulting from or arising out of the participating county's acquisition, design, construction, operation, maintenance, use and occupancy of the local jail facility.

Note: Authority cited: Sections 15820.906 and 15820.916, Government Code; and Section 6030, Penal Code. Reference: Sections 15820.901, 15820.905, 15820.911 and 15820.915, Government Code.

**§ 1752. Ground Lease.**

- (a) A ground lease between the participating county and CDCR, with Board consent, will be entered into after the county has entered into the project delivery and construction agreement and the Board has determined the site is adequate for purposes of financing in accordance with Government Code Section 15820.901(a).
- (b) An easement (documented in a separate easement agreement) over adjacent county property for project access, utilities and repairs may also be required at the time the ground lease is initiated.
- (c) Attached to the ground lease will be a legal description of the site.
- (d) The ground lease shall not be terminated as long as the lease-revenue bonds are outstanding, even in the event of default.

Note: Authority cited: Sections 15820.906 and 15820.916, Government Code; and Section 6030, Penal Code. Reference: Sections 15820.901, 15820.905, 15820.906 and 15820.915 Government Code.

**§ 1753. Right of Entry for Construction.**

- (a) A right of entry for construction between CDCR and the participating county will be entered into concurrently with the ground lease.
- (b) The right of entry for construction authorizes the participating county and their contractors to use the site that has been leased to CDCR via the ground lease for construction related activities.

Note: Authority cited: Sections 15820.906 and 15820.916, Government Code; and Section 6030, Penal Code. Reference: Sections 15820.905 and 15820.915 Government Code.

**§ 1754. Facility Sublease.**

- (a) If the facility lease between the Board and CDCR is executed, CDCR and the participating county shall enter into a facility sublease of the facility lease with Board consent. The facility sublease will describe the county's responsibilities, obligations, and other terms and conditions for the county's occupancy of the facility during the term of the facility sublease.
- (b) The facility sublease is subject to and subordinate to the facility lease.

Note: Authority cited: Sections 15820.906 and 15820.916, Government Code; and Section 6030, Penal Code. Reference: Sections 15820.905 and 15820.915, Government Code.

**ARTICLE 4. ADMINISTRATION OF REIMBURSEMENTS AND PROJECT MONITORING**

**§ 1756. Disbursement of State Reimbursements.**

- (a) No state moneys shall be encumbered in contracts let by a participating county until either (i) construction document plans and specifications have been approved by the Authority pursuant to Section 1749 and subsequent construction bids have been received, or (ii) performance criteria or performance criteria and concept drawings have been approved by the Authority pursuant to Section 1749.1(a) and a design-build contract has been awarded.
- (b) Upon approval of the participating county's proposal or application by the Authority and execution of the CSA agreement, a state reimbursement schedule will be established by the Authority.
- (c) Requests for state reimbursements shall include such supporting documentation as may be required by the Authority and/or CDCR and, in the event of deficiencies in the request, the participating county shall be notified by the Authority of the deficiencies as soon as practicable.
- (d) State reimbursements shall be made in arrears on a schedule mutually agreed to by the Authority and the participating county and established in the CSA agreement.
- (e) No state reimbursements will be made until the participating county has complied with all applicable state requirements.
- (f) At such time as the balance of anticipated total state reimbursements reaches five percent (5%), the Authority shall withhold that amount as security, to be released to the participating county upon compliance with all of the applicable terms in the CSA agreement, project delivery and construction agreement, other agreements applicable to the financing, and applicable conditions and requirements of law and regulation. This includes:
  - (1) Final completion of the project;
  - (2) Receipt and approval of the final audit and the final project summary report;
  - (3) The final construction inspection and approval by appropriate officials; and
  - (4) Staffing and operating the facility within ninety (90) days of construction completion.

Note: Authority cited: Sections 15820.906 and 15820.916, Government Code; and Section 6030, Penal Code. Reference: Sections 15820.903, 15820.906, 15820.913 and 15820.916, Government Code.

**§ 1757. Pooled Money Investment Board. [Repealed]**

Note: Authority cited: Sections 15820.906 and 15820.916, Government Code; and Section 6030, Penal Code. Reference: Sections 16312, 16313, 15820.902 and 15820.912, Government Code.

