

**SHERIFF'S DEPARTMENT**

Adam Christianson, Sheriff-Coroner

February 28, 2014

**ADMINISTRATION  
DIVISION**

Kathleen Howard  
Executive Director  
Board of State and Community Corrections  
600 Bercut Drive  
Sacramento, CA 95811

**RE: Appeal to BSCC – SB 1022 Funding Decisions**

Dear Ms. Howard:

This appeal on behalf of the County of Stanislaus is pursuant to your January 29, 2014 e-mail notification regarding the BSCC's funding decisions for the SB 1022 Construction Financing Program. In accordance with your instructions, and pursuant to Section 1788 of the California Code of Regulations for the Title 15 Construction Financing Program, the County of Stanislaus encloses herein its Request for BSCC Appeal Hearing.

Specifically, the County requests an appeal hearing with respect to the Board of State and Community Correction's (BSCC) decision to deny SB 1022 funding to the County based on BSCC's incorrect assumption that the County's documentation of CEQA compliance was incomplete, thus denying the County certification that it had complied with Funding Preference Criterion #3. Stanislaus County therefore seeks BSCC's reassessment of the County's Proposal and the granting to the County of the four funding preference criteria to which it is entitled. Finally, Stanislaus County seeks an award of the \$40 million in SB 1022 funding sought by the County in its Proposal for the County's REACT Center.

Because Section 1778 of the Title 15 Construction Financing Program requires the appointment of three members of the BSCC to the Hearing Panel, with a fourth member as an alternate, we are enclosing for your convenience five duplicate binders containing our appeal brief and exhibits.

We want to take the opportunity to express our tremendous respect for the Board of State and Community Corrections. Our County has a proven track record of successful collaboration with BSCC and various other State agencies. Our shared success on our SB 81 Juvenile Commitment Center Project and our current AB 900 Phase II Public Safety Center Expansion are both reflective of our collective commitment to serving our County and our State.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to be "Adam Christianson", written over a horizontal line.

Adam Christianson  
Stanislaus County Sheriff-Coroner

cc: Patricia Hill Thomas  
Project Team



## STANISLAUS COUNTY'S REQUEST FOR APPEAL HEARING

### Stanislaus County Request for Appeal Hearing Regarding the Decision of Board of State and Community Corrections to Deny Funding Pursuant to the Construction of Adult Local Criminal Justice Facilities Program (SB 1022) for the Stanislaus County REACT Center Project

#### I. BASIS FOR DISSATISFACTION

Pursuant to Section 1788 of the California Code of Regulations for the Title 15 Construction Financing Program, Stanislaus County requests an appeal hearing with respect to the Board of State and Community Corrections (BSCC) decision to deny SB 1022 funding to the County based on BSCC's erroneous assumption that the County's documentation of CEQA compliance was incomplete, thus denying the County certification that it had complied with Funding Preference Criterion #3. Among medium-sized counties, BSCC ranked Stanislaus County third among the 11 applicants. Thus, had BSCC correctly evaluated the County's CEQA compliance, it would have approved Stanislaus County's proposal. As of the date of its proposal, the County of Stanislaus had met the CEQA funding preference requirements, as the evidence submitted with this appeal demonstrates. The County is confident, that upon further review of its application, the Board will agree that the County in fact had fully complied with funding preference criteria #3.

At the time of the County's SB 1022 proposal, the site that was the subject of the proposal, the dedicated Stanislaus County Public Safety Center, had been previously and fully cleared by the Department of Finance from a CEQA and Real Estate Due Diligence perspective for the County's current AB 900 Phase II project. (See Exhibit 12.) The Notice of Exemption filed with the State Clearinghouse regarding the County's SB 1022 project simply verified that the County's SB 1022 Project was not subject to the provisions of the California Environmental Quality Act, because the project had already received CEQA clearance. (See Exhibit 11.)

