

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Chief Executive Office

BOARD AGENDA # B-5

Urgent Routine

AGENDA DATE March 4, 2008

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Proceed with the Public Safety Center Expansion Project; Submit an Application to the State of California for Jail Funding; Initiate Environmental Review; and Establish the Project Budget Using Public Facility Fees

STAFF RECOMMENDATIONS:

1. Authorize the Chief Executive Officer to prepare and submit an application for jail bed funding under the State's Public Safety and Offender Rehabilitation Service Act of 2007 (AB 900).
2. Approve the formal resolution as required by the State for submission of the application.
3. Authorize the Chief Executive Office and Department of Planning and Community Development to develop and issue a Request for Proposals for expert consulting services to prepare an initial study and conduct subsequent environmental review for the proposed Public Safety Center Master Plan.

(Continued on Page 2)

FISCAL IMPACT:

The Jail Needs Assessment Report approved by the Board on June 26, 2007, outlines facility, staffing and operational cost estimates for expanded jail and law enforcement facilities at the County's Public Safety Center and future replacement of the Men's Jail and Honor Farm. Study findings indicate that jail expansion options through the year 2010 (current need) would include 420 new jail beds and the Jail Core Operations building that is critical to any further jail bed expansion at the Public Safety Center. The plan also calls for the future closure of the Honor Farm and Men's Jail and demolition and build out of a Court Holding facility adjacent to the Courthouse. The overall plan, in today's dollars, would cost \$210.5 million in one-time construction/facility costs with an additional \$17.3 million projected in ongoing staffing and operational costs. (Continued on Page 2)

BOARD ACTION AS FOLLOWS:

No. 2008-152

On motion of Supervisor Grover, Seconded by Supervisor O'Brien

and approved by the following vote,

Ayes: Supervisors: O'Brien, Grover, Monteith, DeMartini, and Chairman Mayfield

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

STAFF RECOMMENDATIONS: (Continued)

4. Consider the recommendation to decline the siting of a State Re-Entry Prison facility in Stanislaus County at this time.
5. Direct the Auditor-Controller to establish a new Public Safety Center/Jail Expansion Capital Projects budget and increase appropriations and estimated revenue by \$2,000,000 to fund the cost of the environmental impact review, professional programming services, construction management, and associated staff support costs fully funded by Jail and Detention Public Facility Fees.

FISCAL IMPACT: (Continued)

The Needs Assessment projects facility needs well into the future. Jail facilities and the associated operational costs are County General Fund obligations. It is likely that a project will be constructed in phases based upon available funding. Currently, there is no adequate funding source to expand and replace all the facilities identified in the Needs Assessment Reports. The County's Public Facility Fee (PFF) program collects funds for jail needs as the community grows. This fund has accumulated over \$30 million to date that can be used toward the expansion project. Collections are estimated at \$3.8 million per year. An existing annual debt obligation of \$807,678 to offset previous jail facility construction, results in nearly \$3 million available for future debt service on an annual basis, again limited to new Sheriff detention facilities that are built to address growth needs in the community.

The 2007-2008 Budget included \$3 million toward increasing the current level of General Funds toward these future obligations, including debt service. However, the General Fund and Public Facilities Fees alone will not be sufficient to fund the potential debt service and new ongoing operational costs associated with additional jail beds and the core facility.

Current project estimating services, project coordination and professional services projected at \$150,000, are funded in the Chief Executive Office Plant Acquisition budget. Staff has received approval from the Public Facility Fees Committee to fund the architectural programming costs, additional estimating services, project coordination and related costs and the cost of professional services to perform the environmental impact review currently estimated at \$500,000 to \$1 million. Funding in the amount of \$2 million has been identified through the use of Jail/Detention Public Facility Fees for this purpose and it is requested that a new capital projects budget be established for this project.

In response to state prison overcrowding and local jail facility needs Statewide, the State is implementing a construction funding program pursuant to the provisions of Assembly Bill 900 to provide funds for these projects. An opportunity exists to respond to a State issued Request for Proposals for State funding through AB 900, the Public

Safety and Offender Rehabilitation Services Act of 2007. Statewide \$750 million is available for jail construction as part of the State's Phase I funding. With this funding 4,000 new jail beds must be sited Statewide, before an additional \$470 million in Phase II funding is available. A medium size county such as Stanislaus County would be eligible for potential funding up to \$80 million for jail bed construction. The jail construction funds will be administered by the State Public Works Board from the issuance of lease-revenue bonds. This financing mechanism requires the State Public Works Board on behalf of the State of California to hold ownership interest of the jail facilities subject to the bonds being sold and paid off (approximately 25 to 30 years). The State Public Works Board will lease the jail facilities to the California Department of Corrections and Rehabilitation who will sublease the jail facilities to the participating county for the use and operation in the care and custody of county jail inmates. Once the bonds are paid in full, it is expected that the facility ownership will then vest with the participating county. This is a very different approach in funding compared to past years when construction bond funding was available to counties for jail construction.

The funding can be used for on-site costs of facility construction and the purchase and installation of fixed furnishings and fixed equipment for facility needs estimated through 2011. The State requires a 25% match of local funding in order to be eligible for this State funding. The cash match for our size county must be at least 5 percent of the total eligible project costs. Greater than the required cash match will be accorded higher evaluation points. County proposals will be evaluated based upon a point system including project needs, detention alternatives, net gain in beds, costs effectiveness, cash match and, preference points for assisting the State site a re-entry prison facility and/or points for assisting the State with mental health and crisis care services for State parolees and ex-offender populations. Counties that agree to site the state facilities will be given preference for jail construction funding.

If a county does not agree to site a re-entry facility or assist the State with offender mental health and crisis care services, chances to receive this jail construction funding will be diminished and they may not receive the funding requested. Statewide many counties are struggling with this issue, however it is recommended that Stanislaus County pursue any and all opportunities for jail construction funding despite the challenge we may face in obtaining it. It is the recommendation of the Sheriff and the Chief Executive Office that Stanislaus County respond to the State's Request for Proposals in an effort to not miss a potential funding opportunity no matter how remote our chances appear. The Board of Supervisors Capital Facilities Committee comprised of Chairman Mayfield and Supervisor Grover have reviewed this matter in detail and concur in this approach.

