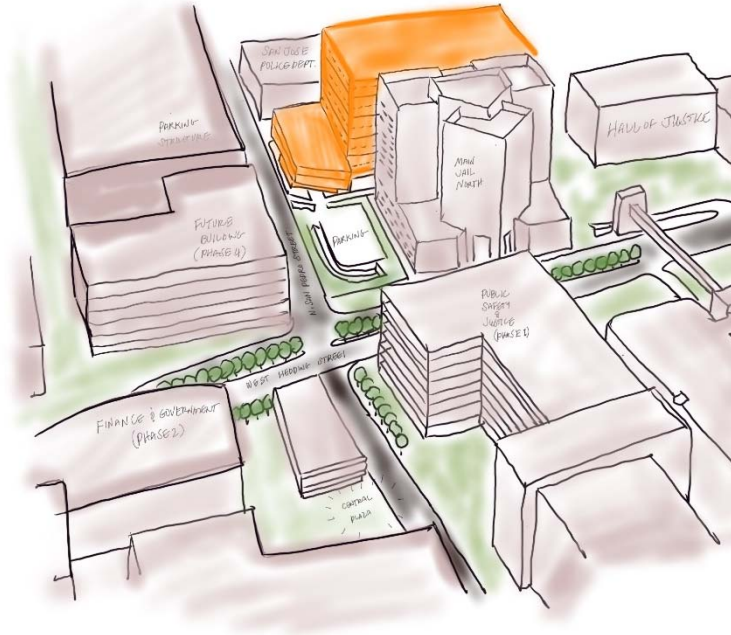


Figure 1 Before scope change location (Main Jail East)



Figure 2 After scope change location (New Main Jail South)





85214

**DATE:** January 23, 2018

**TO:** Board of Supervisors

**FROM:** Martha Wapenski, Deputy County Executive

**SUBJECT:** Updates on the New Jail Replacement Facility

**RECOMMENDED ACTION**

Consider recommendations relating to the New Jail Replacement Facility. (Office of the County Executive)

Possible action:

- a. Approve Notice of Exemption (14 Cal. Code of Regs., Section 15302) and Addendum to and use of the Mitigated Negative Declaration for the South Main Jail Replacement Project.
- b. Approve modified project scope on the Main Jail South site for "New Main Jail South."
- c. Adopt Resolution authorizing funding for construction of "New Main Jail South" consistent with Senate Bill 863. (Roll Call Vote)
- d. Approve plan to finance the County's New Jail Facility.

**FISCAL IMPLICATIONS**

The cost to the County of the new facility, demolition of the old jail, and replacement of demolished office space is projected to be \$257 million, and this is net of \$80 million in SB 863 bond funding. Presently, \$54 million has already been approved by the Board for this project. The County will be responsible for funding the entire facility, although this will be offset by the \$80 million in State funds that will be remitted to the County. The State funds will be in the form of a reimbursement as the construction phase of the project begins.

Table 1: Proposed Facility and Site

	<b>Previous Proposal Approved by the Board</b>	<b>Revised Proposal</b>
Size	219,000 sq ft	243,000 sq ft

Timeline to Occupancy	Spring/Summer 2020	Spring 2023
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Table 2: Budget

	Original Budget	Proposed Budget
Jail Building	\$281 million	\$295 million
Demolition of Main Jail South (MJS)	\$19 million	\$19 million
Replace Existing MJS Staff Space	\$23 million	\$23 million
Subtotal:	\$323 million	\$337 million
Minus State Funding	-\$80 million	-\$80 million
Cost to County	\$243 million	\$257 million
<b>Difference between original and proposed:</b>		<b>\$14 million</b>

The driving factors that led to the additional square footage and budget include:

- Overall fewer number of acute mental health cells but more single cells for this population
- Larger dayrooms for programming and treatment, and larger recreation yards
- Increase in staff working in the facilities (Board has added staff to Custody Health Services and Sheriff’s Office since their February 2016 initial approval of this project)
- Necessary facility replacements are required: new vehicle sallyport, new Alcohol Investigation Bureau, and new loading dock/generator

The debt service cost for this project amortized over 30 years is estimated to be \$8.6 - \$10 million per year. The Finance Agency will issue lease-revenue bonds to have financing available to fund the construction of the new facility.