**§ 1760. Record Keeping and Accounting.**

- (a) The participating county shall establish an official file for the project. The file shall contain adequate documentation of all actions that have been taken with respect to the project. The documents to be retained shall include, but are not limited to, contracts, payment of invoices,

transfer of funds and other related accounting records sufficient to reflect properly the amount, receipt and disposition of all state reimbursements and county funds for contribution. The participating county will provide a copy of the official file to CDCR upon termination of the CSA agreement.

- (b) The participating county shall protect records from fire or other damage.
- (c) The official project file must be preserved a minimum of three years after the last date on which no lease-revenue bonds are outstanding.
- (d) All state reimbursements received by the participating county shall be deposited into separate fund accounts, which identify the funds and clearly show the manner of their disposition.
- (e) Accounting for state reimbursements shall be in accordance with generally accepted accounting principles and practices. Supporting records must be maintained by the participating county in sufficient detail to demonstrate that the state reimbursements were used for the purpose for which the award was made and in accordance with the provisions of state contracting and shall be subject to Board and Authority audit as described in Section 1770.

Note: Authority cited: Sections 15820.906 and 15820.916, Government Code; and Section 6030, Penal Code. Reference: Sections 15820.906 and 15820.916, Government Code.

#### **§ 1766. Monitoring of Process.**

- (a) The Authority and CDCR shall regularly monitor the administration of the project and the distribution of state reimbursements to a participating county, in order to assess compliance and determine that the project is operating in accordance with the approved proposal and/or application, the conditions of the CSA agreement, these regulations and the law.
- (b) The Authority, Board and the State Department of Finance shall have administrative oversight of the project.
- (c) Access to the project site, county project files and contractors' records shall be provided to the Authority, or other state officials, during all phases of construction throughout the term of the CSA agreement.

Note: Authority cited: Sections 15820.906 and 15820.916, Government Code; Section 6030, Penal Code. Reference: Sections 15820.901, 15820.906, 15820.911 and 15820.916, Government Code.

#### **§ 1767. Completion of Project.**

- (a) The participating county shall agree to proceed with the agreed upon construction schedule and complete the project in accordance with the CSA agreement and the plans and specifications (with respect to a design-bid-build project) or the performance criteria or performance criteria and concept drawings (with respect to a design-build project) and plans and specifications approved by the Board and the Authority.
- (b) The participating county's failure to proceed with the project on the agreed schedule may be a material breach of the project delivery and construction agreement and the CSA agreement.
- (c) Upon completion of the project, the participating county shall submit a final project summary to the Authority.

Note: Authority cited: Sections 15820.906 and 15820.916, Government Code; and Section 6030, Penal Code. Reference: Sections 15820.901, 15820.905, 15820.906, 15820.911, 15820.915 and 15820.916, Government Code.

#### **§ 1768. Project Modifications.**

- (a) Project modifications proposed after the CSA agreement is signed require advance approval of the Board and the Authority if the modifications:

- (1) Are more than minor changes which affect the scope, design, configuration, cost or schedule of the project;
  - (2) Are more than minor changes to the design, location, size, capacity, or quality of major items of equipment;
  - (3) Cause a delay or change in the date of substantial completion or final completion dates for the project; or,
  - (4) Cause any change that would impact the Authority's operational or construction regulations in Title 15, CCR, Division 1, Chapter 1, Subchapter 4 and Title 24, CCR, Part 1, Section 13-102 and Part 2, Section 1231 or the State Fire Marshal's construction regulations in Title 24, CCR, Parts 2 and 9 as adopted by the Office of the State Fire Marshal, a change in the number of beds or a change which affects the security or fire and life safety of the facility.
- (b) The participating county shall report, in writing, to the Authority any modifications to the county's agreement for construction with its contractor.
- (c) Summaries of all change orders shall be submitted to the Authority with each invoice/progress report.
- (d) Neither the approval of the CSA agreement or any action of staff with respect to project changes, including approval or disapproval thereof, shall commit or obligate the Authority to any increase in the amount of the financing conditionally awarded, except as expressly provided in writing by the Authority.