The project team is evaluating the best way to maximize the potential State funding by leveraging existing County Public Facilities Fees for the local match contribution. Our current jail bed needs call for an additional 420 beds by the year 2010. This need can be considered our current level of shortfall given the number of years required to complete a jail construction project and the overcrowding that exists today in our

incarceration system. At an estimated cost of \$165,000 per bed in project and construction costs, and contingent upon available County funding, to build to the master plan expansion of 120 beds could cost up to \$50,736,369 to build 300 new beds and double bunk 120 existing beds would require the use of \$39,790,500 in State funding and \$10,445,859 in County funding. Project funding of \$29,342,829 would be required to build the Core Operations Building, an essential component of any additional jail bed expansion. A combination of Public Facility Fees and other one-time County funding would fund a portion of this project. After using the Public Facility Fees, the annual projected debt service is estimated to be \$200,000, funding by future annual Public Facility Fee earnings. As stated earlier in this report, the significant cost exposure to the County is in the annual increase in operating costs for an expanded jail system. For a build-out of an additional 420 beds, even with 120 of those beds being double bunked in the existing facility the increased staffing and operational costs are projected at a cost up to \$17.3 million on an annual basis if the full build out as proposed is accomplished. It is likely that this project will need to be phased considering the current state and local budget situation.

Considering the current economy, State budget crisis, and projected discretionary revenue limitations, the General Fund would likely not have this level of funding available even after the three years estimated to design, construct and transition into expanded facilities. Despite the current budget and economic conditions, it is important that we continue to focus on a solution that will realistically meet the County's needs in this area.

DISCUSSION:

Introduction: As part of the 2005-2006 Budget, the Board of Supervisors authorized the staff to begin the needs assessment process and update the Jail Facilities Master Plan and other law enforcement related facilities, including law enforcement related services. The initial budget allocation was to fund planning efforts, initial estimating and construction management services and for master planning experts to work with the Sheriff and the Chief Executive Office to develop a strategy for increased jail bed capacity, the build-out of the Public Safety Center, future closure of the Men's downtown jail and Honor Farm, and replacement and relocation of the existing Coroner's facility.

The update of the Public Safety Center Master Plan and Needs Assessment for the other law enforcement services was conducted initially as Phase 1 of this project to provide guidance for the County to:

- A. Forecast the quantity and nature of the custody population anticipated in 2008 and through the following 20 years thereafter;
- B. Explore alternatives and make a recommendation for the prioritization, siting and development of new facilities to accommodate the projected in-custody population;

- C. Assist County staff to review and prepare a revised Public Safety Center Master Plan, including a conceptual development plan, cost estimate and schedule for presentation to the County Board of Supervisors;
- D. Evaluate and recommend other selected non-detention, law enforcement services for possible relocations and consolidation.

The Master Plan/Needs Assessment was adopted on June 26, 2007. Currently the Public Safety Center project team is conducting an analysis of funding and housing alternatives and is proceeding with the pre-architectural programming services for the Public Safety Center project. The pre-architectural planning process is the second phase of a three phased approach toward the goal of expanding detention facilities. Phase 3 of the build out project will use the Program developed in Phase 2 to design, construct and staff the required facilities.

Funding needs exist in excess of what the County is able to assume not only for future debt, but operational and staffing costs. As a result, efforts to review funding options and prioritizing the need are currently underway. Compounding the challenges of this County's own local needs, is the State's severe prison overcrowding and the Governor's proposal as part of his 2008-2009 State Budget proposal for the early release of over 22,000 State prison inmates. If this happens local resources and existing jails will be severely taxed, and the current jail overcrowding will likely be compounded as these have a high rate of recidivism

There is jail bed funding available from the State through legislation enacted last year, often referred to as AB 900, however, preference points are given for this funding if counties agree to site a prison re-entry facility. This agenda item recommends that the Board of Supervisors approve staff applying for jail construction funds but not pursue a State prison re-entry facility. The Sheriff believes that alternatives to custody programs will have to be expanded as the demand for jail beds continues to exceed our existing jail capacity cap of 1,492 beds. A number of alternative programs are being evaluated by the Sheriff pending identification of funding sources. However, it is critical that sufficient jail beds are available to hold offenders accountable. Failure to begin addressing our 2010 bed needs of an additional 420 jail beds will run counter to the Board priority of *A safe community*.

Public Safety Center Expansion - Environmental Review: The Chief Executive Office staff has met with the County's Environmental Review Committee on two different occasions to discuss the Environmental Review requirements of the proposed Jail Expansion Project.

The Public Safety Center has been the subject of several previous environmental reviews. The proposed modifications to the Master Plan have been reviewed by the Stanislaus County Environmental Review Committee (ERC). In an effort to identify any additional review that may be required pursuant to the California Environmental Quality Act (CEQA), ERC considers that the level of environmental review should be

determined following preparation of an Initial Study and further evaluation of potential issues by the environmental consultant.

Possible issues to be evaluated may include traffic, air quality, land use compatibility and safety, climate change, water supply, sewer service, and the overall level of public concern.

It is recommended that County staff prepare a scope of services and release a Request for Proposals for consultant services to assist in the preparation of an initial study and to conduct an environmental review for the project. The contract will be managed through the Department of Planning and Community Development.

The Chief Executive Office, Capital Projects team met with the Public Facilities Fee Committee on February 22, 2008. The Committee approved Public Facility Fee funding for the environmental review process along with the next phases of funding for planning efforts for a total of \$2 million funded entirely from public facility fees collected for jail expansion.

State Funding Opportunity for Additional, Local Jail Beds and Re-Entry Facilities:

Statewide \$750 million is available for jail construction as part of the State's Phase I funding. With this funding 4,000 new jail beds must be sited Statewide, before an additional \$470 million in Phase II funding is available. This funding was authorized on May 3, 2007. Among its provision the State Public Works Board and the California Department of Corrections and Rehabilitation are authorized to enter into agreements with participating counties for acquisition, design and construction of local jail facilities (adult detention facilities) for projects approved by the State Corrections Standards Authority as agreed to be the State Public Work Board. The RFP for county jail construction is being issued for the State of California by the State Corrections Standard Authority. Completed project proposals must be received at the Corrections Standards Authority Office in Sacramento no later than 5:00 pm on March 18, 2008.

The State intends that the prison re-entry facilities be therapeutic environments that facilitate effective rehabilitation and treatment for inmates. They envision that re-entry facilities would be built in a phased housing model that would transition offenders from an institutional setting to a community setting with each step increasing inmate skills, responsibilities and outcomes so that they would successfully transition through this phased process back to the community. While the State would consider other options they prefer each facility would be built to provide 500 beds and every facility would handle all-levels of inmates, from low-level to maximum security. The State prefers that re-entry facilities be fully operated by State custody staff.