### **REASONS FOR RECOMMENDATION**

On February 23, 2016, the Board approved a resolution for SB 863 financing for the new “Main Jail East” and all the administrative approvals necessary to apply for the State funding. On February 7, 2017, the Board adopted an updated resolution for construction of “Main Jail East”, because the State of California Board of State and Community Corrections (BSCC)

asked the County to update the Board resolution to account for funding changes in the project and to demonstrate the County's commitment to the State for the project.

Since that time, the Administration had been working on the preliminary designs for the Board's review. However, in light of the decreasing jail population due to the many jail diversion and bail reform initiatives that have started since the Board's review in February 2017, the Administration decided it would be prudent to commission a study to re-validate the number of beds needed for the new facility. So in the intervening months, a jail expert consultant developed a population projection report (see attached *Baseline and Alternative Jail Population Projections Report*) and Facilities and Fleet Department and the Sheriff's Office assembled a jail facilities assessment of current jail buildings to determine their useful life. The facilities assessment also looked at space usage to determine if there is sufficient and appropriate space for programming and treatment.

From the jail population projection report, the vast majority of inmates booked into the jail are released within 3 days and if the inmate is not released within 3 days, one can expect a lengthy period of incarceration waiting for their criminal charges to be disposed of by the Court. The jail population consultant projected a future population of 3,500 inmates. However, there needs to be a certain percentage of empty beds at each security level, to allow for movement up and down between security levels. In this way, the Sheriff's Office has flexibility and can more efficiently re-classify the inmate up or down depending on circumstances. When this is added to the seasonal peaking effects of the jail population, the expert states the needs will increase the projected beds from 3,900 to 4,100.

The assessment contains facilities that were built from the 1940's all the way to the 1990's. Few housing units have the programming and treatment space that will be needed for correctional facilities of the future. The New Jail replacement facility will provide those spaces for programming and treatment as well as the space necessary for out of cell time.

On January 16, 2018, the project team hosted a community meeting to share information on the proposed new jail replacement facility and to obtain feedback from community members. Representatives from the groups People Acting in Community Together (PACT), Silicon Valley De-Bug, the Law Foundation of Silicon Valley, and the Mental Health Advocacy Project (MHAP) attended and provided input regarding visitation, transfers among jail facilities, mental health housing and programming, medical care, and design relating to lighting of the recreation yards and housing units. Information was provided to the extent that decisions have been made, and the community will be kept updated as the design efforts move forward.

### ***Summary of Recommended Changes for New Jail Replacement Facility***

Based on the population projection report and the facilities assessment of current jail buildings, the Administration is recommending that the Board approve a modified proposal for the New Jail facility on the Main Jail South site that would:

- Demolish the existing Main Jail South and build the New Jail Replacement facility on the same site
- Reduce the total number of beds for the proposed facility from 815 to 535. This is a total decrease of 212 rated beds systemwide.
- Increase the square footage by 24,000 square feet (from 219,000 to 243,000 square feet)
- Replace existing office space that currently exists on the Main Jail South site that will be lost when the building gets demolished, and add office space that is needed for the additional services provided by the Sheriff's Office/Department of Correction and Custody Health Services.

These recommended changes would increase the cost of the initial proposal by 6% (\$14 million) and provide a jail with fewer beds and more square footage that is a safer facility for staff and inmates, and is designed based on best practices. These best practices include more single cells for the mentally ill population, larger dayrooms for classes and programs, and larger recreation yards.

