



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: County Executive
Office
Department No.: 012
For Agenda Of: 11/4/08
Placement: Departmental
Estimated Time: 1.5 hours
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Michel F. Brown, Ext 3404
Contact Info: Dr. Jason Stilwell, Ext 3413
SUBJECT: **County Jail – Northern Branch, Fiscal Analysis Report**

Other Concurrence: Sheriff

Yes

Recommended Actions:

That the Board of Supervisors:

1. Receive a presentation and accept a report on the new County Jail – Northern Branch, Fiscal Analysis; and,
2. Direct staff as the Board determines appropriate.

Summary Text:

In March of 2008, the County applied for AB 900 grant funding. AB 900 provides State funding that counties may competitively apply for. The County was awarded conditional funding of \$56.29M, which represents 75% of the projected construction cost of building a 304 bed facility in the North County. In September 2008, the board approved the final conditions of the grant and requested staff return with analysis of the funding options for the project. This hearing will present the Board with a report on funding, financing, and revenue options for the construction and operating costs of the proposed facility.

Background:

The need for additional jail beds in Santa Barbara County has been identified over the years through Court actions, numerous Grand Jury Reports and studies. Currently Santa Barbara County is under a Consent Decree to mitigate jail overcrowding. Over time, the Sheriff's Department has made efforts to keep jail overcrowding at minimal levels through alternative programs and relaxing of release criteria. However, given the population growth none of these attempts have brought the County near complete elimination of jail overcrowding required by the Courts. According to the Blue Ribbon Commission Report on Jail Overcrowding formed by Sheriff Brown in 2007, the Main Branch Jail facility in Santa Barbara County is currently operating at 120% rated capacity.

While the need was rising for additional beds in Santa Barbara County, the State experienced a similar issue. Consequently, the State enacted AB 900 legislation providing bond funding for State Reentry Facilities and additional county jail beds. The legislation is not currently part of the State FY2008-09 budget due to 'clean-up' items within AB 900 language, but will be part of the Public Safety trailer to be considered for adoption in December of 2008.

The County of Santa Barbara submitted an application for the AB 900 grant funding and was awarded \$56.29M, which represents 75% of the construction cost. The grant funds; however, will place certain legal requirements on the County, including guarantee that the new jail facility constructed will begin operations within 90 days of completion of the project.

Operating cost of the facility is a significant ongoing cost that would require a minimum of 7% reduction from the General Fund Contribution allocation to all county departments unless new revenues are generated. Given the magnitude of the ongoing expenditure required to operate the jail, the County faces a dilemma of accepting the grant to fund 75% of the construction cost and to accept the requirements of the grant or to finance the entire capital expenditure at a greater cost to the County for the one time-portion but to have more flexibility in timing of the project and beginning of operation.

The possibilities for generation of new revenue to cover the expenditures and; therefore, avoid the need to redirect existing revenues from other County operations include: Oil Production Tax and Development, Sales Tax, Parcel Tax, and Utility User's Tax. All of these options may be considered as a General Tax ¹ or as a Special Tax ².

There are two elections that are expected to occur in the next couple of years. The County can place local General Tax measures on the November 2010 General Election. Proposition 218 requires that the election required for a General Tax "shall be consolidated with a regularly scheduled general election for members of the governing body of the local government, except in cases of emergency declared by a unanimous vote of the governing body." This requirement will be satisfied for the November 2010 election. Special Tax measures may be placed on a Special Election or on a General Election by the Board of Supervisors vote.

It is reasonable to believe that the State will expect the County to submit to deliver the Project Delivery and Construction Agreement sometime in the Winter of FY 2008-09. In the event the County executes the Project Delivery Agreement, it will become contractually obligated to transfer title to the property to the state, and construct and operate the new jail. This decision could not be thereafter reversed without breaching the Project Delivery Agreement and exposing the County to a lawsuit if the State seeks to enforce its contractual rights.

Authored by:

Xenia Tihomirova, Ext 3421

cc:

Sheriff, Bill Brown

¹ "General tax" is defined by Proposition 218 as any tax imposed for general governmental purposes.

² "Special tax" is defined by Proposition 218 as any tax imposed for specific purposes, including a tax imposed for specific purposes, which is placed into a general fund.