



Legislation Details (With Text)

File #: 21-1328 **Version:** 3

Type: Agenda Item **Status:** Approved

File created: 8/6/2021 **In control:** Board of Supervisors

On agenda: 11/2/2021 **Final action:** 11/2/2021

Title: Probation Department and the Chief Administrative Office, Facilities Division, recommending the Board:
 1) Receive an update on the Senate Bill 81 Local Youthful Offender Rehabilitative Financing Program - New Placerville Juvenile Hall Facility project and provide direction on how to proceed now that a tentative determination from the State Public Works Board has been received;
 2) Award Request for Proposal 20-918-040 for construction bridging documents to TreanorHL, Inc. and authorize the Purchasing Agent to sign Agreement for Service No. 5990 for a not-to-exceed of \$569,800 and a term of 3 years, pursuant to final County Counsel and Risk Management Approval; and
 3) Authorize the Chief Administrative Officer to sign the attached Certification Regarding the Continued Use of the Federal Violent Incarceration and Truth-in-Sentencing (VOI/TIS) Incentive Grant Program Grant Funds (May 2020). (Cont. 10/26/2021, Item 20)

FUNDING: Approximate SB81 60%, General Fund 40%.

Sponsors:

Indexes:

Code sections:

Attachments: 1. A - DOJ Grant Reinvestment Certification - Blue Route Approval, 2. B - DOJ Grant Reinvestment Certification, 3. C - Exhibit A, 4. D - Memo to BOS, 5. E - Capital Project Chart, 6. Public Comment BOS Rcvd. 11-2-2021, 7. Public Comment BOS Rcvd. 11-1-2021, 8. Public Comment BOS Rcvd. 10-25-2021

| Date | Ver. | Action By | Action | Result |
|------------|------|----------------------|-----------|--------|
| 11/2/2021 | 3 | Board of Supervisors | Approved | Pass |
| 10/26/2021 | 2 | Board of Supervisors | Continued | Pass |
| 10/12/2021 | 1 | Board of Supervisors | Continued | Pass |
| 10/12/2021 | 1 | Board of Supervisors | Continued | Pass |

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DISCUSSION / BACKGROUND

PROJECT SUMMARY

The project includes the design and construction of a new juvenile detention facility of approximately 14,000 square feet on county-owned land at 300 Fair Lane, in the city of Placerville. The new facility will provide housing, program, healthcare, custody, administrative and support space, visitation, food service, and a vehicle sally port.

The new housing area will house up to 20 male and female youthful offenders. The program and support spaces are expected to include a multipurpose/contact visitation area; shared dayroom; medical examination and group therapy rooms; bakery; kitchen; laundry area; intake and booking area; and public lobby. The project will also provide an outdoor recreation area, as well as staff and visitor parking spaces. It is the intent that the design will incorporate considerable natural light and a simplified housing design that will contain “home-like” features and finishes.

BACKGROUND/HISTORY

Prior to June 2019, El Dorado County historically operated two juvenile detention facilities. The Placerville Juvenile Hall was built in 1971 as a 40-bed facility.

In 2004, the County completed construction of a 40 bed juvenile detention and treatment center in South Lake Tahoe (SLT). This facility was built with \$4 million in grant funds from the State Board of Corrections and approximately \$4.6 million in County funds. One of the conditions of the grant is that the County must continue operating the facility as a detention center through 2034, or pay back the grant funds.

February 6, 2019 Board Action

On February 6, 2019 (Legistar 19-0170), the Board authorized the construction of a 20-bed facility, confirming the previously approved scope of the facility and increasing the current General Fund cost by \$4.8 million for a total not to exceed the cost of \$15.5 million. Additionally, the Board approved the following:

- 1) Closure of the Placerville Juvenile Detention Facility effective June 30, 2019.
- 2) A reduction in force commensurate with the closure of the Juvenile Detention Facility in Placerville.
- 3) The closure of the South Lake Tahoe Juvenile Treatment Center upon completion of the new Placerville Juvenile Detention and Treatment facility.
- 4) Directed staff to explore alternative uses of the South Lake Tahoe Juvenile Treatment Center.

January 14, 2020, Board Action

On January 14, 2020 (Legistar 19-1757), the Board approved the following relative to this project:

- 1) The use of the Design-Build construction project delivery method for the New Placerville Juvenile Hall.
- 2) Authorized the release of an RFP for Construction Bridging Documents for the new Placerville Juvenile Hall.
- 3) Authorized the Chief Administrative Officer to submit a request to the United States Department of Justice (DOJ) to repay the grant funds for the South Lake Tahoe Juvenile Treatment Facility and have those funds reinvested in the new Placerville Juvenile Hall Project.

In May 2020, the County received a response from the DOJ approving the request to redirect \$4,020,000 in federal Violent Offender Incarceration and Truth-in-Sentencing (VOI/TIS) grant funds toward the construction of a new juvenile detention facility in Placerville. In summary, this approval allows the County to buy out the remaining interest of the DOJ in the SLT Juvenile Treatment Center which will provide the County with total discretion and control of the future use of the SLT facility.