The County's application to construct a Re-entry and Enhanced Alternatives to Custody Training (REACT) Center received a rating from BSCC's Executive Steering Committee of 765.4 points out of a total of 1,000 points, ranking the Stanislaus proposal third within the medium-sized county applications prior to the application of the preference criteria. With the proper recognition of the County's CEQA compliance, the Stanislaus proposal for the REACT Center should have been funded based on the County's extraordinary readiness to proceed.

The County sought reconsideration of BSCC's scoring error and testified regarding this issue at the January 16, 2014 BSCC Board meeting, but was directed by BSCC to follow the formal appeal process. (See Exhibit 15.) As a result, this appeal is being filed. This appeal will provide all CEQA data, with evidence of CEQA compliance, from the County's initial SB 1022 application that supports the County's position. This appeal will also identify clear procedural errors in the BSCC process that led to an inaccurate and improper determination to deny the County of Stanislaus SB 1022 funding.

The Stanislaus County appeal will demonstrate the following:

- BSCC improperly concluded County of Stanislaus CEQA process was not complete;
- BSCC's process treated two aspects of Government Code Section 15820.926 differently;
- BSCC evaluation process overemphasized the readiness to proceed aspect of Government Code Section 15820.926 and did not weigh heavily enough the merit of the project;
- BSCC's scoring system was flawed; and
- BSCC did not give County a full and fair opportunity to be heard at the January 16, 2014 BSCC Board meeting.

Stanislaus County seeks to be granted funding preference criterion #3 (CEQA) and seeks to be awarded funding for its SB 1022 REACT Center project.

**A. BSCC Improperly Concluded County of Stanislaus CEQA Process Was Not Complete**

*The Stanislaus County Public Safety Center in its entirety has successfully undergone four full Environmental Impact Reports, the most recent of which was in July, 2011 for a total of 1,892 beds. The SB 1022 React Center increases existing and planned bed capacity to 1,758, still well within the capacity covered by prior CEQA review.*

In reviewing the County's CEQA submission, neither the BSCC Technical Reviews nor the Department of Finance review identified any outstanding issues regarding the County's CEQA compliance. (See Exhibits 2, 6.) It appears the decision to deny the County this funding preference point was made based on the hyper technical reason that the 30-day statute of limitations for the County's Notice of Exemption had not expired by the time of the County's application. In fact, however, the purpose of the County's filing at the State Clearinghouse was to recognize that CEQA did not apply to the SB 1022 Project. (See Exhibit 11.) Thus, the Notice of Exemption was superfluous and was simply filed out of an abundance of caution to forestall any future challenges to the project. Not surprisingly, the statute of limitations for the County's Notice of Exemption expired on November 22, 2013 without any issues being raised. (See Exhibit 11.)

By applying a purely ministerial standard to its evaluation of the County's CEQA materials, the Department of Finance/Department of General Services made the decision to not give the County the CEQA funding preference even though the County's CEQA documentation confirmed that the required capacity for the County's SB 1022 project was included in various prior CEQA reviews and no further CEQA review was required. (See Exhibits 9, 10.)

The 177-acre Public Safety Center was acquired by Stanislaus County in 1988 and designed to accommodate jail / detention facilities and their support services. County property surrounding the jail site is used for other County uses, including an Agricultural Center, Community Services, Animal Shelter, and Training Center.

Since 1988, a total of four full Environmental Impact Reports ("EIR") have been prepared in connection with the Public Safety Center, including impacts associated with the ultimate "build out" of the Jail facilities at least through 2018:

- 1988: EIR for Site Selection
- 1990: Supplemental EIR
- 1996: City of Ceres General Plan EIR
- 2011: City of Ceres West Landing Specific Plan EIR
- 2012: AB 900 Mitigated Negative Declaration (based on prior environmental review)

The primary goal of each of the EIR's was to ensure full environmental review to demonstrate compliance with CEQA both for now and for the future. The first EIR in 1988 planned a jail capacity of 1,768 beds. The most recent EIR in July of 2011 increased that jail capacity to 1,892 beds. (See Exhibit 10.)