In order to evaluate the potential impact of the State prison overcrowding crisis and to make a sound assessment of the potential impacts of signing on with the State by agreeing to site a local re-entry facility the Chief Executive Office met with the key County stakeholders to assess the potential pros and cons. This group included

representatives of the Chief Executive Office, Behavioral Health and Recovery Services, the District Attorney, Public Defender, Chief Probation Officer, Interim Director of the Community Services Agency, the Director of the Alliance WorkNet and Sheriff command staff. These departments provided input on the impact of the potential release of State prison inmates as well as the impact of a re-entry facility if sited in Stanislaus County. It was the overall consensus of the group that if Stanislaus County does not agree to help the State site a local re-entry facility and/or provide local mental health/substance abuse services to State prison inmates returned to this community we will likely not have enough "points" to be approved for State jail bed funding; and the State is going to release certain of its prison population early and/or not take jail inmates to be transferred to prison, due to the State's overcrowding and pending Federal action concerning prison overcrowding. Without prison beds, the States only alternative is to release or not take new inmates. One of the major concerns, among many this group focused on was the lack of certainty of State funding or reimbursement to counties for these new program expenses. Other concerns include the State's expectation that counties fund additional mental health programs at a time when state cut-backs of mental health services are underway. Also there is no prison currently in Stanislaus County and the siting and staffing issues of a prison facility would be significant.

Stanislaus County sends approximately 2,100 inmates on average a year to State prison. On average, Stanislaus County's jails house 120 inmates a day who are in the process of being transferred to State prison. Once State prison inmates are released and placed on parole, California Parole violates and returns to prison nearly two-thirds of those released on parole monitoring status while completing their sentences. Forty percent of parolees who successfully complete parole are re-arrested and returned to prison on new law violations within their first three years. Undoubtedly some of the parole violators who were returned to prison for technical violations were prevented from committing new crimes while on parole. If this group is left under supervised and in the community a rise would likely occur in new law violations from those who would have been otherwise returned to prison for parole violations.

New crimes by this population impact the "system" from start to finish, whereas returning to prison on technical violations is a more streamlined process that does not impact all the players in the criminal justice system.

In theory the benefit overall of a local re-entry facility would be a reduction in re-offending by providing re-entry services. Treatment and education have proven to be effective tools to reduce recidivism and re-entry programs would address a number of these issues, if properly planned and funded. There is the possibility of lower crime and recidivism rates if re-entry programs are successful with a corresponding reduction on court and law enforcement demands for service. Unfortunately, the lack of dedicated and stable funding for these programs would leave the County at significant fiscal exposure which is not acceptable. There is already a significant shortfall in adequate state funding and reimbursement for programs administered by the County on behalf of the State.

Some specific concerns are: Behavioral Health and Recovery Services does not have the ability to provide additional mental health and/or alcohol and drug services. There is a requirement in the RFP that the County say they can "assist the State with siting Day Treatment and Crisis Services" for parolees. This can only be done if the State would provide additional funding at cost. In addition, Prop 63, the Mental Health Services Act funding cannot, by statute, be used to provide services to individuals on parole. This would have to be funded by the State.

The County would also need to say they will make available a "continuum of mental health care" to individuals when they move off parole. To the extent resources are available, any uninsured County resident can receive a continuum of mental health services. But these are very minimal at this point, and limited to crisis intervention and acute hospitalization except for Medi-Cal beneficiaries. There's simply no additional resource available to fund more services. Most of these individuals will likely be uninsured and the State has made it clear they see this as a responsibility at the local level.

A re-entry facility could have an impact on County social service programs with an expected increase of families related to the prison reentry population and an increased demand for public assistance services.

A slowing economy and high unemployment rate results in dim employment prospects for ex-offenders. Newly released parolees returning to live in Stanislaus County will be competing for limited jobs with approximately 23,000 other County residents. This paradigm translates to an employer's market for job candidates, a market that makes it difficult for all job seekers to find the type of work they are looking for, but puts those with a criminal record at an even greater disadvantage. Newly passed legislation has made it more difficult for ex-offenders to become eligible for public assistance programs, and a weak economy has exacted its toll on non-profit organizations that rely on donations to operate.

Unfortunately, funding for workforce training programs has been significantly reduced over the last six years. This has necessitated the consolidation of programs offered by the Alliance Worknet and has eliminated the capacity for the implementation of the type of major new programs necessary to provide a large influx of parolees with the skills necessary to compete for well paying jobs. However, competitive grant opportunities exist through Federal, State, and Foundation sources that could fund this type of program.

If the County does not site a re-entry facility, and continues to have limited jail bed space and the State releases inmates as they have previously stated, there will be impacts to the detention facilities and patrol services as these parolees are likely to reoffend. Probation will have impacts to the adult court unit both in court appearances and investigations including victim impact/restitution contacts. If they reoffend and it isn't for a crime that will get them back to prison Probation would see an impact to field

service caseloads as they probably would come out higher risk and in need of supervision.

Alternative to Custody Programs: The Sheriff's Department currently operates a number of alternatives to custody programs and as funding is available plans to expand these programs to not only address inmate needs and issues, but to relieve our own local jail overcrowding issues.

Alternative Work Program - This program is fee-supported, started in October 1987 pursuant to Penal Code Section 4024.2, with a daily participant average of 513 for 2007.

Work Furlough, School Furlough and Job Training Program - This is a fee supported process where length of commitment is not an issue. The original program was started in 1972 and the job training programs was initiated in February 1996. There were no inmates participating in this program in 2007.

Electronic Monitoring Program - This is another fee-supported process where length of commitment is not an issue. The program, with authorization from the Board of Supervisors, was started in May 1992 and has an average daily population of fifty-eight in 2007.

Sheriff's Parole - This program was started pursuant to Penal Code Section 3074. Sheriff's Parole is open to any sentenced inmate who has completed one-third of their commitment. There were fifty-two inmates placed on this program in 2007.

The Sheriff's Department will continue to operate these programs and as funding is available plans to expand these programs to not only address inmate needs and issues, but to relieve local jail overcrowding issues. The Adult Detention Programs Unit is planning to move the existing Welding Site located at the corner of Crows Landing and Hackett Road to 436 East Hackett Road, which is south of Fleet Services. The Inmate Welfare Fund Committee has approved \$25,000 for this relocation project.

