



Board Report

File #: 15-0927, Version: 1

Adopt a resolution authorizing the Sheriff's Office to apply for funding under SB 863 Adult Local Criminal Justice Facilities Construction and:

- a. Find that the proposed mental health facility project is categorically exempt from the California Environmental Quality Act (CEQA);
- b. Authorize Robert Murdoch, Director of Public Works, as the County's construction administrator; Hye-Weon Kim, Finance Manager, as the County's project financial officer; and James Bass, Sheriff's Commander, as the County's project contact person;
- c. Authorize Sheriff Stephen Bernal to sign and submit a proposal form for a local criminal justice facility with SB 863 construction state lease-revenue bond financing in the amount of \$40 million, and making other necessary and appropriate findings and declarations supporting the SB 863 construction proposal form;
- d. Approve the SB 863 project and authorize the Sheriff's Office to submit the proposal form and associated documents to the Board of State and Community Corrections for the SB 863 Adult Local Criminal Justice Facilities Construction financing program;
- e. Authorize the expenditure of \$4.5 million as a total cash and in-kind match for County matching funds to cover design, construction and other related expenses;
- f. Authorize the Chairperson of the Board of Supervisors as the County's authorized person to sign any agreements with State agencies related to this project;
- g. Authorize the County to adhere to state requirements and terms of the agreements between Monterey County, the Board of State and Community Corrections, and the State Public Works Board in the expenditure of state financing allocation and county contribution funds;
- h. Commit the County to expend the amount of County contribution identified on the financing program application form submitted to the Board of State and Community Corrections after notification of conditional award but before any state/county financing agreements are executed and subject to Board of Supervisor identification of appropriation of the source of the County's contribution. The County will identify the source of any other County borne costs and assures the state and cash contributions do not supplant funds otherwise dedicated or appropriated for construction activities;
- i. Authorize the County to safely staff and operate the facility that is being constructed (Consistent with Title 15, California Code of Regulations) within ninety (90) days after project completion;
- j. Approve the dedicated project site, Assessor's Parcel Number 003-851-033, on which the addition to the Monterey County Jail will be constructed. County has fee simple ownership of said site. The County has project site control 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 real property title, or other interest in the site of the facility subject to construction, or lease the facility for operation to other entities, without permission and instructions from the Board of State and Community Corrections for so long as the State Public Works Board lease-revenue bonds secured by the financed project remain outstanding;
- k. Attest to the estimated current minimum fair market value of the proposed project site is \$2,000,000 and the County will commission an independent appraisal to confirm the fair market value of the proposed project site; and
- l. Authorize the County's readiness to proceed and direct the Auditor/Controller, CAO, Resource Management Agency Director, Public Works Director, Sheriff and County Counsel to take such other and further actions necessary or appropriate, consistent with this action, for the SB 863 construction funding.

RECOMMENDATION:

It is recommended that the Board of Supervisors adopt a resolution:

- a. Find that the proposed mental health facility project is categorically exempt from the California Environmental Quality Act (CEQA);
- b. Authorize Robert Murdoch, Director of Public Works, as the County's construction administrator; Hye-Weon Kim, Finance Manager, as the County's project financial officer; and James Bass, Sheriff's Commander, as the County's project contact person;
- c. Authorize Sheriff Stephen Bernal to sign and submit a proposal form for a local criminal justice facility with SB 863 construction state lease-revenue bond financing in the amount of \$40 million, and making other necessary and appropriate findings and declarations supporting the SB 863 construction proposal form;
- d. Approve the SB 863 project and authorize the Sheriff's Office to submit the proposal form and associated documents to the Board of State and Community Corrections for the SB 863 Adult Local Criminal Justice Facilities Construction financing program;
- e. Authorize the expenditure of \$4.5 million as a total cash and in-kind match for County matching funds to cover design, construction and other related expenses;
- f. Authorize the Chairperson of the Board of Supervisors as the County's authorized person to sign any agreements with State agencies related to this project;
- g. Authorize the County to adhere to state requirements and terms of the agreements between Monterey County, the Board of State and Community Corrections, and the State Public Works Board in the expenditure of state financing allocation and county contribution funds;
- h. Commit the County to expend the amount of County contribution identified on the financing program application form submitted to the Board of State and Community Corrections after notification of conditional award but before any state/county financing agreements are executed and subject to Board of Supervisor identification of appropriation of the source of the County's contribution. The County will identify the source of any other County borne costs and assures the state and cash contributions do not supplant funds otherwise dedicated or appropriated for construction activities;
- i. Authorize the County to safely staff and operate the facility that is being constructed (Consistent with Title 15, California Code of Regulations) within ninety (90) days after project completion;
- j. Approve the dedicated project site, Assessor's Parcel Number 003-851-033, on which the addition to the Monterey County Jail will be constructed. County has fee simple ownership of said site. The County has project site control 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 real property title, or other interest in the site of the facility subject to construction, or lease the facility for operation to other entities, without permission and instructions from the Board of State and Community Corrections for so long as the State Public Works Board lease-revenue bonds secured by the financed project remain outstanding;
- k. Attest to the estimated current minimum fair market value of the proposed project site is \$2,000,000 and the County will commission an independent appraisal to confirm the fair market value of the proposed project site; and
- l. Authorize the County's readiness to proceed and direct the Auditor/Controller, CAO, Resource Management Agency Director, Public Works Director, Sheriff and County Counsel to take such other and further actions necessary or appropriate, consistent with this action, for the SB 863 construction funding.