### *Updated Timeline*

Timeline:

- Late spring or early summer 2018: Staff provides additional design updates for the Board and the public to review.
- February 2019: Demolition of Main Jail South is expected to begin.
- Spring 2019: Board review of RFP for the New Jail facility construction, and issuance of the RFP following Board approval.
- Spring 2023: New facility should be ready for occupancy

As noted above, the Board will continue to have opportunities to review the project and provide input on modifications that are minor in nature. It is important to point out that the current project takes into account significant Board and community input over the last few years, in addition to input from experts who have been assisting the County in reviewing the jail system. Additional significant modifications could require approval from various State agencies, and potentially even the State Legislature, depending on where we are in the process and the nature of the change. Any significant changes have the potential to delay the project and may require additional funding due to delays.

### *Reasons for Proposed Change to the New Jail Replacement Facility*

During the months in which the population projection and the facilities assessment were being prepared, the multi-departmental project team continued their work with AECOM, the firm that is preparing the bridging documents for the New Jail facility. This was done to ensure that the re-validation of bed needs did not delay the timeline for the New Jail facility. Also, due to the Sheriff's Office actions to move the jail population out of Main Jail South

into other jail housing units throughout the system, there was an evaluation of whether the New Jail facility could be sited on the existing Main Jail South (MJS) site. This was the preferred site in 2014, but it was not an option given the large population housed there at that time and there were no viable options to relocate that population.

Given how compressed and narrow the proposed Main Jail East site was and because of challenges with site utility work and construction over an existing transport tunnel, it was decided that the MJS site would be a preferred site now that the Sheriff's Office has successfully reduced the population there. Also, since there are existing offices at Main Jail South, those need to be replaced when the New Jail is built, and the office staff would need to be temporarily relocated during construction.

As part of the planning for the proposed MJS site, staff also studied the feasibility of incorporating underground parking and a new intake booking to replace the existing one at Main Jail North. Staff visited modern intake booking areas in other jails, and reviewed best construction practices for managing the medical and behavioral health needs of the inmates at the point of arrival at the jail. Ultimately, due to the additional cost, neither underground parking nor intake booking were included in the proposed New Jail. It should be noted that the facility as a whole remains focused on reentry to ensure that inmates will have the treatment, programming, and discharge planning needed for successful reintegration into the community.

### ***Details of Revised Proposal***

The proposed project consists of the replacement of an outdated jail facility at Santa Clara County's Main Jail Complex with a New Jail building on the existing Main Jail South site. The conceptual plan for the replacement jail is a single building approximately 243,000 square feet in size. The existing three-story, 133,000 square-foot Main Jail South building will be demolished prior to the construction of the replacement jail facility. The replacement jail facility will be designed to address the changing nature of the inmate population as well as the increased length of stay in custody as a result of the State of California's AB109 Realignment program. The replacement facility will not only replace an outdated facility, but it will also address the need for inmate programs (education, substance abuse, job placement, life skills, etc.) along with the need to provide mental health treatment.

While the New Jail Replacement facility has 535 beds, systemwide there will a net decrease of 212 rated beds. The number of existing beds will be reduced due to the demolition of Main Jail South and the closure of some male and female housing units at Elmwood. Suicide resistant cells are being incorporated into the design and 3% of the cells will be ADA compliant.

The proposed facility will include a Reentry Services floor for male and female inmates who have 90 days or less remaining on their sentences. These inmates will receive intensified programming, and services from Community Based Organizations and out-of-custody medical and mental health care, and employment resources. Of the 180 beds designated for Reentry, 120 are for male inmates and 60 are for female inmates.