Today, the Public Safety Center has 918 beds. The approved AB 900 Phase II project presently being procured will bring the total to 1,374 beds, still 518 fewer beds than the CEQA-based total. The SB 1022 REACT project would have increased existing and planned bed capacity to 1,758, still well within the 1,892 bed capacity that has been master planned for the site for the last 25 years. (See Exhibits 3, 10.)

The above information demonstrates that the County has clearly complied with CEQA for its entire Public Safety Center and its SB 1022 proposal. The County's SB 1022 application and accompanying Board of Supervisors Resolution noted prior and full compliance with CEQA requirements for the entire site and for the County's SB 1022 proposal. (See Exhibit 3.)

In an abundance of caution, and consistent with the County's conservative approach for all state lease revenue bond funded projects, the County's Board of Supervisors went one step further and issued a Notice of Exemption, simply confirming once again that the SB 1022 project was exempt from further CEQA review due to the exhaustive prior CEQA reviews that had already been performed on the Public Safety Center site. The Notice of Exemption itself is very clear that the reason the SB 1022 project is exempt is that *all required CEQA reviews had already been completed.* (See Exhibit 11.)

Having issued the Notice of Exemption, which was not technically required, the County also took the next logical step to lodge it with the State Clearinghouse and fully disclosed the fact of the filing in its SB 1022 application materials. It appears that *this fact* alone "disqualified" the County from consideration for the CEQA funding preference point.

Again, had the County been advised in technical review of any questions or uncertainty on the part of state officials about the County's CEQA process, the County would have then clarified and pointed out where in its proposal it provided the evidence of prior and full CEQA compliance. (See Exhibit xxx [Table of CEQA Documentation in Proposal])

The County's SB 1022 Proposal made it clear throughout that all required CEQA review for the County's Public Safety Center was completed in July of 2011. Unfortunately, page 18 of

the RFP stated that “related backup information and CEQA documents filed” previously “are not requested and should not accompany” the submittal. Having followed these instructions precisely perhaps undermined the State’s understanding of the County’s project and its compliance with CEQA.

The purpose of the four funding preference criteria, including the CEQA funding preference criterion, is to ensure each county’s readiness to immediately proceed with an SB 1022 project should funding be awarded. Bearing that underlying purpose in mind, the review of the County’s submission materials regarding CEQA compliance clearly demonstrates that all required CEQA reviews were completed in 2011 and that the County was and still is fully ready to proceed from a CEQA perspective. Therefore, the County of Stanislaus should have been awarded the CEQA funding preference criterion.

**B. BSCC’s Process Treated the Two Aspects of Government Code Section 15820.926 Differently**

Government Code Section 15820.926 required BSCC to weigh two factors in considering counties’ applications for funding:

1. Merit of Project; and
2. Readiness to Proceed.

The merit of each County’s project was evaluated by the BSCC ESC. The readiness to proceed was evaluated by Department of Finance (DOF) and Department of General Services (DGS). Unfortunately, the manner in which these two evaluations were carried out by these various agencies was inconsistent, ultimately to the detriment of Stanislaus County.

**1. BSCC Technical Review Regarding Merit of the Project and Opportunity to Clarify**

BSCC offered a technical requirements review of the draft proposal up to two weeks before the submittal deadline. The County sought technical review of its draft proposal, and was advised there were no compliance issues at that time. (See Exhibit 2.)

BSCC conducted a further technical review after the proposal was submitted in November, 2013. (See Exhibit 6.) The SB 1022 RFP at p. 24 stated that the BSCC staff’s review of technical compliance requirements after proposal submission included confirmation that the County’s Board of Supervisors resolution contains necessary components. (See Exhibit 1.) The SB 1022 technical review conducted after proposal submission identified no issues with the County’s proposal. (See Exhibit 6.) Unfortunately, in contravention of the BSCC’s technical review, BSCC’s December 12, 2013 letter stated that the County’s Board of Supervisors resolution that accompanied its proposal did not include certain required language regarding the CEQA process. (See Exhibit 7.)

