

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

DEPT: Chief Executive Office

BOARD AGENDA # \*B-6

Urgent

Routine



CEO Concurs with Recommendation YES  NO   
(Information Attached)

AGENDA DATE October 28, 2008

4/5 Vote Required YES  NO

SUBJECT:

Approval to Respond to the Corrections Standards Authority Intent to Award Conditional Jail Construction Funding Pursuant to AB 900 – Chief Executive Office

STAFF RECOMMENDATIONS:

Authorize the staff to prepare and the Chairman of the Board of Supervisors to sign the response to the State of California, Corrections Standards Authority a Letter of Intent to Award Conditional Funding for the AB900 Phase I Jail Construction by October 30, 2008.

FISCAL IMPACT:

In June of 2007, the Board of Supervisors approved the Needs Assessment and Master Plan for the Public Safety Center. This report outlined the current and future facility, staffing and operational needs and 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. The plan called for the addition of 420 new jail beds in 2010 and the Jail Core Operations building that is critical to any further jail bed expansion at the Public Safety Center. The plan also outlines future jail expansion beyond 2010 and the future closure of the Honor Farm and Downtown Jail. The overall plan in 2007 dollars would cost \$210.5 million in one-time  
(Continued on Page 2)

BOARD ACTION AS FOLLOWS:

No. 2008-741

On motion of Supervisor O'Brien, Seconded by Supervisor Monteith  
and approved by the following vote,

Ayes: Supervisors: O'Brien, Monteith, and Vice-Chairman DeMartini

Noes: Supervisors: None

Excused or Absent: Supervisors: Grover, and Mayfield

Abstaining: Supervisor: None

1)  Approved as recommended

2)  Denied

3)  Approved as amended

4)  Other:

MOTION:

ATTEST:

  
CHRISTINE FERRARO TALLMAN, Clerk

File No.

**FISCAL IMPACT: (Continued)**

construction/facility costs with an additional \$17.3 million in on-going staffing and operational costs. The application to the State Corrections Standards Authority pursuant to the passage of Assembly Bill 900, requested \$39,790,500 in state funding for Stanislaus County. State funding requires local match, which would be primarily funded from Public Facility Fees collected for jail expansion.

AB 900 funding was not allocated in the recently adopted Final State Budget. There is a high level of uncertainty about the AB 900 Program.

**DISCUSSION:**

This agenda item recommends that the County forward a response to the Corrections Standards Authority regarding AB 900 County Jail Construction Funding.

Background

In June 2007, County staff presented to the Board of Supervisors a newly revised and completed Needs Assessment and Master Plan for Jail Expansion prepared by TRG Consulting. After review, the Stanislaus County Board of Supervisors accepted the Needs Assessment and Master Plan and directed County staff to continue on to the next phase of the project.

On January 8, 2008, the Board of Supervisors authorized staff to advertise for firms providing professional criminal justice architectural, planning and programming services. The firm of Crout & Sida, in association with Rosser International, was approved by the Board of Supervisors to provide expert services to the County for this effort.

This programming and planning effort is currently underway. In this phase, Crout & Sida Criminal Justice Consultants Inc., working with the Project Team, is developing a pre-architectural facility program with a comprehensive list of interior and exterior space requirements. Staff will be reporting to the Board later this year as the Programming Phase nears completion.

On March 4, 2008, the Board of Supervisors authorized staff 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. The amount of State funds requested was \$39,790,500 to provide construction funds for 420 jail beds (300 new construction) along with a new core operations building and further jail bed expansion at the Public Safety Center. Additional beds were to be available through double bunking. The grant application was submitted to the State of California Corrections Standards Authority. Stanislaus County's proposal was originally not selected due to the county's unwillingness to site a State Re-entry facility, operated by the State, here in Stanislaus County. It is interesting to note, that the

original provisions of AB 900 provided for incentives to counties to site such state operated re-entry facilities but did not require this to be eligible for State funding.

Since this time, there has been considerable discussion throughout the State about the State prison crisis, the State budget crisis and the provisions of AB 900. The legislature did not forward the public safety/corrections trailer bill, to the Governor, so funding for AB 900 was not included in the final State budget, which was recently adopted.

Several counties, including Orange, Monterey and Los Angeles have subsequently dropped out of the AB900 process. As a result, the State advised several counties not originally included that they are now eligible for consideration, including Stanislaus County.