Note: Authority cited: Sections 15820.906 and 15820.916, Government Code; and Section 6030, Penal Code. Reference: Sections 15820.906 and 15820.916, Government Code.

**§ 1770. Audits.**

- (a) A participating county shall obtain an audit performed in accordance with Government Auditing Standards, issued by the Comptroller General of the United States for its project within ninety (90) days following construction completion. The audit shall be performed under the direction of a Certified Public Accountant or a county auditor that is organizationally independent from the participating county's project financial management functions.
- (b) The auditor shall advise the county of any findings and recommendations. The final audit report shall be sent to the Board of Supervisors of the county and shall incorporate the county's response and plans for corrective action to any auditor findings and recommendations.
- (c) A corrective action plan for each finding and recommendation must be prepared by the county (within ten days after notification of the findings) and submitted to the Authority as part of the final audit report. The corrective action plan must include:
- (1) A description of each finding and recommendation;
  - (2) Specific steps taken to remedy the finding or implement the recommendation;
  - (3) A timetable for performance of each corrective action; and,
  - (4) A description of monitoring to be performed, and who will perform it to ensure implementation of each corrective action.
- (d) The Board, CDCR and Authority reserve the right to audit the accounting records of the project at any time. The CDCR or the Authority may disallow claims for state reimbursements and/or applicable matching credit for all or part of the cost of an item determined to be ineligible and/or not in compliance with established terms and conditions.
- (e) Any state reimbursement of an improper expenditure disclosed in such audits will be recovered by the state through withholding future state reimbursements and/or repayment by the participating county, at the discretion of the Authority.

Note: Authority cited: Sections 15820.906 and 15820.916, Government Code; and Section 6030, Penal Code. Reference: Sections 15820.906 and 15820.916, Government Code.

### **§ 1772. Unused Conditional Awards.**

- (a) In no case shall a county receive state reimbursements in excess of the amount of the conditional award approved by the Authority.
- (b) If a participating county does not use the full amount of the conditional award, the unused amount shall be available for redistribution to other counties and used for other eligible projects.
- (c) Any state reimbursements determined to have been inappropriately or erroneously made, including those resulting from noncompliance as well as overpayments resulting from county plan modifications or other causes, shall, upon written notification, be repaid to the state. Such repayment may be by county warrant and/or may be withheld from subsequent payments at the discretion of the Authority.

Note: Authority cited: Sections 15820.906 and 15820.916, Government Code; and Section 6030, Penal Code. Reference: Sections 15820.906 and 15820.916, Government Code.

## **ARTICLE 5. APPEAL PROCEDURES**

### **§ 1776. Purpose.**

The appeal hearing procedures are intended to provide a review concerning the Authority's proposal evaluation and rating process or application assessment process. A county may appeal on the basis of the Authority's alleged evaluation or assessment criteria misapplication, capricious enforcement of regulations, or substantial differences of opinion as may occur concerning the proper application of regulations or procedures regarding the proposal evaluation and rating process or application assessment process.

Note: Authority cited: Sections 15820.906 and 15820.916, Government Code; and Section 6030, Penal Code. Reference: Sections 15820.906 and 15820.916, Government Code.

### **§ 1778. Definitions.**

For the purposes of this article, the following definitions shall apply:

"Appeal hearing" means an administrative procedure providing an appellant with an opportunity to present the facts of the appeal for a formal decision concerning matters raised pursuant to the purposes set forth in Section 1776 of these regulations.

"Appellant" means a participating county that files a request for an appeal hearing.

"Authority" means Corrections Standards Authority, which acts by and through its Executive Director and representatives.

"Authorized representative" means an individual authorized by the appellant to act as his/her representative in any or all aspects of the hearing.

"Executive Director" means the Executive Director of the Authority.

"Filing date" means the date a request for an appeal hearing is received by the Executive Director's office at the Corrections Standards Authority.