The proposed facility will also address the current lack of mental health bed space for those diagnosed with Serious Mental Illness (SMI) and other behavioral health diagnoses (BHD). SMI is defined as a psychiatric condition characterized by psychosis, mania, severe depression, severe anxiety or posttraumatic stress, or other symptoms which significantly impair functioning of an individual. BHD is defined as a psychiatric condition characterized by mild to moderate depression, mild to moderate anxiety, substance abuse related symptoms, or other symptoms which typically leave functional ability intact, or only mildly impaired. Without treatment housing, SMI and BHD inmates are at elevated risk of deterioration in function, and may require acute care to stabilize their conditions. Inmates with SMI or BHD conditions who deteriorate are at elevated risk of suicidal, self-harm, violent, assaultive, and other destructive behaviors. Long term treatment of these conditions in a proper setting may reduce recidivism as patients learn to cope with their conditions once out of custody. The new facility includes 55 acute mental health beds (35 for male inmates and 20 for female inmates) and includes classroom and treatment space. Once stable, inmates can be rehoused to a 300-bed step down mental health unit also located in the new facility that provides continuation of mental health therapy and observation. Of those 300 beds, 240 are for male inmates and 60 are for female inmates.

The proposed facility will provide inmate program space that largely does not exist currently at Main Jail South. Each floor in the new facility has three housing units with treatment and program space to serve the entire inmate population on each floor. The proposal would increase the current treatment and program space, recreational yards, and incorporate community classrooms on each housing floor.

The new facility will contain dental clinics, ophthalmology/optometry clinics, physical therapy services, and a surgical clinic for pre op and post op appointments. Having these services on-site increases inmate access to these services and decreases custody transportation issues and costs.

### ***Financing***

The Board approved the financing plan and acceptance of State funding on February 23, 2016. Recommended Action D would re-confirm the County's acceptance of the financing plan since this project has changed. In terms of financing the new facility, the County has considered various scenarios, some of which have the County funding all project costs until we are reimbursed by the State, with other scenarios financing both the planning costs and the total construction cost until the County has been reimbursed by the State. All of the scenarios commit facilities for the lease revenue bond financing and reduce the County's flexibility for other financing needs that the County may wish to consider in the future. However, in light of the long-standing facility needs which this proposal addresses, the Administration is recommending approval of the County's financing for the facility for \$158-173 million, which will be better defined at a later date once more is known regarding other capital needs. The debt service cost for this project amortized over 30 years is estimated to be \$8.6 - \$10 million per year. The Finance Agency will issue lease-revenue bonds to have financing available to fund the construction of the replacement facility.

### ***BSCC resolution***



It is necessary to approve the updated Board resolution authorizing the project for BSCC and demonstrating the County's commitment to the project. It is similar to previous resolutions approved by the Board for this project to receive SB 863 financing, and it has been updated to reflect project changes and moving the project site to the Main Jail South parcel.

### *Environmental Review (CEQA)*

The Administration has been collaborating with the Board of State and Community Corrections (BSCC) and staff from the County Planning Department to ensure that the State funding would still be available if the County were to pursue the project on the Main Jail South site, especially because California Environmental Quality Act (CEQA) approval was needed to apply for the State funding to demonstrate project readiness. In working with that staff, the Administration has been careful to explore options to bring an alternate proposal to the Board for consideration that will allow the County to retain State funding. Today's action also includes an addendum to the previous CEQA action approved by the Board two years ago, as well as a Notice of Exemption from CEQA because now the modified project qualifies for a Class 2 Categorical Exemption because it is a replacement facility in the same location.

The Administration evaluated the proposed relocation option described above and has determined that none of the circumstances exist that would require additional environmental review. The Addendum prepared to the 2015 Initial Study and Mitigated Negative Declaration ("IS/MND") demonstrate that the modifications to the project will not result in any new significant environmental impacts or an increase in severity of any of the environmental impacts identified in the 2015 IS/MND, which is attached as Exhibit B. In addition, the replacement facility is a modification to the previously approved jail facility presented in the 2015 IS/MND and does not constitute a new project with no new previously unstudied significant environmental impacts. The Administration recommends that the Board of Supervisors adopt an Addendum to the IS/MND, which is attached as Exhibit A.