Between 1997 and 2004, the Sheriff's Department and the other County Departments and community agencies successfully managed a Federal life skills and education grant offered by the United States Department of Education/Correctional Education Division. These two award winning and nationally recognized, three year studies, (Education, Life Skills & Employment –ELSE and Transitional Road to Self Sufficiency – TRACS) provided funding which enabled staff to afford participants with a seamless network of public and private, multi-agency services. These services were made available to eligible jail inmates almost immediately upon sentencing, which continued to work with and support them through custody, onto release, and back into the community.

The goals of ELSE and, later on, TRACS was to facilitate long-term public safety and cost effectiveness for the residents of Stanislaus County by helping offenders become

accountable, responsible, law-abiding members of the community. Statistical data detailed in the 2007 needs assessment indicates a drop in the number of bookings and in the average daily population which could be directly linked to the success of these programs. The lack of funding to continue these grant monitored projects caused an almost immediate cease in the diversity and delivery in which the services were being provided. Sheriff's staff continues to research viable and productive alternatives in funding and service. Potential providers for future inmate program services include both private and departmental possible options.

One option the Sheriff is considering is a Stanislaus County Day Reporting Center (DRC), this program would give the Department an additional supervision tool for inmates released from jail, and could give the Superior Court an additional option for sentencing misdemeanants and probation violators. Most importantly, a DRC would give the County an effective tool to address the local recidivism that contributes to jail overcrowding and to confront the criminal behavior that contributes to public concerns over the early release of sentenced inmates.

Finally, the extent of this report and the county efforts in addressing these serious public safety issues demonstrates the importance of planning to ensure a safe community. The County has a demonstrated need for additional jail facilities and programs in the midst of a State prison overcrowding crisis and a State fiscal crisis. It is imperative that focused planning efforts continue in order to find creative solutions. At the same time, we must seek all possible funding sources while being mindful of the long term fiscal obligations and find financially viable sources of funding to offset programs costs.

With the Board's concurrence, a grant application would be submitted to the State of California for jail construction funding along with a continued focus on the development of a strategy and options to meet these critical public safety and community needs.

POLICY ISSUES:

The actions recommended are intended to address the Board priorities of *A safe community, A healthy community, Effective partnerships and Efficient Delivery of public services* by beginning the process to address local detention needs.

STAFFING IMPACTS:

Existing Sheriff and Chief Executive Office staff will continue to focus efforts on this project.



CHIEF EXECUTIVE OFFICE

Richard W. Robinson
Chief Executive Officer

Patricia Hill Thomas
Chief Operations Officer/
Assistant Executive Officer

Monica Nino-Reid
Assistant Executive Officer

Stan Risen
Assistant Executive Officer

1010 10th Street, Suite 6800, Modesto, CA 95354
P.O. Box 3404, Modesto, CA 95353-3404
Phone: 209.525.6333 Fax: 209.544.6226

STANISLAUS COUNTY ENVIRONMENTAL REVIEW COMMITTEE

February 27, 2008

Patricia Hill Thomas, Assistant CEO
1010 10th Street, Suite 6800
Modesto, CA 95353

**SUBJECT: ENVIRONMENTAL REFERRAL – SCOPE OF ENVIRONMENTAL
REVIEW FOR JAIL EXPANSION AT THE STANISLAUS COUNTY
PUBLIC SAFETY CENTER**

Ms. Hill Thomas:

The Stanislaus County Environmental Review Committee (ERC) discussed the scope of environmental review for the jail expansion at the Public Safety Center at its regular meetings on January 30, 2008 and February 27, 2008. Based on the information provided by the Chief Executive Office Capital Projects Division, the ERC has concluded that the level of environmental review would best be determined following further evaluation and analysis of potential issues. Possible environmental issues or areas to be evaluated as part of this initial study may include traffic, air quality, land use compatibility, safety, climate change, water supply, sewer service and the overall level of public concern.

The ERC appreciates the opportunity to discuss this future County project and looks forward to participating in the environmental review. Please let me know if you have questions or need more information at this time.

Sincerely,

Raul Mendez, Senior Management Consultant
Environmental Review Committee

cc: ERC Members

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
STATE OF CALIFORNIA

Date: March 4, 2008

No. 2008-152

On motion of Supervisor Grover Seconded by Supervisor O'Brien

and approved by the following vote,

Ayes: Supervisors: O'Brien, Grover, Monteith, DeMartini, and Chairman Mayfield

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

THE FOLLOWING RESOLUTION WAS ADOPTED:

Item # B-5

**Approval to Submit a Grant Application to the State of California for the
2007 Local Jail Construction Funding Program for the
Stanislaus County Public Safety Center/Jail Expansion Project**

Whereas, the Stanislaus County Board of Supervisors has authorized the submission of an applications for Jail Construction Fund.

Whereas, Patricia Hill Thomas, Chief Operations Officer/Assistant Executive Officer shall serve as County Construction Administrator, Larry Haugh, Auditor-Controller shall be designated as the Project Financial Officer and Darrell Long, Capital Projects Manager shall serve as the Project Contact Person; and the County Construction Administrator is authorized to sign the applicant's agreement and submit the proposal;

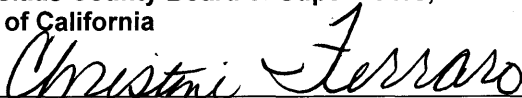
Whereas, the County assures adherence to state requirements and terms of the agreements between the County, the California Department of Corrections and Rehabilitation, the Corrections Standards Authority and the State Public Works Board in the expenditure of state funds and county match funds; if the County and the State reach an acceptable agreement for funding;

Whereas, the County will appropriate as funding after conditional project award but before state/county funding agreements, the amount of match identified by the County on the funding proposal form submitted to the Corrections Standards Authority; identifying the source of cash match and when appropriated, and assures that state and cash matching funds do not supplant (replace) funds otherwise dedicated or appropriated for construction activities;

Whereas, the County, upon agreement for funding and successful construction, will fully and safely staff and operate the facility that is agreed to be constructed (consistent with Title 15, California Code of Regulations) within ninety (90) days after project completion;

(Continued on Page 2)

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk
Stanislaus County Board of Supervisors,
State of California



Whereas, the County assures that it has site assurance for the local jail at the time of proposal or not later than ninety (90) days following the Corrections Standard Authority's notice of Intent to Award and assures that the County has project site control through either fee simple ownership of the site or comparable long-term possession of the site, and right of access to the project sufficient to assure undisturbed use and possession of the site, and will not dispose of, modify the use of, or change the terms of the real property title, or other interest in the site of facility subject to construction, or lease the facility for operation to other entities, without permission and instructions from the Corrections Standards Authority;

Whereas, the County attests to the approximate \$87,000 per acre current fair market land value for the proposed new or expanded jail facility. This can be claimed for on-site land cost/value for new facility construction, on-site land cost/value of a closed facility that will be renovated and reopened, or on-site land cost/value used for expansion of an existing facility. It cannot be claimed for land cost/value under an existing operational detention facility.