After communicating with other counties, the County of Stanislaus understands that other counties were advised of defects in their Board of Supervisors resolution and given an

opportunity to submit a corrected resolution. Stanislaus County was not advised of any defects in its Board of Supervisors resolution during the technical review process. Had the County been advised of defects in its resolution, it could have alerted the County to further clarify its CEQA submission. However, the County was never advised of any defects in its resolution until BSCC's December 12, 2013 letter denying SB 1022 funding.

## **2. No Technical Review of Readiness to Proceed and Inconsistent Opportunity to Clarify**

The November 14, 2013 technical review correspondence from BSCC noted: *"Please note that this review does not include any funding preference submittals that may have accompanied the County's Proposal. The review outcome of funding preference submittals will be provided to the County following completion of the rating process."* (See Exhibit 6.)

Thus, although BSCC provided a written technical review of that portion of the County's Proposal related to the merit of the project, no written technical review of that portion of the County's Proposal related to readiness to proceed was provided.

According to the SB 1022 ESC Proposal Evaluation Rater Training conducted on November 6, 2013, the funding preference criteria, including CEQA, went through a separate review process conducted by the Department of Finance (DOF) and the Department of General Services (DGS). (See Exhibit 5.)

If that was the case, a separate written technical review of that aspect of the process should have been provided to the County just as it was for the other aspect of the County's Proposal. Instead, the County did not receive any notice regarding the outcome of the review of the funding preference submittals until it received BSCC's December 12, 2013 letter advising that its ranking went from 3<sup>rd</sup> to 7<sup>th</sup> because of the outcome of that rating process. (See Exhibit 7.)

Thus, BSCC conducted a technical review of that portion of each County's application related to the merit of the proposed project, and gave counties an opportunity to correct mistakes or provide additional documentation regarding that aspect of their proposal. (See Exhibits 2, 6.) Conversely, BSCC (DOF/DGS) performed no written technical review of the funding preference submittals and gave counties no opportunity to correct mistakes or provide additional documentation regarding that aspect of their proposal.

Instead, the review of the funding preference criteria resulted in requests for clarification in some cases and not in others. The County questions why clarification was not sought on the CEQA matters by state agencies while a question concerning the County's cash flow was brought directly to the attention of the Project Manager. The County appreciated the opportunity to clarify information regarding the County's matching funds. In the County's response, Patricia Hill Thomas specifically stated, "Please feel free to contact me with any remaining questions or concerns." (See Exhibit 4.) Any CEQA issues could have been just as easily clarified had the County been given the opportunity to do so.

This lack of coordination between the BSCC evaluation process and the DOF evaluation process put counties at a disadvantage and resulted in an inequitable evaluation system.

**3. BSCC Gave Applicants Opportunity to Clarify at ESC Interviews on December 4, 2013, DOF/DGS Did Not**

Similarly, at the presentations made by each county in early December, BSCC inquired verbally of various counties regarding perceived issues identified by the BSCC technical review of proposals.

The County was pleased to be invited to make a presentation to the ESC on December 4, 2013. The County notes that the November 12, 2013 letter to Sheriff Christianson, as well as the RFP (@ p. 24), set forth a process by which applicant counties could answer any questions the ESC may have about the proposed project at that time. (See Exhibits 1, 6.) Stanislaus County was asked no questions regarding CEQA compliance and was unaware during its presentation that clarification of any CEQA issues would have been in order, believing it had met the criteria, because full and complete CEQA compliance was achieved in July of 2011 on the same Public Safety Center site.

Thus, the BSCC process treated the evaluation of the “merit of the project” criteria differently from the evaluation of the “readiness to proceed” funding preference criteria.