SUMMARY/DISCUSSION:

The Sheriff's Office is applying to the Board of State and Community Corrections (BSCC) for up to \$40,000,000 to construct a facility dedicated to inmates in need of advanced mental health care and for improved education/programming space.

Due to a number of factors including but not limited to prison realignment actions, an increase in inmates needing advanced mental health care and a growing community and law enforcement desire to reduce recidivism within the inmate population the Sheriff's Office finds itself needing additional and updated facilities.

Over the years the Sheriff's Office has relied on the Behavioral Health Division of the Health Department and the Mental Health Unit (MHU) at Natividad Medical Center (NMC) to provide advanced mental health services to those inmates in need. Over the past year, however, the MHU at NMC has become increasingly more occupied treating patients not in jail custody. This has affected the ability of inmates in the Sheriff's Office care to receive treatment at the MHU. Due to this change there is an increasing need for a facility on the jail's grounds that can provide an advanced level of mental health care. The Sheriff's Office is proposing that the County build a facility with twenty-two (22) single cells and two (2) safety cells that would be designed for inmates suffering from acute mental illness and those who would benefit from advanced mental health care. The facility would provide numerous other spaces including an outdoor recreation area, group therapy rooms, individual interview/consult rooms, a family/community intervention room, and numerous spaces for staff and supplies. There would be dedicated Sheriff's Office and medical staff on site around the clock, seven (7) days a week.

With the State of California prison realignment actions of recent years and the increasing desire to reduce recidivism levels the Sheriff's Office needs to increase its programming/education space. The Sheriff's Office has a limited number of programs that offer vocational training that may lead to jobs once an inmate is released from custody. The Sheriff's Office is proposing to build a vocational training/program space with enough room to provide multiple programs at one time and maximize the number of inmates who attend. These program spaces would be equipped to provide the most up to date training. The Sheriff's Office would look to partner with community based providers to aide in the success of an inmate's reintegration to their community.

On July 28th, 2015 the Board of Supervisors authorized the Sheriff's Office to apply for SB 863 Adult Local Criminal Justice Facilities Construction funding.

Should the application for funds be approved, the Sheriff's Office will return to the Board of Supervisors to request approval to accept the funding.

Staff recommends that the Board find that the project is categorically exempt from CEQA pursuant to CEQA Guideline section 15332. As evidenced by the August 14, 2015 Memorandum from EMC Planning Group, Inc. attached to this staff report, the proposed project qualifies for this categorical exemption because the project is in-fill development meeting all of the conditions of section 15332, and no evidence has been presented of cumulative impacts, unusual circumstances, or other grounds that would make the categorical exemption inapplicable.

OTHER AGENCY INVOLVEMENT:

RMA - Public Works, the CAO's Office, and the Sheriff's Office will work together to meet all State requirements for the SB 863 Request For Proposal.

FINANCING:

Total estimated project cost is \$44,500,000. \$40,000,000 requested from SB 863 Adult Local Criminal Justice Facilities Construction and a 10% cash match of \$4,500,000 by the County. The project site estimated value is \$2,000,000 and is part of the County's in-kind contribution which is part of the County's total cash match. The Sheriff's Office has already been working with the County Justice Partners in pursuing partial funding from Public Safety Realignment (AB109) funds and the County Health Department for partial funding from Health

Realignment Subaccounts as well as County Administration to pursue partial funding from other potential funding sources within the General Fund in preparation for when funding is allocated to Monterey County for this project. The Sheriff's Office at this time believes costs for staffing for the SB 863 facility can be accommodated with current staffing levels given the current population and the continued decline in the detainee population. Additionally, the Sheriff's Office continues to work with local community law enforcement partners to identify pre-trial and post-sentence programs for early release of Monterey County inmates. With the opening of the AB 900 576 bed project in October of 2018 the Sheriff's Office will be able to reallocate deputy staff to the AB 900 project. Additional staffing may be needed for manning the control towers in the new facility. The mental health facility will be able to utilize existing medical deputies assigned to the jail and the program/vocational space will be able to utilize the deputy staff saved by the reallocation after the opening of the AB 900 project.

Prepared by: Jim Bass, Sheriff's Commander, ext. 3887

Approved by: Stephen Bernal, Sheriff-Coroner, ext. 3825

Attachments:

SB 863 Proposal Form

Needs Assessment

BSCC PDCA Agreement

CEQA documents

Resolution