Now, therefore, be it resolved that the Stanislaus County Board of Supervisors does hereby support the submission of the application to the Department of Corrections and Rehabilitation Corrections Standards Authority for jail construction funding.

**AUDITOR-CONTROLLER
BUDGET JOURNAL**



Balance Type	Budget
Category	Budget - Upload
Source	
Currency	USD
Budget Name	LEGAL BUDGET
Batch Name	
Journal Name	
Journal description	March 4, 2008 BOS
Period	Mar-08
Organization	Stanislaus Budget Org
	BO#

Line	Coding Structure						Debit		Credit		Description
	Fund 4	Org 7	Account 5	G/L Proj 7	Loc 6	Misc 6	incr appropriations decr est revenue	decr appropriations incr est revenue			
1			50120	0	0	0 0	50,000.00			Inc Personal Serv Con	
2			60630	0	0	0 0	1,950,000.00			Inc Prof & Spec Serv	
3			46615	0	0	0 0		2,000,000.00		Inc PFF Transfers	
4				0							
5				0							
6											
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19							.0				
20							.0				
21							.0				
22							.0				
23							.0				
24							.0				
25							.0				
Totals								2,000,000.00	2,000,000.00		

Explanation: Establish the Capital Project Budget for the new Public Safety Center/Jail Expansion

Requesting Department		CEO		Auditors Office Only	
<i>Eileen Melson</i>		<i>Patricia S. ...</i>		<i>D. ...</i>	
Signature		Signature		Prepared By	
27-Feb-08		2/27/08		2/28/08	
Date		Date		Date	
				Admin Approval (\$75K+)	

Eileen Melson 652-1025

Contact Person & Phone Number

PUBLIC SAFETY CENTER EXPANSION PROJECT



BOARD OF SUPERVISORS

March 4, 2008

JAIL NEEDS ASSESSMENT

KEY FINDINGS

- The Jail Needs Assessment Report was approved by the Board on June 26, 2007
- Outlined facility, staffing, and operational cost estimates for expanded jail and law enforcement facilities at the County's Public Safety Center
- Outlined future replacement of the Men's Jail and Honor Farm

ADULT DETENTION FACILITY BED NEEDS

2010-2040

Year

2010	1,912 Beds
2020	2,237 Beds
2030	2,547 Beds
2040	2,886 Beds

WHAT IS THE COST?

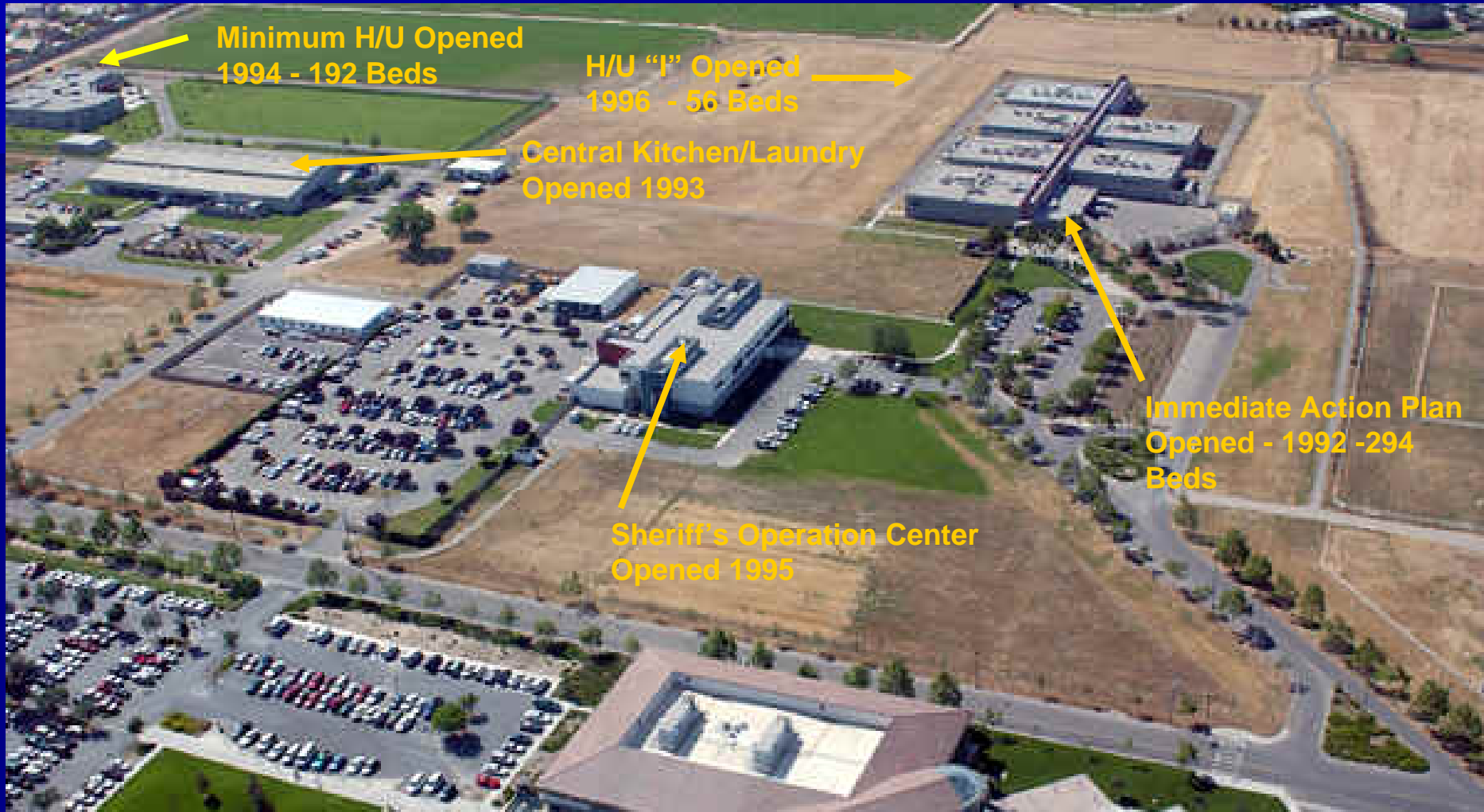
- The overall plan, in today's dollars, would cost \$210.5 million in one-time construction and facility costs
- An additional \$17.3 million projected in staffing costs