**C. The Evaluation Process Overemphasized the Readiness to Proceed Aspect of Government Code Section 15820.926 and Did Not Weigh Heavily Enough the Merit of the Project.**

In weighing the two factors required by Government Code Section 15820.926 – merit of project and readiness to proceed -- BSCC weighed too heavily the readiness to proceed and failed to give adequate weight to each project’s true merit.

Specifically, with respect to the merit of counties’ projects, Government Code Section 15820.926(b) requires that “funding consideration shall be given to counties that are seeking to replace existing 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 rehabilitation services, including mental health treatment.”

With respect to readiness to proceed, Government Code Section 15820.926(b) further requires that “Funding preference shall be given to counties that are most prepared to proceed successfully with this financing in a timely manner. The determination of preparedness to proceed shall include, but not be limited to, counties providing documentation of adequate, available matching funds authorized by the county board of supervisors from a source or sources compatible with this financing authority as determined by the State Public Works Board in its sole discretion.”

Thus, Government Code 15820.926 only required that readiness be defined by documentation of adequate, available matching funds and did not include any other financial

preference criteria. The BSCC used its discretion to add three other criteria to measure counties' readiness to proceed. In addition to availability of matching funds, BSCC also evaluated: Real Estate Due Diligence, CEQA Compliance, and Authorization of Project Documentation. (See Exhibit 1, pp. 16-18.)

The BSCC Request for Proposals indicated that the Adequate County Contribution Funds criterion required by Government Code Section 15820.926 would be treated as the only "mandatory" criterion (see Exhibit 1, p. 16) and that the three other funding preference criteria added by BSCC as additional measures of readiness to proceed (Real Estate Due Diligence, CEQA Compliance, and Authorization of Project Documents) would be treated as "optional" criteria (see Exhibit 1, pp. 17-18).

In fact, all four criteria were treated equally: all four criteria were treated as mandatory.

As a result, readiness to proceed ended up being evaluated five times: once through the Executive Steering Committee scoring (Question E.6), and four times by each of the four preference criteria, whereas the merit of the project was evaluated only once, through the review by the Executive Steering Committee. (See Exhibits 5, 7.)

The County recognizes that issues involving statutory interpretation and construction must be raised with the administrative agency having jurisdiction to administer that statute; otherwise, a reviewing court may deny a petition for writ of administrative mandamus based on waiver of such a statutory claim. (*See City of Walnut Creek v. County of Contra Costa* (1980) 101 Cal.App.3d 1012, 1021.) Accordingly, the County raises now its concerns regarding the interpretation by the BSCC of Government Code 15820.926 as it prepared the SB 1022 RFP.

#### **D. BSCC's Scoring System Was Flawed**

BSCC's scoring system was flawed in that it used all four funding preference criteria to override the outcome of the BSCC's evaluation of the merits of the County's project. Instead of "merit" and "readiness to proceed" receiving equal value, the "merit" of a county's project was essentially given only 20% of the total weight, while the four preference criteria were given 80% of the total weight.

BSCC's Executive Steering Committee gave the County of Stanislaus the third highest raw score among medium-sized counties (765.4). (See Exhibit 7.) However, the County subsequently learned that a separate process conducted by the Department of Finance only gave the County three out of a possible four funding preferences. (Ibid.)

BSCC's flawed scoring process moved the County's ranking from 3<sup>rd</sup> to 7<sup>th</sup> among medium-sized counties. (Ibid.) Thus, with respect to the County of Stanislaus and other counties that did not meet all four funding preference criteria, the result of the flawed scoring process is that the merit of a county's project was not given nearly enough weight in the overall evaluation process.



The ESC scoring demonstrates that the County of Stanislaus REACT Center proposal was highly rated. A more thorough review of the County's CEQA documentation demonstrates that the County's required CEQA process for an SB 1022 project was completed back in July of 2011 (See Exhibit 10) and that the County's October 15, 2013 NOE was surplusage that should not prevent the County's SB 1022 project from moving forward. (See Exhibits 9, 11.)

