

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

DEPT: Chief Executive Office

BOARD AGENDA # *B-2

Urgent Routine

AGENDA DATE January 27, 2009

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Adopt a Revised Board of Supervisors Resolution for the Application to the State of California for the 2007 Local Youthful Offender Rehabilitative Facility Construction Funding Program for the Stanislaus County Juvenile Justice Center Expansion Project

STAFF RECOMMENDATIONS:

Approve the revision of the formal resolution as required by the State for submission of the application for funding under the Department of Corrections 2007 Local Youthful Offender Rehabilitative Facility Construction Funding Program (SB-81).

FISCAL IMPACT:

On December 16, 2008 the Board of Supervisors authorized the County to submit an application for Juvenile Camp Funding under the Department of Corrections 2007 Youthful Offender Block Rehabilitative Facility Construction Funding Program (SB-81) and approved the application to the State of California for an amount of State funding not to exceed \$18 million.

(Continued on Page 2)

BOARD ACTION AS FOLLOWS:

No. 2009-83

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

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

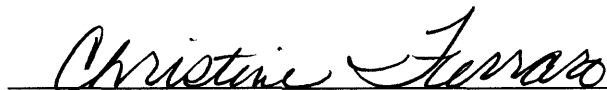
2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:

**THIS ITEM WAS REMOVED FROM THE CONSENT CALENDAR AND PLACED ON
NON-CONSENT FOR DISCUSSION AND CONSIDERATION**



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

Approval to Adopt a Revised Board of Supervisors Resolution for the Application to the State of California for the 2007 Local Youthful Offender Rehabilitative Facility Construction Funding Program for the Stanislaus County Juvenile Justice Center Expansion Project-Chief Executive Office

FISCAL IMPACT: (Continued)

Also, approved at this time was the resolution identifying the amount of cash-match. Our resolution identified \$900,000 as the cash-match when it should have identified at minimum the cash-match as \$1.2 million. This match will be funded primarily by public facility fees. The cost for these projects is generally shared 75% State and 25% County. We are also recommending moving the county share of project expenses to the cash-match in the application process. Maximum cash-match would be \$3,599,650 to reflect all project costs that qualify for cash-match. Additional cash-match results in additional points within the total evaluation of County's proposal. Even with the recommended changes the overall net fiscal impact and financing plan will remain the same and the County will not accept more funding than we are able to match or afford for the project.

In the December 16, 2008 agenda item staff recommended the County apply for up to \$18,000,000 for a 60 bed facility even though we are in unprecedented fiscally challenging times. We continue to believe this is an opportunity for the County to "get in line" for current or future state funding and the application is not a final commitment to receive or match the funds or proceed with the construction project beyond what we can afford to match and operate. All future funding decisions will be brought to the Board of Supervisors at each phase of the project for consideration and review along with a detailed financial plan should funding be allocated by the state of California for this urgently needed juvenile offender commitment facility.

DISCUSSION:

The SB-81 grant application is now completed and submitted to the Correction Standards Authority for technical review prior to it being forwarded to the State Public Works Board (SPWB) for evaluation.

The grant requires the County to fund 25% of the project cost with a minimum 5% of the project cost in cash-match. The grant application does allow County's the option of reflecting costs the County will fund for the project including architectural cost, environmental review and construction management as either cash-match or in-kind match. Additional cash-match results in additional points within the total evaluation of County's proposal. The County is still submitting the grant application and resolution in advance of the more detailed costing being done and the County's plan is still to not accept any funding beyond what the County is able to match.

The detailed programming phase is now underway and with it will come more detailed cost estimates for the type of facilities needed to implement the concept recommended in the Needs Assessment for a commitment facility. This greater level of planning will result in a more accurate cost forecast.

Approval to Adopt a Revised Board of Supervisors Resolution for the Application to the State of California for the 2007 Local Youthful Offender Rehabilitative Facility Construction Funding Program for the Stanislaus County Juvenile Justice Center Expansion Project-Chief Executive Office

In these difficult economic times there is a concern about a project of this size, but no formal commitment is required and the need for the Commitment facility is urgent requiring the county to examine any and all opportunities for funding. State operational funding is already being received for programs and can be used to both offset construction costs as well as future operating costs. It is the staff recommendation that the County would not accept any funding beyond what we can afford to match. All future funding decisions will be brought to the Board of Supervisors at each phase of the project for consideration and review. The next report to the Board of Supervisors will be at the completion of the detailed facility planning and programming phase and will be accompanied by a more detailed financing plan and the results of the State's consideration of this funding application.

POLICY ISSUES:

Approval of this action supports the Board's priority of *A safe community* and the *Efficient delivery of public services as well as Effective partnerships*.

STAFFING IMPACT:

Current Capital Projects staff working in collaboration with the Probation Department will oversee the next phases of the project. There is no additional staffing impact.

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

Date: January 27, 2009

No. 2009-83

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

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

Item # *B-2

THE FOLLOWING RESOLUTION WAS ADOPTED:

**Approval to Submit a Grant Application to the State of California for the
2007 Local Youthful Offender Rehabilitative Facility Construction Funding Program for the
Stanislaus County Juvenile Justice Center Expansion Project**

Whereas, the Stanislaus County Board of Supervisors has authorized the submission of an applications for Youthful Offender 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;

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 and identifies the source of cash match when appropriated to include Public Facility Fees and other funding in the sum of \$3,599,650, and assures state and cash matching funds do not supplant (replace) funds otherwise dedicated or appropriated for construction activities;

Whereas, the County 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;

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



Whereas, the County assures that it has site assurance for the county juvenile facility at the time of proposal and assures that the County has fee simple title, 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, for so long as the State Public Works Board Lease-Revenue Bonds secured by the financed project remains outstanding.

Whereas, the County attests to the approximate \$100,000 per acre current fair market land value for the proposed new or expanded juvenile 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. (If claimed as in-kind match, actual on-site land cost documentation or independent appraisal value will be required as a pre-agreement condition).

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 juvenile facility construction funding.