In addition, the replacement jail facility now qualifies for a Class 2 Categorical Exemption under CEQA for replacement or reconstruction of public facilities, attached as Exhibit C, because (1) the replacement facility will replace the existing MJS facility on the same site and (2) the replacement facility will have substantially the same purpose and capacity as the facility being replaced. Therefore, the Administration recommends the Board of Supervisors also adopt the Notice of Exemption.

### *Next steps*

Upon approval of a modified project scope today, the Administration will work to prepare for demolition of Main Jail South and evaluate options for the relocation of offices located in the Main Jail South facility.

- The Administration will submit a scope change request to the BSCC in February 2018 to modify the project's scope and obtain their approval.
- County staff will meet with the (BSCC) and State Department of Finance staff to formally accept the funding and begin the financial documentation to create the project.
- The multi-departmental New Jail project team will continue work on the design and keep the project on schedule.

### **CHILD IMPACT**

The recommended action will have no/neutral impact on children and youth.

### **SENIOR IMPACT**

The recommended action will have no/neutral impact on seniors.

### **SUSTAINABILITY IMPLICATIONS**

The recommended action will have no/neutral sustainability implications.

### **BACKGROUND**

On June 9, 2015, the Board of Supervisors approved an Initial Study and Mitigated Negative Declaration, which was prepared for this project pursuant to provisions of the California Environmental Quality Act (CEQA), and which is required to demonstrate readiness to proceed with the project. The County has documentation of CEQA compliance and a letter from County Counsel certifying the associated statute of limitations has expired and that no challenges were filed.

On August 11, 2015, the Board of Supervisor adopted a Resolution authorizing the application for Senate Bill (SB) 863 Jail Construction Financing and approved the draft application for SB 863 Jail Construction Financing.

On February 23, 2016, the Board of Supervisor approved a resolution for SB 863 financing and all of the administrative approvals to apply for this grant funding. The new building will address the changing nature of the inmate population as well as the increased length of stay in custody as a result of the State of California's AB109 Realignment program. The new facility will not only replace an outdated facility, but it will also address the need for inmate programs (education, substance abuse, job placement, life skills, etc.) along with the need to provide treatment to the increased number of inmates that require mental health treatment. The County of Santa Clara sought and received partial project funding via the State of California lease-revenue bond funds under the Senate Bill (SB) 863 Bond funding measure in order to reduce the need for bed space through treatment. This funding will help replace deteriorating housing areas with re-entry, educational, vocation, and rehabilitation treatment beds, and increase the number of mental health treatment beds.

On February 7, 2017, the Board adopted an updated resolution for construction of "Main Jail East" consistent with SB 863. The update was necessary since the Board approved the initial

resolution for SB 863 financing in February 2016. The State of California Board of State and Community Corrections (BSCC) asked the County to update the Board resolution to account for funding changes in the project and to demonstrate the County's commitment to the State for the County's plan to move forward with this project and the receipt of \$80 million of State funding.

### **CONSEQUENCES OF NEGATIVE ACTION**

If these actions are not approved, the project will be delayed, which will cause the cost to increase due to escalation.

### **STEPS FOLLOWING APPROVAL**

Please forward one signed copy of the resolution to Tony Filice in the Office of the County Executive as soon as possible after the Board meeting.

The Department of Planning and Development will file a Notice of Determination and Notice of Exemption with the County's Clerk-Recorder Office within five business days of the Board's action. A copy of the filed Notice of Determination and Notice of Exemption will be forwarded to the Office of the County Counsel by the Department of Planning and Development.