CURRENT FACILITIES



Public Safety Center Hackett
Road
726 Beds

CURRENT FACILITIES



CURRENT FACILITIES



Men's Jail Downtown Modesto

396 beds

CURRENT FACILITIES



Men's Honor Farm

CURRENT FACILITIES



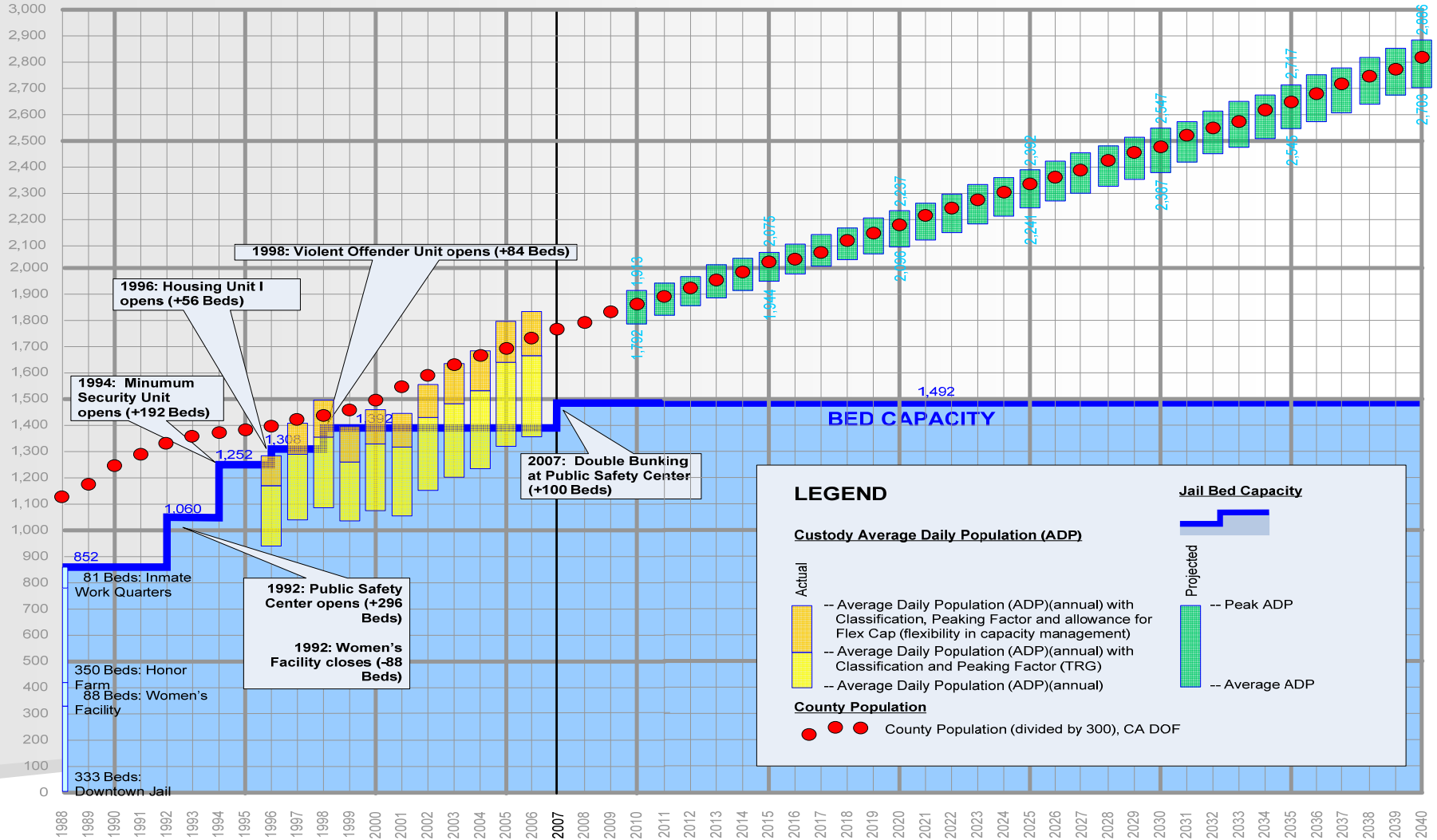
Men's Honor Farm, Grayson
Road

370 Beds

WE HAVE A NEED

- The current adult bed capacity for Stanislaus County detention facilities is 1,492
- Study findings indicate jail expansion needs through the year 2010 would include 420 new jail beds and the Jail Core Operations building critical to any further expansion at the Public Safety Center

HISTORICAL AVERAGE DAILY POPULATION 1988-2040



FUTURE STRAINS ON OUR FACILITIES

	2004	2005	2006	2007	2010
Cite Outs	3,939	4,400	5,775	7,000	8,087
Early Releases	2,705	2,845	2,994	3,050	3,200
Jail Alternatives	218	335	486	795	950

WHAT ARE SOME OF OUR CHALLENGES?

- Rodriguez vs. Stanislaus County places a maximum capacity on County jail facilities
- Increase in the number of violent offenders has caused greater demand for higher security jail beds
- Funding needs exist in excess of what the County is able to assume not only for future debt, but operational and staffing costs

WHAT ARE SOME OF OUR CHALLENGES?

- State's severe prison overcrowding and the Governor's proposal as part of his 2008-2009 Budget call for the early release of over 22,000 State prison inmates

WHAT OPPORTUNITIES EXIST?