**E. BSCC Did Not Give the County a Full and Fair Opportunity to be Heard at the January 16, 2014 BSCC Board Meeting**

As a result of a telephone conference on December 18, 2013 between Stanislaus County officials and Executive Director Kathleen Howard of the BSCC, the County of Stanislaus submitted a written request for reconsideration to Ms. Howard at BSCC on December 20, 2013. (See Exhibit 8.)

Later in response, Kathleen Howard wrote in a January 2, 2014 e-mail to the County's Project Manager, "I wanted to get in touch to let you know that the Board will be considering the recommended conditional awards at its January 16, 2014 meeting in Los Angeles. In your letter to me dated December 20, 2013, you indicate that Stanislaus County would like to seek reconsideration of the preference criteria point for CEQA. The opportunity for your county to address the board about the recommendations of the Executive Steering Committee would be at that Board meeting. As always, there will be the opportunity for comment and input from all interested parties." (See Exhibit 16.)

Similarly, Kathleen Howard's e-mail of January 10, 2014 unequivocally stated, "As always, there will be the opportunity for comment and input from all interested parties at the Board meeting." (See Exhibit 13.)

Unfortunately, it appears that BSCC changed its mind at the last minute regarding the opportunity for Stanislaus County to make its full presentation as directed by Ms. Howard at its January 16, 2014 Board meeting. Unlike the majority of BSCC Board meetings, speakers at the January 16 meeting were not afforded a full and fair opportunity to be heard regarding their concerns about the SB 1022 evaluation process.

Neither the 10-day notice nor the staff report for the BSCC Board meeting stated that public testimony would have a time limit. (See Exhibit 14.) Instead, just prior to the commencement of public comment, the dozens of county representatives who traveled some distance to the Los Angeles meeting to attend the BSCC Board meeting were notified their public comments would be limited to 2 minutes per party/group, not per person. That is to say, each county was only permitted to have one person speak on its behalf and a 2-minute time limit was imposed at the last minute on that one person's testimony. This, despite the fact that most counties had numerous representatives, some who had traveled hundreds of miles to attend the BSCC Board meeting.

Just on its face, this approach does not appear fair and equitable.

## **II. ACTION BEING REQUESTED OF BSCC**

### **A. Fundamental Fairness Requires that BSCC Grant the CEQA Funding Preference Criterion to the Stanislaus County SB 1022 Application, Thereby Properly Weighing the Project's Merit and the County's Readiness to Proceed.**

Pursuant to Section 1788 of the California Code of Regulations for the Title 15 Construction Financing Program, Stanislaus County requests an appeal hearing with respect to the BSCC's decision to deny SB 1022 funding to the County based on BSCC's erroneous assumption that the County's documentation of CEQA compliance was incomplete, thus denying the County certification that it had complied with Funding Preference Criterion #3.

Stanislaus County seeks to be granted Funding Preference Criterion #3 – CEQA compliance – and seeks to be awarded funding for its SB 1022 REACT Center project.

The Executive Steering Committee process ranked the Stanislaus County proposal third amongst the medium-sized counties. (See Exhibit 7.) With all four funding preference criteria, the County would have been ranked second among the medium-sized counties. Had the County been given an opportunity to clarify the CEQA aspect of its application during the evaluation process, the County believes the issue could have been resolved and the County would have been ranked 2<sup>nd</sup> among medium-sized counties. The County is confident that it would have received funding if a properly balanced scoring system was adopted by BSCC.

The outcome of Stanislaus County's SB 1022 application is of vital importance. The need described in the County's application is paramount. The County is facing a tremendous demand for additional inmate housing with program space. The current shortage of this type of bed, as well as the projected inmate increase and the impact of the State's Realignment Plan, has presented a serious operational challenge as the County attempts to proactively manage inmates into the future. SB 1022 funding would allow the construction of 288 replacement beds with program space to replace the beds at the nearly 60 year old antiquated, linear downtown jail with the very type of bed supported by SB 1022.