### **LINKS:**

- Rescinds: 79813 : 79813
- Rescinds: 84715 : 84715

### **ATTACHMENTS:**

- Board Resolution (PDF)
- Baseline and Alternative Jail Population Projections Report (PDF)
- Exhibit A - Addendum to the IS MND(PDF)
- Exhibit B--Jail Replacement IS-MND\_050515 (PDF)
- Exhibit C- Jail Replacement NOE (PDF)

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION OF THE BOARD OF SUPERVISORS  
OF THE COUNTY OF SANTA CLARA  
AUTHORIZING FUNDING FOR CONSTRUCTION OF  
“NEW MAIN JAIL SOUTH” CONSISTENT WITH SB 863**

**WHEREAS**, on June 20, 2014 the Governor signed Senate Bill (SB) 863 into law authorizing \$500 million in revenue bonds, notes, or bond anticipation note financing for the construction of adult local criminal justice facilities administered by the Board of State and Community Corrections (BSCC);

**WHEREAS**, the mission of the County of Santa Clara includes a commitment to provide a safe and nurturing environment for all offenders housed in its county jail;

**WHEREAS**, the Sheriff of Santa Clara County and the Chief of the Department of Correction are responsible for maintaining the appropriate levels of protection, supervision and custody consistent with the established public safety and legal mandates;

**WHEREAS**, due to Realignment, inmates are being housed in local jails for longer periods of times resulting in an increase in the level of medical and mental care needed and an increase in the number of maximum security beds required to safely and properly house and support rehabilitating offenders of all levels;

**WHEREAS**, in January 2015 the County’s consultant, MGT of America submitted its assessment recommending significant improvements to the jail’s physical plant to address the increase in the population and the impact the aging inmate population will have on existing facilities over the next thirty years;

**WHEREAS**, the County of Santa Clara, the Sheriff and the Chief recognize the need to address the issues raised in the MGT report and other expert reports and intend to make much needed physical improvements to the County’s correctional facilities;

**WHEREAS**, the proposed improvements involve the demolition of the existing sixty-two (62) year old building and the construction of a new six story building with a partial basement and fully enclosed Adult Local Criminal Justice Facility (ALCJF) adjacent to and integrated with the County’s existing Main Jail North facility;

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**WHEREAS**, the new replacement facility will be known as “New Main Jail South,” and located at 180 West Hedding Street, San Jose, California 95110;

**WHEREAS**, the Board of Supervisors (Board) recognizes the imminent need to design, construct and occupy a new ALCJF that houses the County’s medium/high-medium security risk inmates and provides necessary programing space to assist with rehabilitation and to reduce recidivism, new replacement housing units that would be in compliance with modern Title 24 design standards, as well as an updated custodial mental health facility that addresses all of the needs of both the maximum security inmates and all male and female inmates with serious mental health issues;

**WHEREAS**, the County applied for SB 863 jail construction funding through the BSCC and the State Public Works Board; and,

**WHEREAS**, as part of the application process for funding under SB 863, the State requires a resolution describing the funding sources for construction.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of the County of Santa Clara, State of California that:

1. The County Executive, or designee, is authorized, on behalf of the Board of Supervisors to execute any documents required by the State and related to the New Main Jail South construction and related projects. Execution of any documents committing the County to funding increases or changes in the County’s Scope Summary must be approved by the Board of Supervisors prior to execution.
2. The County has designated \$54,000,000.00 in general fund dollars for jail construction, and commits to fund additional costs of construction that are not covered by the award from the State using a combination of general fund and bond financing sources compatible with the State’s lease revenue bond financing.
3. The County names Roger Soohoo as the County Construction Administrator, Andy Walker as the Project Financial Officer; and Pon Sivongxay as the Project Contact Person.

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4. Resolution Number BOS-2016-24 and Resolution Number BOS-2017-15 are hereby repealed.

**PASSED AND ADOPTED** by the Board of Supervisors of the County of Santa Clara, State of California, on \_\_\_\_\_, 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
S. JOSEPH SIMITIAN, President  
Board of Supervisors

ATTEST:

\_\_\_\_\_  
MEGAN DOYLE  
Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
SARA PONZIO  
Deputy County Counsel