On September 29, 2008, the Chairman of the Board of Supervisors received a copy of a letter addressed to Sheriff Adam Christianson from the Deputy Director of the Corrections Standards Authority (CSA), Robert Takeshta. In the letter the CSA is now prepared to offer Stanislaus County an Intent to Award Conditional Funding for the AB 900 Phase I County jail Construction in the requested amount of \$39,790,500. The CSA advisory letter of Intent to Award requires the following:

- All counties must have a signed re-entry facility siting agreement with the California Department of Corrections and Rehabilitation (CDCR) within 90 days of receiving the notice of the conditional award;
- Go forward at this time with siting of a re-entry facility and therefore work towards the receipt of jail construction funding in the AB 900 Phase I funding process or;
- Pass on the opportunity to assist the State with the siting of a re-entry and therefore not pursue AB 900 Phase I construction funding.
- Respond to the Intent to Award Letter by October 30, 2008.

On March 4, 2008, the Board of Supervisors authorized the submission of the application for jail construction funding, and declined the siting of a State Re-Entry Prison facility in Stanislaus County.

While the likelihood of funding under AB 900 is very uncertain and perhaps unlikely, staff recommends a response be sent to the Corrections Standards Authority. The response would include (1) the County's willingness to accept the Jail Construction Funds, consistent with the Stanislaus County proposal made earlier this year; (2) the County's readiness to proceed with project based on the availability of the Public Safety Center site for county incarceration facilities only; (3) the availability of Public Facility Fees for matching funds for County Jail bed construction; and (4) once again declining the siting of a State Re-Entry Prison facility in Stanislaus County.

**POLICY ISSUES:**

Approval of the actions recommended support the Board of Supervisors priority of a safe community.

**STAFFING IMPACT:**

Chief Executive Office and Sheriff's staff continue to work together on the Public Safety Center Detention, Coroners and Law Enforcement facility planning.

**CORRECTIONS STANDARDS AUTHORITY**

600 Bercut Drive  
Sacramento, CA 95811  
916-445-5073  
www.csa.ca.gov



CHIEF EXECUTIVE OFFICE

2008 SEP 29 A 11:48

September 25, 2008

Sheriff Adam Christianson  
Stanislaus County Sheriff's Department  
250 East Hackett Road  
Modesto, CA 95358

**Corrections Standards Authority  
Intent to Award Conditional Funding  
AB 900 Phase I County Jail Construction  
Proposal ID # A18-08  
Amount of Conditional Award: \$39,790,500**

Dear Sheriff Christianson:

Congratulations on your county tentatively receiving a conditional award in an amount up to \$39,790,500 made by the Corrections Standards Authority (CSA) Board at its meeting on September 18, 2008 (see attached funding list). This funding is from the Public Safety and Offender Rehabilitation Services Act of 2007 (also known and referred to as AB 900, located in Chapter 7, Statutes of 2007), signed into law on May 3, 2007. A response to this letter by October 30, 2008 is requested.

The tentative funding awards made by the CSA Board are in the form of an Intent to Award conditional funding. As such, each selected county has tentatively been approved for conditional funding and is now in the position to complete the necessary approval process as outlined in the Request for Proposals (RFP) issued December 20, 2007, and as further determined by the CSA Board at the May 8, 2008 meeting.

Consistent with the CSA Board's decision at their May 8, 2008 meeting, only counties agreeing to assist the state in siting a reentry facility will be in position to receive the funding. All counties must have a signed reentry facility siting agreement with the California Department of Corrections and Rehabilitation (CDCR) within 90 days of receiving this notice of conditional award. This critical siting agreement step requires that counties have a validated and potentially buildable reentry facility site (as determined by CDCR) within that time frame. Also within the 90-day timeframe, counties that have named reentry sites that are

located within the limits of any city, regardless of the jurisdiction of the site ownership, must obtain a resolution from the City Council in support of the reentry facility (if this has not already been accomplished).

Given that not all applicant counties may wish to assist the state in siting reentry facilities at this time, CSA is requesting a reply to this letter stating the county's intent in this matter. Please advise CSA staff in writing by October 30, 2008 whether the county intends to: a) go forward at this time with the siting of a reentry facility and therefore work towards the receipt of jail construction funding in this AB 900 Phase I funding process (not a binding statement of intentions); or b) pass on this opportunity to assist the state with siting a reentry facility, and therefore not pursue AB 900 Phase I jail construction funding. At the November 13, 2008 CSA meeting in Sacramento an update will be provided to the CSA Board as to your county's intentions with regards to assisting the state with siting a reentry facility.

