

DATE: February 4, 2016

AGENDA ITEM: G

TO: BSCC Chair and Members

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

SUBJECT: Senate Bill 863 (Local Adult Criminal Justice Facility Construction Funding)
Statement of Decision from Appeals Panel
Requesting Adoption of Decision.

Summary

This agenda item seeks adoption of the SB 863 Appeals Panel Statement of Decision. San Joaquin County appealed the Board's Nov. 12, 2015 decision on SB 863, alleging it was unfairly denied points on one of the four special factors in the judging criteria contained in the Request for Proposals. Specifically, the County requested credit for "Evaluation Factor 3.A. Documents Pretrial Inmate Percentage." On January 22, 2016, the three-member Appeals Panel for the Board considered the County's appeal and unanimously denied the appeal. The Statement of Decision from the Appeals Panel is attached for the Board's consideration.

Background

The SB 863 ESC developed Title 15 regulations for an appeals process if a county is dissatisfied with the Board's decision on funding:

**§ 1788. Request for Board of State and Community Corrections
Appeal Hearing.**

- (a) If a participating county is dissatisfied with an action of the BSCC's evaluation and rating process or the application assessment process, it may file a request for an appeal hearing with the BSCC. 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 BSCC;
 - (3) Shall state the desired remedy; and,
 - (4) Shall include as attachments any correspondence related to the appeal to and from the Executive Director.

On December 10, 2015, San Joaquin County appealed the Board's decision on SB 863 alleging it was unfairly denied points on one of the four special factors in the judging criteria contained in the Request for Proposals (See Attachment A: San Joaquin Appeal Letter). San Joaquin County sought two remedies:

1. BSCC's reassessment of the County's proposal and the granting of the full points allowable in Section 3A.
2. To have its score recalculated and its final ranking reestablished in the large-sized county category.

Recommendation/Action Needed

Pursuant to Regulation 1792, the BSCC may take one of the following three actions: (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.

Staff recommends that the Board approve the Appeal Panel's Statement of Decision to deny San Joaquin County's appeal.

Attachments

Attachment G-1: Proposed Decision of SB 863 Appeals Hearing Panel to BSCC