Upon receiving approval from the DOJ in May 2020 to reinvest the funds into the new Placerville juvenile treatment facility, staff immediately began conversations with the BSCC to see if an interest by the DOJ in the new Placerville facility is allowable. Subsequently, and after much discussion between the BSCC and the DOJ, in July 2021 the County received tentative approval from all parties to allow the grant funds to be reinvested into the new Placerville juvenile facility which allows the County to buy-out DOJ's interest in the SLT facility at a cost of approximately \$4 million..

It should be noted that by essentially transferring the VOI/TIS grant funds to the new Placerville facility, DOJ holds a similar interest in the building and the County will be required to operate the new facility as a detention center for 30 years. If the County chooses to discontinue using the building as a detention facility, the County would be required to return the funds to the DOJ.

April 19, 2021 Board Action

On April 19, 2021, the Board was presented with four options for reinvestment of the Violent Offender Incarceration and Truth-in-Sentencing (VOI/TIS) funds. The outcome of this meeting was that the Board directed staff to wait for a final answer from the Department of Finance regarding the use of VOI/TIS funds and return to the Board with additional information. *(Keep in mind that at the time of this meeting, the County was still working with the DOJ, the BSCC and the Department of Finance regarding the feasibility of reinvesting the grant funds from the South Lake Tahoe facility to the new Placerville facility.)* The four options discussed at this meeting were as follows:

Option 1: This was the recommended option which assumed approval from the Department of Finance to reinvest the VOI/TIS funds in the new Placerville facility while also removing the requirement the County utilize the South Lake Tahoe building as a detention facility. This option assumes that the South Lake Tahoe facility will be repurposed for something other than a juvenile detention facility and that the County will only incur operating costs for one Juvenile Hall in Placerville.

Option 2: This option assumed the Department of Finance denied the request to reinvest the VOI/TIS funds and assumes the County builds the new Placerville facility while still operating the South Lake Tahoe facility as a detention center through 2034. ***This option was not recommended***

and is no longer applicable as the County has received approval to reinvest the VOI/TIS into the new Placerville facility.

Option 3: This option assumed the Department of Finance denied the request to reinvest the VOI/TIS funds in the Placerville facility, the County continues with the construction of the Placerville facility, the County repays the VOI/TIS funds so that the South Lake Tahoe facility can be used for any purpose other than a detention facility and discontinues using the South Lake Tahoe facility as a juvenile detention center. This option would reduce the Designated Capital Replacement reserves from \$21.9 million to approximately \$13.9 million. ***This option was not recommended and is no longer applicable as the County has received approval to reinvest the VOI/TIS into the new Placerville facility.***

Option 4: Return the grant funds for the new Placerville facility thereby making the determination that juvenile detention services will be provided out of South Lake Tahoe and a new facility would not be built in Placerville. This was the recommended option if the Department of Finance denied the request to reinvest VOI/TIS funds in the new Placerville facility. ***While approval was given to reinvest the VOI/TIS funds in the new Placerville facility, the Board should still consider whether a new facility is needed considering that construction costs have increased and it will require a larger investment of local, discretionary funds to construct the new facility.***

A detailed timeline of all prior actions dating back to 2014 is attached as Exhibit A.

ALTERNATIVES

As indicated above, the Board could choose to return the grant funds totaling \$9.6 million for the new Placerville facility, and instead continue operating all juvenile detention services out of the South Lake Tahoe facility as has been done since June 2019.

NEW INFORMATION/ALTERNATIVE

The Board of State and Community Corrections (BSCC) is the State regulatory body which provides oversight to both jails and juvenile halls. It is an appointed Board, which employs a professional staff to carry out its mandates and policies. Additionally, the BSCC serves as the granting authority for the distribution of the SB 81 grant. The appointed Board approved the application of grant funds for the Placerville juvenile hall construction project in 2014. Over the course of the last few months, staff has been communicating with the Board State of Community Corrections (BSCC) in regards to the status of the new Placerville Juvenile Hall project. The options being presented to the Board have been shared with the BSCC. During a call last week with the BSCC, an additional option was discussed. El Dorado County staff finds it important to share this most recent information so that the Board may consider their policy direction from a fully informed position.

The BSCC staff discussed with EDC staff a potential option to re-scope and re-propose the grant funded project. Due to the fact that the economic climate has changed since this project was initiated in 2014 as well as the ongoing and recent changes to the juvenile justice system, including juvenile detention, the BSCC intimated that the County may have a good argument to re-scope this project from one proposing the construction of a new facility in Placerville to one proposing a renovation of the existing South Lake Tahoe Juvenile Treatment Center (JTC). The threshold the County would

need surpass in order to successfully receive approval for such a proposal would be to convince the staff and board of BSCC that the re-scope was essentially the same project for which approval was given in the original grant proposal. Essentially, the renovation plan must provide the same type of facility and programs that the new Placerville Juvenile Hall was intended to provide. While the BSCC feels this is a viable option, they cannot commit to approval or give an estimate of support of this option at this time. If the Board of Supervisors were to direct staff to pursue this option work on the Placerville project would be put on hold indefinitely and the County would begin a new process by first determining the feasibility of successfully meeting the threshold question. This would require an investment in services from a contracted expert in design and planning. In addition, consideration would be given to current vs. future operational goals of the facility as well as potential project costs. That information would be returned to the Board for further consideration. If the project were deemed feasible and preferable by the Board, the County would submit a request for project re-scoping to the BSCC and begin anew the currently completed processes of “project establishment” and “due diligence.” Any changes to the existing construction timeline due to a re-scope are unknown at this time. The cost of a renovation vs. the new build will more than likely be significantly lower and could potentially save the County anywhere from \$6-\$8 million.