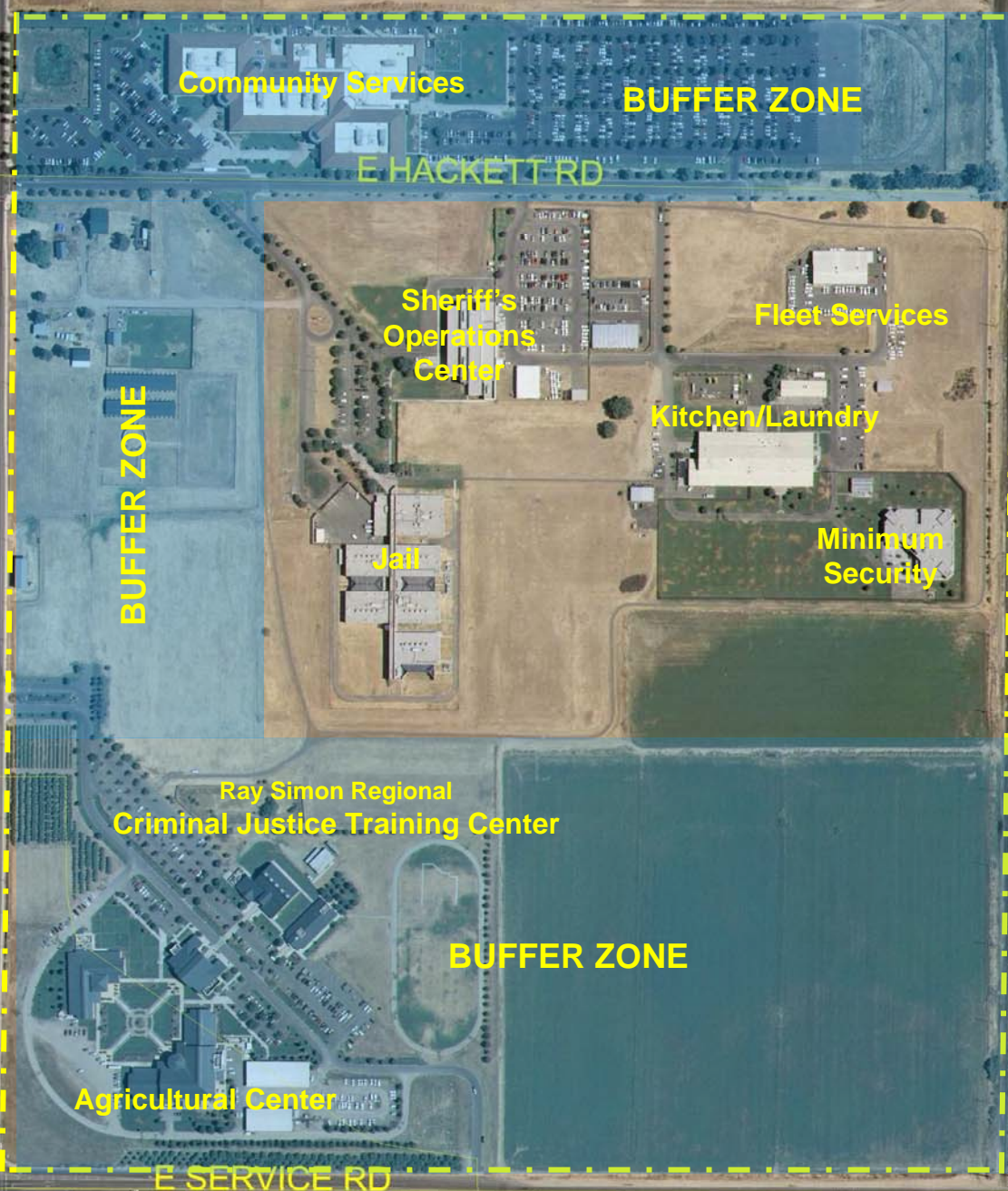
- State jail bed construction funding of up to \$80 million is available for medium size counties similar to Stanislaus County (AB 900)
- Secure Re-entry
- Local Jail Funding
- Alternatives to Custody

ENVIRONMENTAL REVIEW

- CEO Staff has met with the County's Environmental Review Committee
- Issue a Request for Proposal to prepare an initial study
- Possible issues to be evaluated may include traffic, air quality, land use compatibility and safety, climate change, water supply, sewer service, and the overall level of public concern



CROWS LANDING RD



FUNDING SUMMARY

CORE OPERATIONS
BUILDING

420 BEDS
120 DBL BUNKED
MAX SECURITY

COSTS

Double Bunk Beds		\$500,000
Construct 300 New Beds and Cores		\$50,236,359
TOTAL COSTS	\$29,342,829	\$50,736,359
State Share		\$39,790,500
County Share	\$29,342,829	\$10,445,859

FUNDING SUMMARY

	Core Operations Building	420 Beds 120 Double Bunked	Total
Local Funding	\$29,342,829	\$10,445,859	
<hr/>			
Total County Obligation			\$39,788,688
Project Funding Sources			
■ Public Facilities Fees			\$29,000,000
■ One-Time County Funding			\$8,700,000
■ Debt/Borrowing			\$2,088,688
<hr/>			
Total Sources			\$39,788,688

FUNDING SUMMARY

ON-GOING COSTS

Description	Total
Annual Debt/Funded by PFF	\$200,000
Operating/Staffing Core Building	\$2,000,000
Operating/Staffing New Beds	\$15,330,000
Total Ongoing Costs	\$17,530,000

NEXT STEPS

- Submit Grant Application to the State
- Programming
- Complete an Environmental Impact Report

Sheriff



CONCLUSIONS

- This report and the County efforts in addressing these serious public safety issues demonstrates the importance of planning to ensure a safe community
- The County has a demonstrated need for additional jail facilities and programs in the midst of a State prison overcrowding crisis and a State fiscal crisis
- It is imperative that focused planning efforts continue in order to find creative solutions

CONCLUSIONS

- We must seek all possible funding sources while being mindful of the long term fiscal obligations and find financially viable sources of funding to offset programs costs
- With the Board's concurrence, a grant application would be submitted to the State of California for jail construction funding along with a continued focus on the development of a strategy and options to meet these critical public safety and community needs

RECOMMENDATIONS

1. Authorize the Chief Executive Officer to prepare and submit an application for jail bed funding under the State's Public Safety and Offender Rehabilitation Service Act of 2007 (AB 900).

RECOMMENDATIONS

2. Approve the formal resolution as required by the State for submission of the application.

RECOMMENDATIONS

3. Authorize the Chief Executive Officer and the Department of Planning and Community Development to develop and issue a Request for Proposals for expert consulting services to prepare an initial study and conduct subsequent environmental review for the proposed Public Safety Center Master Plan.

RECOMMENDATIONS

4. Consider the recommendation to decline the siting of a State Re-Entry Prison facility in Stanislaus County at this time.

RECOMMENDATIONS

5. Direct the Auditor-Controller to establish a new Public Safety Center/Jail Expansion Capital Projects budget and increase appropriations and estimated revenue by \$2,000,000 to fund the cost of the environmental impact review, professional programming services, construction management, and associated staff support costs fully funded by Jail and Detention Public Facility Fees.