Should your county opt to go forward with the required siting agreement phase, the CSA Board will review the county's ability to meet this requirement at its January 2009 meeting following the passage of the 90-day timeframe. The Board will make a determination as to whether the county continues forward in the process at that time. With the CSA Board's acknowledgement of this requirement as having been met, CSA staff will work with your county to assist in moving forward through the approval process. This process will include, but is not limited to, approval of each county's project by the CSA, CDCR and the State Public Works Board (SPWB) at various stages throughout planning and construction. Each county that receives a conditional funding award will be required to enter into the various state/county agreements as outlined in the RFP. This RFP section, as well as the Requirements After Notification of Intent to Award, and the SPWB/CSA Process and Requirements sections of the RFP can be found on the CSA website through the following link beginning on page 22:

[http://www.cdcr.ca.gov/Divisions\\_Boards/CSA/CFC/Docs/Final\\_RFP\\_122007.pdf](http://www.cdcr.ca.gov/Divisions_Boards/CSA/CFC/Docs/Final_RFP_122007.pdf)

**Proposal Modifications.** Subsequent to the county submitting its jail construction proposal, modifications were made by the county to the proposal in the following areas: 1) the amount of state funds requested is \$39,790,500; and 2) the net gain in beds is 300.

**Local Jail Site Assurance.** As stated in the RFP, the county must possess a suitable project site (fee simple land title or comparable long term possession) and provide assurance of the site by a Board of Supervisors' resolution at the time the proposal was submitted, or not later than 90 days following the date of notification of the Intent to Award conditional funding (receipt of this letter). This means that any land purchase options must be exercised (and escrow closed) by the end of that 90-day timeframe. In addition, county land subject to this project must be approved by the SPWB. Failure to provide adequate site assurance

within the 90-day timeframe could result in revocation of the conditional funding award, pending review by the CSA Board. CSA staff will be in contact with your county if you have not yet submitted a site assurance.

**SPWB Approval, Timing and Nature of Local Match Requirements and Expending State Loan Funds.** The SPWB is responsible for the approval and oversight of jail construction projects funded through the AB 900 lease-revenue bond program. The SPWB must approve the proposed project scope, cost and schedule, as well as authorize and approve the Project Delivery & Construction Agreement (to be provided by CDCR at a later date). In order to receive these approvals the county must demonstrate, to the state's satisfaction, that local matching requirements will be available as necessary for the timely completion of the project. A precise description of matching fund sources will be required for review and approval by the SPWB in order to ensure they are compatible with state lease-revenue bonds. If the proposed local match is to be through debt financing, the SPWB will determine whether the debt must be subordinate to the state lease-revenue bonds. The state will also conduct an independent real estate due diligence review of the county's proposed jail site. The CSA will serve as a liaison between SPWB and the county to relay any concerns or requests for additional information about the project, its site, the source of local match funds, or other requirements for state lease-revenue financing. Counties are cautioned not to expend any funds for eligible project costs with the intention of being reimbursed with state funds until the county's project has been approved and authorized by the SPWB.

**Assignments of County Construction Administrator, Contact Person and Financial Officer.** As stated in the county's AB 900 proposal and in the Board of Supervisors' resolution submitted to the CSA for this project, the following persons are identified to act on your behalf on the day-to-day management of this project: **County Construction Administrator (Patricia Hill Thomas); County Contact (Darrell Long); and Project Financial Officer (Larry Haugh).** Therefore, CSA staff will correspond directly with those staff empowered to act on the county's behalf. Please note that CSA staff can take no action if contacted by county consultants or county contractors.

CSA and CDCR staff are available throughout this process to each county for technical assistance needs. If you have any questions or need more information regarding the jail construction funding and CSA Board process, please feel free to contact CSA Field Representative Leslie Heller (916-323-8618; [leslie.heller@cdcr.ca.gov](mailto:leslie.heller@cdcr.ca.gov)). For information and questions regarding Secure Community Reentry Facility matters, please contact Cynthia Florez-DeLyon, Parole Administrator – County Liaison, Office of Reentry Facilities, CDCR (916-255-3896; [cynthia.flores-delyon@cdcr.ca.gov](mailto:cynthia.flores-delyon@cdcr.ca.gov)). For questions regarding reentry facility siting agreements and property acquisitions, please contact Paula Gutierrez, Deputy Director, Asset Management Branch, CDCR (916-255-2594;

[paula.gutierrez@cdcr.ca.gov](mailto:paula.gutierrez@cdcr.ca.gov) ) or Dwight Weathers, Deputy Director, Acquisitions and Dispositions Branch, CDCR (916-255-1107; [dwight.weathers@cdcr.ca.gov](mailto:dwight.weathers@cdcr.ca.gov)).

Congratulations, again, on receiving a tentative conditional funding award to help improve your local detention facility needs and the transitioning of state inmates back into our communities. CSA looks forward to your response.