The County has a proven track record of being an honest, reliable, and effective partner to the State on lease revenue bond projects such as this one. The County is prepared to continue to be a good partner. The County's REACT Center project is precisely the type of project SB 1022 is intended to fund. The County is ready to assist the BSCC to achieve its objectives.

## **III. DESIRED REMEDY**

The County seeks three remedies:

1. Pursuant to Section 1788 of the California Code of Regulations for the Title 15 Construction Financing Program, Stanislaus County requests an appeal hearing with respect to the Board of State and Community Correction's (BSCC) decision to deny SB 1022 funding to the County based on BSCC's erroneous assumption that the County's documentation of CEQA

compliance was incomplete, thus denying the County certification that it had complied with Funding Preference Criterion #3.

2. Stanislaus County seeks BSCC's reassessment of the County's Proposal and the granting to the County of the four funding preference criteria to which it is entitled.

3. Stanislaus County seeks an award of the \$40 million in SB 1022 funding sought by the County in its Proposal for the County's REACT Center.

#### **IV. CORRESPONDENCE RELATED TO APPEAL**

The County of Stanislaus attaches to this appeal as Exhibit 16 all correspondence related to the appeal between the County and the Executive Director of the Board of State and Community Corrections.

#### **V. THIS APPEAL IS TIMELY**

Section 1788 of the California Code of Regulations for the Title 15 Construction Financing Program provides:

"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."

(See Exhibit 15.)

The County of Stanislaus received e-mail notification on January 29, 2014 of the BSCC's Action on Conditional Awards Under SB 1022. (See Exhibit 15.) The e-mail notification from BSCC Executive Director Kathleen Howard stated that "the written appeal and any attachments must be received in hard copy by 5:00 p.m. on February 28, 2014 in the BSCC office."

The County of Stanislaus written appeal and attachments is being hand delivered to the BSCC office before 5:00 p.m. on February 28, 2014 and is therefore timely.

#### **VI. ADMINISTRATIVE RECORD**

To ensure BSCC officials have the complete administrative record before them, the County attaches the following exhibits to its Request for Appeal Hearing:

1. SB 1022 – Request for Proposals
2. BSCC Technical Review E-Mail dated October 14, 2013
3. Stanislaus County's SB 1022 Application
4. Letter dated November 5, 2013 from Patricia Hill Thomas to Stephen Benson regarding Additional Documentation for the Stanislaus County SB 1022 Match
5. SB 1022 ESC Proposal Evaluation Rater Training – November 6, 2013

5. SB 1022 ESC Proposal Evaluation Rater Training – November 6, 2013
6. BSCC Letter dated November 12, 2013 enclosing BSCC Technical Requirements Review
7. BSCC Letter dated December 12, 2013 – SB 1022 Construction Financing Program Conditional Awards Recommendations
8. Letter dated December 20, 2013 from Patricia Hill Thomas to BSCC Executive Director Katherine Howard
9. CEQA Documentation Contained in Stanislaus County SB 1022 Application
10. City of Ceres Notice of Determination
11. Stanislaus County Initial Notice of Exemption dated 10/16/13 and Notice of Exemption with notation that it was Removed from Posting on 11/22/13
12. Department of Finance Certification that Public Safety Center Meets CEQA Compliance Requirements
13. E-mail from Katherine Howard to Patricia Hill Thomas regarding 1/16/14 BSCC Board Meeting
14. Agenda for 1/16/14 BSCC Board Meeting
15. E-mail dated January 29, 2014 from Kathleen Howard to All Applicants for SB 1022 Local Jail Construction Funding
16. Correspondence related to the appeal to and from BSCC Executive Director

Dated: February 28, 2014

Respectfully submitted,



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Adam Christianson  
Stanislaus County Sheriff-Coroner