Stanislaus Capital Projects
1010 10th Street, Suite 2300, Modesto, CA 95354
Phone: (209) 525-4380 FAX: (209) 525-4385

BOARD OF SUPERVISORS

TRANSMITTAL

2008 MAR 17 A 11:09

**TO: Don Phemister
Phemister Construction Management**

SUBJECT: STANISLAUS COUNTY PROJECTS

DATE: 3/13/2008

We are sending you X attached under separate cover the following material:

<input type="checkbox"/> Shop Drawings	<input type="checkbox"/> Change Order	<input type="checkbox"/> Specifications
<input type="checkbox"/> Copy of Letter	<input type="checkbox"/> Plans	<input type="checkbox"/> Computer Printout
<input type="checkbox"/> Prints	<input type="checkbox"/> Samples	<input type="checkbox"/> Updates

COPIES	DATE	DESCRIPTION
1	3/4/08	Fully-executed Work Authorization No. 14 for the PSC Expansion Project.

REMARKS:

For your records.

Note to Board: WA No. 14 Approved by the Board on March 4, 2008, Item B-5.

COPIES: Patricia Hill Thomas (Copy)
Mark Loeser (Copy)
Liz King, Board (Original + Copy)
Lisa Sandoval, Auditor (Original + Copy)
File X 2.1.1 (1396)
File X 5.6.2
File AO 5.2.1

SIGNED: 
Teresa Vander Veen

PHEMISTER CONSTRUCTION MANAGEMENT, INC.

**WORK AUTHORIZATION NO. 14
FOR SPECIAL SERVICES
PUBLIC SAFETY CENTER EXPANSION PROJECT, MODESTO**

1. This Work Authorization No. 14 is entered into effective March 4, 2008, in accordance with the terms and conditions of the agreement between Phemister Construction Management, Inc., (PCM), and Stanislaus County dated December 20, 2003 (Agreement).
2. This Work Authorization is for those construction management services, for continued professional services through project completion. PCM's work shall include:
 - a. On-Site Management and Construction Phase Communication Procedures: Provide and maintain a management team on the Project site to provide contract administration and to establish and implement coordination and communication procedures among the Capital Projects, CEO, Architect, and Contractors.
 - b. Construction Administration Procedures: Establish and implement procedures for expediting and processing requests for information, shop drawings, material and equipment sample submittals, contract schedule adjustments, change orders, substitutes and payment requests, and the maintenance of logs for tracking all relevant information related to the above.
 - c. Project Site Meetings: Conduct coordination meetings at the Project site with each Contractor and the Architect. The CM shall record, transcribe, and distribute minutes to all attendees, the CEO, and the Architect.
 - d. Quality Review: Establish and implement a program to monitor the quality of the construction to assist in guarding against defects and deficiencies in the work of the Contractor.
 - e. Coordination of Other Independent Consultants: Coordinate specialty inspection and testing by others. Provide a copy of all inspection and testing reports on the day of the inspection or test or within a reasonable time period.
 - f. Review of Requests for Change to the Contract Time and Price: Review requests for change to the contract time or price submitted by a contractor, assemble information concerning the request, endeavor to determine the cause of the requests, and make recommendations with respect to acceptance of the requests.
 - g. Contractor's Construction Schedule: Review each Contractor's Construction Schedule, verify that the schedule is prepared in accordance with the requirements of the Contract Documents and that it establish completion dated that comply with the requirements of the Contract Documents. If changes in the Master Schedule are appropriate, make such modifications as required.

- h. Construction Schedule Reports: Review the progress of construction of each Contractor, evaluate the percentage complete of each construction activity as indicated in the Contractor's Schedule, and review such percentages with the Contractor. Advise and make recommendations concerning alternative courses of action that may be taken to achieve contract compliance by the Contractor.
- i. The CM Review of Time Extension Requests: Prior to the issuance of change orders, determine effect on the Master Schedule of time extensions requested by the Contractor.
- j. Recovery Schedules: Review the recovery schedule submitted by the Contractor for compliance with the Contract Documents.
- k. Change Order Control: Establish and implement a change order control system. All proposed change orders shall first be described in detail in a request for a proposal to the Contractor, and shall be accompanied by technical drawings and specifications prepared by the Architect. In response to the request for a proposal, the Contractor shall submit to Capital Projects, for evaluation, detailed information concerning the cost and time adjustments, if any, as may be necessary to perform the proposed change order work. Discuss the proposed change order with the Contractor and endeavor to determine the Contractor's basis of the cost and time impacts of performing the work. Make recommendations of whether the change in the work is in the best interest of the project. Verify that change order work and adjustments of time, if any, required by approved change orders have been incorporated into the Contractor's Construction Schedule.
- l. Progress Payments: Review the payment applications submitted by each Contractor and determine whether the amount requested reflects the progress of the Contractor's work. Make appropriate adjustments to each payment application, and prepare and process a Progress Payment Report. The Report shall state the total contract price, payments to date, current payment requested, retainage, and actual amounts for the current period.
- m. Schedule Update Reports: Prepare and distribute Schedule Update Reports during the Construction Phase. The reports shall compare the actual construction dates to scheduled construction dates of each separate contract, milestone dates (if any), and to the Master Schedule for the project.
- n. Project Cost Reports: Prepare and distribute project Cost Reports during the Construction Phase. The reports shall specify actual Project and construction costs compared to the approved Project and Construction Budget.
- o. Project and Construction Budget Revision: Make recommendations on the impact of construction changes that may result in revision to the Project and Construction Budget.
- p. Progress Payment Reports: Prepare and distribute the Progress Payment Reports. The reports shall state the total construction contract price, payment to date, current payment requested, retainage, and actual amounts owed this period.

- q. Change Order Reports: Prepare and distribute Change Order Reports during the Construction Phase. The report shall list all change orders by number, a brief description of the change order work, the cost established in the change order, time impacts, if any, and percent of completion of the change order work.
 - r. Contractor's Safety Program Report: Verify that safety programs are submitted by each Contractor as required by their Contract Documents.
3. Period of Performance: February 25, 2008 to December 31, 2008.
4. Method of Compensation and Rates:
- | <u>Name</u> | <u>Title</u> | |
|----------------|------------------------------|------------------|
| Gino Colacchia | On-Site Construction Manager | \$90.00 per Hour |
5. Payment Terms: Per the Agreement.
6. Verification of Insurance: Per the Agreement.
7. Funding Source: Approved by the Board on March 4, 2008, Item B-5.
8. NOT TO EXCEED: \$111,600.00

TOTAL: \$111,600.00 (Work Authorization 14)
\$111,600.00

Dated: March 4, 2008

Patricia Hinojosa
Stanislaus County

Wendell
Phemister Construction Management, Inc.