Sincerely,



Robert J. Takeshta, Deputy Director  
County Facilities Construction Division  
(916) 322-8346; [bob.takeshta@cdcr.ca.gov](mailto:bob.takeshta@cdcr.ca.gov)

attachment

Cc: C. Scott Harris, Jr., Executive Director  
Richard Robinson, Chief Executive Officer  
Thomas W. Mayfield, Chair, Board of Supervisors  
Darrell Long, Designated County Contact Person  
Patricia Hill Thomas, Designated County Construction Administrator  
Larry Haugh, Designated Project Financial Officer



**CORRECTIONS STANDARDS AUTHORITY  
 AB 900 PHASE I JAIL CONSTRUCTION FUNDING AWARDS  
 September 16, 2008**

Rank	County	Amount Requested	Recommended Award	Preference Points		Total Points	Jail Beds	Jail Beds Net Gain
				Reentry Siting	Parolee Services			
Medium/Large County Set-Aside \$650 Million								
1	San Bernardino	\$100,000,000	\$100,000,000	300	100	1200.6	1368	1368
2	San Joaquin	\$80,000,000	\$80,000,000	300	100	1162.3	1280	1280
3	Kern	\$100,000,000	\$100,000,000	300	100	1096.7	790	790
4	Orange	\$100,000,000	\$0	300	0	1080.0	1536	0
5	Santa Barbara	\$56,295,000	\$56,295,000	300	100	1023.8	304	304
6	San Diego	\$100,000,000	\$100,000,000	300	0	1016.1	842	842
7	Monterey	\$80,000,000	\$0	300	100	943.0	448	0
8	Los Angeles	\$100,000,000	\$0	150	0	897.9	1152	0
9	San Luis Obispo	\$25,125,630	\$25,125,630	300	0	852.4	155	155
10	San Mateo	\$100,000,000	\$100,000,000	150	0	730	506	506
11	Butte	\$30,000,000	\$30,000,000	300	50	717.2	104	104
12	Placer	\$9,389,606	\$9,389,606	0	0	597.7	220	220
13	Stanislaus	\$39,790,500	\$39,790,500	0	0	543.8	300	300
14	Merced	\$27,846,040	\$9,399,264	0	50	467.3	96	96
	<b>SET-ASIDE</b>		<b>\$650,000,000</b>					
	<b>SUBTOTAL</b>	<b>\$948,446,776</b>	<b>\$650,000,000</b>				<b>9101</b>	<b>5965</b>
	<b>REMAINING \$</b>		<b>\$0</b>					
Small County Set-Aside \$100 Million								
1	Yolo	\$30,000,000	\$30,000,000	300	100	1043.8	157	157
2	Kings	\$30,000,000	\$0	300	100	1039.3	170	0
3	Madera	\$30,000,000	\$30,000,000	300	100	994.4	144	144
4	Calaveras	\$26,387,591	\$26,387,591	300	100	905.4	95	95
5	Tuolumne	\$30,000,000	\$13,612,409	300	100	898.6	111	111
6	Shasta	\$24,999,187	\$0	0	100	872	229	0
7	Amador	\$22,712,000	\$0	300	100	867.7	89	0
8	El Dorado	\$20,000,000	\$0	150	100	858.3	128	0
9	San Benito	\$15,053,000	\$0	300	100	816.2	60	0
10	Sutter	\$5,990,288	\$0	0	0	505.2	42	0
	<b>SET-ASIDE</b>		<b>\$100,000,000</b>					
	<b>SUBTOTAL</b>	<b>\$235,142,066</b>	<b>\$100,000,000</b>				<b>1225</b>	<b>507</b>
	<b>REMAINING \$</b>		<b>\$0</b>					
	<b>TOTAL</b>	<b>\$1,183,588,842</b>	<b>\$750,000,000</b>				<b>10326</b>	<b>6472</b>



**BOARD OF SUPERVISORS**

**William O'Brien, 1<sup>st</sup> District**  
**Thomas W. Mayfield, 2<sup>nd</sup> District**  
**Jeff Grover, 3<sup>rd</sup> District**  
**Dick Monteith, 4<sup>th</sup> District**  
**Jim DeMartini, 5<sup>th</sup> District**

1010 10TH Street, Suite 6500, Modesto, CA 95354  
Phone: 209.525.4494 Fax: 209.525.4410

October 30, 2008

Robert J. Takeshta, Deputy Director  
Corrections Standards Authority  
County Facilities Construction Division  
600 Bercut Drive  
Sacramento, CA 95811