PRIOR BOARD ACTION

Legistar 14-1586, Version 1, December 2, 2014 - Received needs assessment and authorized Probation to submit an application for SB81 funding. Adopted Resolution 231-2014

Legistar 14-1586, Version 2, June 8, 2016 - Formal acceptance of BSCC \$9.6 million BSCC grant award. First amendment to Resolution 231-2014

Legistar 14-1586, Version 3, December 6, 2016 - Second amendment to Resolution 231-2014

Legistar 14-1586, Version 4, March 28, 2017 - Third amendment to Resolution 231-2014

Legistar 14, 1586, Version 5, June 6, 2017 - Approval of the Project Delivery and Construction Agreement

Legistar 19-0170, February 6, 2019 - Affirmed 20-bed facility at an estimated project cost of approximately \$15.5 million

Legistar 19-0622, April 3, 2019 - Reduction in force due to closure of Placerville Juvenile Hall

Legistar 19-1757, January 14, 2020 - Approved Design-Build construction, authorize the issuance of the RFP for bridging documents and authorize CAO to send a letter to DOJ

Legistar 20-1551, December 15, 2020 - Approve plans and specs and authorize bid for demolition of old Sheriff Facility

Legistar 21-0645, April 19, 2021 - Directed Staff to await final determination from the Department of Finance regarding use of Violent Offender Incarceration and Truth-in-Sentencing funds

OTHER DEPARTMENT / AGENCY INVOLVEMENT

County Counsel

CAO RECOMMENDATION / COMMENTS

The ideal long-term solution for El Dorado County youth in the juvenile justice system would be to construct a new, modern facility in Placerville and also operate a small, satellite detention/receiving facility in South Lake Tahoe. However, as mentioned in prior discussions relative to this matter, due to changes in the juvenile justice system that have resulted in far fewer youth in detention facilities across the State, it is not cost effective or fiscally responsible to operate two facilities.

The next best, long term option is to build a new, modern facility in Placerville that will be able to serve El Dorado County youth for the next 30 - 40 years. However, the Board should keep in mind that construction costs have increased since the current project costs totaling \$16.5 million was approved, and additional funds will likely be needed to construct the new facility. In addition, the Board should also keep in mind that since the closure of the Placerville Juvenile Hall in June 2019, the Probation Department has been successful in operating all juvenile detention services out of the South Lake Tahoe facility.

Based on the new information received and the potential to use the grant funding to renovate the existing South Lake Tahoe facility, and considering the multiple facility needs to address other vulnerable populations, including the Psychiatric Health Facility and the entire Spring Street facility that provides public health services and services to the senior population, the most prudent course of action is to direct staff to put any plans for the new facility on hold, and to work with the BSCC to attempt to obtain approval to re-purpose the grant funding to allow for the renovation of the South Lake Tahoe facility.

FINANCIAL IMPACT

Should the Board approve moving forward with the construction of the new facility in Placerville, due to construction cost increases the Facilities Division estimates at minimum it will require a total of approximately \$18 million to complete this project. This would result in transferring approximately \$5.6 million from the Capital Projects designation to the Juvenile Hall designation. Doing so would decrease the unallocated Capital Project designation to \$15.3 million, and increase the Juvenile Hall designation to approximately \$7.3 million, noting that at this time it is unknown if this will be sufficient or if additional funding is needed.

The Board should also keep in mind the following as it relates to future capital improvement projects:

- 1) The County received a grant of \$25 million to expand the Placerville jail in order to improve mental health services. Due to construction cost increases, the project may cost more than \$25 million which would require additional county funds which have not been anticipated.
- 2) Cost estimates to replace or rebuild the Spring Street facility total approximately \$25 million.
- 3) The County is currently doing a space analysis to relocate the Elections Department so that we can then relocate the juvenile court from their current location under the juvenile hall so that the County then has the option of converting the old juvenile hall into a new psychiatric health facility. The costs estimates for these projects are unknown at this time.
- 4) The County is in the process of researching options to replace the South Lake Tahoe El Dorado Center. Funding has yet to be identified for purchasing a new building and any required tenant improvements or doing a rebuild on the site of the existing building. Depending on the options identified, the funding gap could be anywhere from \$8 to \$12 million.

CLERK OF THE BOARD FOLLOW UP ACTIONS

Return one original signed Certification to the Division for processing.

STRATEGIC PLAN COMPONENT

Infrastructure / Public Safety

CONTACT

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