"Hearing panel" means a panel comprised of three members of the Authority, who shall be selected by the chairperson of the Authority at the time the appeal is filed. A fourth member may be designated as an alternate. Members designated to the hearing panel shall not:

- (i) Be employed by, or be residents of, the county submitting the appeal or,
- (ii) Be employed by any other county that has a funded project or is seeking qualification for disbursement of state reimbursements.

“Notice of decision” means a written statement by the Executive Director of the Authority, which contains the formal decision of the Executive Director and the reason for that decision.

“Proposed decision” means a written recommendation from the hearing panel to the Authority, containing a summary of facts and a recommended decision on the appeal.

“Request for appeal hearing” means a clear written expression of dissatisfaction about a procedure or action taken and a request for a hearing on the matter, and filed with the Executive Director of the Authority.

Note: Authority cited: Sections 15820.906 and 15820.916, Government Code; and Section 6030, Penal Code. Reference: Sections 15820.906 and 15820.916, Government Code.

### **§ 1788. Request for Corrections Standards Authority Appeal Hearing.**

- (a) If a participating county is dissatisfied with an action of the Authority’s evaluation and rating process or the application assessment process, it may file a request for an appeal hearing with the Authority. Such appeal shall be filed within thirty (30) calendar days of the notification of the action with which the county is dissatisfied.
- (b) The request shall be in writing and:
  - (1) Shall state the basis for the dissatisfaction;
  - (2) Shall state the action being requested of the Authority;
  - (3) Shall state the desired remedy; and,
  - (4) Shall include as attachments any correspondence related to the appeal to and from the Executive Director.

Note: Authority cited: Sections 15820.906 and 15820.916, Government Code; and Section 6030, Penal Code. Reference: Sections 15820.906 and 15820.916, Government Code.

### **§ 1790. Corrections Standards Authority's Hearing Procedures.**

- (a) The hearing shall be conducted by a hearing panel, designated by the Chairperson of the Authority, at a reasonable time, date, and place, but not later than twenty-one (21) days after the filing of the request for hearing with the Authority, unless delayed upon mutual agreement by the Authority and the participating county. The Authority shall mail or deliver to the appellant or authorized representative a written notice of the time, date, and place of hearing not less than seven days prior to the hearing.
- (b) The procedural time requirements may be waived with mutual written consent of the parties involved.
- (c) Appeal hearing matters shall be set for hearing, heard, and disposed of by a notice of decision within sixty (60) days from the date of the request for appeal hearing, except in those cases where the appellant withdraws or abandons the request for hearing or the matter is continued upon mutual agreement by the hearing panel and the participating county.
- (d) An appellant may waive a personal hearing before the hearing panel and, under such circumstances, the hearing panel shall consider the written information submitted by the appellant and other relevant information as may be deemed appropriate.
- (e) The hearing is not formal in nature. Pertinent and relevant information, whether written or oral, will be accepted. Hearings will be tape recorded.
- (f) Neither the Federal Rules of Evidence nor the California Rules of Evidence apply in these administrative hearings.
- (g) After the hearing has been completed, the hearing panel shall submit a proposed decision in writing to the Authority at its next regular public meeting.

Note: Authority cited: Sections 15820.906 and 15820.916, Government Code; Section 6030, Penal Code. Reference: Sections 15820.906 and 15820.916, Government Code.

**§ 1792. Corrections Standards Authority's Decision.**

- (a) The Authority, after receiving the proposed decision, may:
  - (1) Adopt the proposed decision;
  - (2) Amend the decision with or without taking additional evidence into consideration; or,
  - (3) Order a further hearing to be conducted, if additional information is needed to decide the issue.
- (b) After the hearing panel's proposed decision is adopted, or an alternate decision is rendered by the Authority or notice of new hearing ordered, the notice decision or other such actions shall be sent via certified mailed by the Authority to the appellant.
- (c) The record of the testimony, exhibits, all papers and requests filed in the proceedings, and the hearing panel's proposed decision shall constitute the exclusive record for decision and shall be available to the appellant for one year after the date of the Authority's notice of decision in the case.
- (d) The decision of the Authority shall be final.

Note: Authority cited: Sections 15820.906 and 15820.916, Government Code; Section 6030, Penal Code. Reference: Sections 15820.906 and 15820.916, Government Code.