**SENT VIA EMAIL: [bob.takeshta@cdcr.gov](mailto:bob.takeshta@cdcr.gov)**  
**SENT VIA FAX: (916) 327-3317**  
**SENT VIA FEDEX**

**Corrections Standards Authority**  
**Intent to Award Conditional Funding Notification Letter**  
**AB 900 Phase I County Jail Construction**  
**Proposal ID # A18-08**  
**Amount of Conditional Award \$39,790,500**

Dear Mr. Takeshta:

On September 29, 2008, the Stanislaus County Chairman of the Board of Supervisors received a copy of a letter addressed to Sheriff Adam Christianson from the Corrections Standards Authority (CSA). In the letter, CSA notified the County of its intent to award conditional funding for the AB 900 Phase I County Jail Construction project for the requested amount of \$39,790,500. The CSA notification required a response by October 30, 2008. This letter constitutes Stanislaus County's response.

On March 4, 2008, after careful consideration and extensive planning, the Stanislaus County Board of Supervisors authorized the submission of the County's application for AB 900 Jail Construction Funding pursuant to the State's Public Safety and Offender Rehabilitation Service Act of 2007. This project would result in the addition of 420 jail beds in Stanislaus County, and serve to better protect our community and our State.

Stanislaus County is ready to proceed with that jail construction effort; our matching funds are available through the collection of public facility fees collected for this purpose. In addition, the

Robert J. Takeshta, Deputy Director  
Corrections Standards Authority  
County Facilities Construction Division  
October 30, 2008  
Page 2

facility has been master planned as a part of our Public Safety Center Expansion. Currently, the actual facility programming is nearing completion. The County's expansion plans include the construction of additional Core Jail Support facilities, at local expense, to provide the full range of incarceration programs and services to County inmates. We stand ready to proceed.

On behalf of the Stanislaus County Board of Supervisors and the citizens we serve, we were very pleased to be informed of CSA's intent to award conditional jail construction funding pursuant to AB 900 for the County's proposed Public Safety Center/Jail Expansion Project. Jail facilities are costly to construct and operate and like most California counties, we lack the fiscal resources at the local level to meet all the needs of our community. The cost of constructing and operating new facilities can not be accomplished with local funding alone, and like many other counties, Stanislaus County continues to operate several old jail facilities.

The County has worked diligently to ensure it has met all qualification criteria as detailed in the informational seminars, the original RFP, and the Grant Application. The County believes the original proposal for the construction of local jail beds is both innovative and cost effective, and will begin to address the serious shortage of public funding available to meet detention needs at both a local and State level. The County's Capital Projects Team, in partnership with the Sheriff's Department, has contracted with Crout and Sida for professional programming services to develop a pre-architectural facility program with a comprehensive list of interior and exterior space requirements. The County is encouraged by the assistance this funding opportunity would provide.

We believe the original provisions of AB 900, offered an incentive for Counties that could site a State re-entry facility, but did not preclude from the competitive process Counties that chose not to site a re-entry facility. Rather, those Counties that chose not to site such a facility would remain eligible but would be lower on the priority list for jail construction funding. We do not believe that acting to not site the re-entry facility should result in the rejection of our proposal. Now that Stanislaus County has received notice of funding availability for our project, we believe our application for funding, absent the siting of a re-entry facility, should be accepted and funding for our project should be awarded by CSA.

On October 28, 2008, the Board of Supervisors re-considered this matter and acted, consistent with the March, 2008 action, to request funding for the County's Jail Expansion project, while declining to site a re-entry facility.

The Stanislaus County Board of Supervisors is committed to ensuring *A safe community*. The Board supports the original grant application submitted to the CSA. In the application, the County proposed, in part, using and expanding existing facilities to meet the demands of the expected increase of incarcerated persons in Stanislaus County.

Robert J. Takeshta, Deputy Director  
Corrections Standards Authority  
County Facilities Construction Division  
October 30, 2008  
Page 3

The Stanislaus County Board of Supervisors, Chief Executive Officer and the Sheriff are also pleased to be considered for the AB 900 funding award to relieve jail overcrowding. We stand ready for the next step toward partnering with the state and the CSA staff in this project. The Stanislaus County Board of Supervisors looks forward to future opportunities to work towards the receipt of jail construction funding in the AB 900 funding process.

Sincerely,



Jim DeMartini  
Vice Chairman  
Board of Supervisors  
Stanislaus County

cc: Members of the Board of Supervisors  
Adam Christianson, Sheriff  
Richard W. Robinson, Chief Executive Officer  
Patricia Hill Thomas, Chief Operations Officer  
Don Peterson, President of Peterson Consulting, Inc.