



# COUNTY OF SONOMA SUMMARY REPORT

575 ADMINISTRATION  
DRIVE, ROOM 102A  
SANTA ROSA, CA 95403

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**Agenda Date:** 10/22/2024

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**To:** Sonoma County Board of Supervisors

**Department or Agency Name(s):** Sheriff's Office, Public Infrastructure, Sheriff's Office,

**Staff Name and Phone Number:** Sheriff Eddie Engram, Johannes J. Hoevertsz,

**Vote Requirement:** Majority

**Supervisorial District(s):** All

**Title:**

Behavioral Health Housing Unit Project Update

**Recommended Action:**

Receive an update on the Behavioral Health Housing Unit Project and provide direction to staff.

**Executive Summary:**

In 2015, the Board of Supervisors approved the Criminal Justice Master Plan that identified the need for additional treatment space for inmates with mental illness. County staff with the Board's approval submitted a funding application and conditional award of \$40 million from the State for the construction of a Behavioral Health Housing Unit (Project). Since then, efforts to design, develop, and deliver a 72-bed facility were hampered by the construction environment and emergency responses to multiple disasters (firestorms, flooding).

Currently, nearly 50% of the adult jail population are living with mental illness. Of this amount nearly 32% experience serious mental illness (SMI), based on the definition that the mental, emotional, or behavioral health disorder results in a serious functional impairment, which substantially interferes with or limits one or more major life activities. Additionally, the overall increase in acuity has tripled since the 2011 (AB 109) California Public Safety Realignment initiative.

The intent of this report is to update the Board and public on the status of the project, costs for construction, operational costs estimates, and funding scenarios and gaps. The report also outlines potential next steps for discussion and consideration including funding any gaps, returning funding, changing location, or redesigning project.

**Discussion:**

Background

The 2011 (AB 109) California Public Safety Realignment initiative shifted much of the state prison population to county jails in response to shortfalls in medical and mental health care for the state's prison population. Counties' jails across the state that were originally designed for short-term stays are now populated with thousands of additional incarcerated persons; many serving longer sentences and requiring robust rehabilitative services. While state funding was provided for management of this increase in population; the counties are often challenged to deliver an effective level of mental health treatment within facilities designed solely for detention. Effective treatment and programming are essential services that may help reduce recidivism.

In the 2014-15 State Budget package, \$500 million in lease revenue bonds were authorized state-wide through Senate Bill (SB) 863

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to address local jail construction and programming space needs. The County received a conditional \$40 million award SB-863 in November 2015 to construct a Behavioral Health Housing Unit (BHHU) adjacent to the Main Adult Detention Facility.

The SB-863 state accepted application proposed a 72-bed new facility, focused on increasing the County's ability to improve the delivery of mental health treatment for the incarcerated population, within a dedicated therapeutic environment. The proposal provided the County with a secure, purpose-built mental health facility, rather than utilizing standard detention-only facilities, allowing for a more comprehensive competency restoration program. Effective programming is a critical step toward reducing recidivism.

The primary purpose of the BHHU is to provide safety, security, treatment and rehabilitation services for inmates with mental illness. The original design of the facility was up to 32,800 square feet and contained 4 housing units, housing a total of 72 incarcerated persons, where one of those units would be a specialized housing unit, with special management mental health needs. Per SB 863 a portion of the beds would be solely dedicated to the Jail-Based Competency Treatment (JBCT) Program with remaining beds dedicated to treating individuals with serious mental illness. In an effort to best serve our incompetent to stand trial inmates and the judicial process, the Sheriff worked with the state to implement JBCT in the summer of 2017. SB 863 required that funds would not be used to increase bed space in existing facilities.

The new facility would provide improved delivery of mental health treatment by providing the correct type of housing for incarcerated persons, based on evidence-based design. The BHHU establishes a therapeutic environment where smaller group counseling can occur, provides for increased out of cell time if staffed adequately, and provides an environment that allows programming to be more frequent and likely successful. If the original design of the facility is modified to remove the evidence-based features, then there will be little to no difference in the delivery of mental health services that exist today.

Most adult incarcerated persons require some type of specialty housing. However, the main adult detention facility was not designed to hold sentenced inmates for several years and it was not designed to house a large population of incarcerated persons with behavioral health issues. Currently, nearly 50% of the adult jail population are living with mental illness. Of this amount nearly 32% experience serious mental illness (SMI), based on the definition that the mental ill disorder results in a serious functional impairment, which substantially interferes with or limits one or more major life activities. In FY 2009-10, before Public Safety Realignment, incarcerated persons needing specialized housing due to some type of mental illness made up 28% of the jail's population. Since Public Safety Realignment, that number has increase to 46% of the population. The overall increase in acuity has tripled. In FY 2009-10, 9.5% of behavioral health inmates experienced some level of special housing, where last fiscal year, the number increased to almost 32%. Since the application was awarded, the needs of the mentally ill incarcerated persons population have required more complex care due to a variety of reasons including general safety, a lack of offsite options, and increased regulations.

**CAL-AIM**

California Advancing and Innovating Medi-Cal, or CalAIM, involves coordination between the Sheriff's Office, state and county agencies, medical and behavioral health service providers, information technology professionals, and community-based organizations, to establish a re-entry process that provides incarcerated adults with the physical and mental health services they need before release, connect them to appropriate service providers for care upon re-entry to the community, and ensure that the proper infrastructure is built to allow Medi-Cal billing for services provided. CalAIM qualifying physical or behavioral health conditions include mental illness, substance use disorder, chronic / significant clinical condition, intellectual or developmental disability, traumatic brain injury, HIV/AIDS, and pregnant or postpartum. A dedicated programming unit, such as the BHHU, will help improve the delivery of all programming related services, including those covered by CalAIM.

**Status of project and application with state**

- On May 25, 2021, the Board reviewed the completed a State DOF milestone requirement of reviewing and approving a 30 year operations plan and 30 year life cycle costs estimate. The staff report presented the anticipated operating expenses for the new facility including Sheriff's staffing, behavioral health contract expenses, maintenance, utilities, and capital expenses for the 30-year period, totaling \$427,705,081. The plan contemplates approximately 37 new custodial staff positions should the new behavioral facility be occupied at full capacity. See enclosed Attachment 1.
- In July 2022, the County signed a formal Ground Lease with the State for the MADF site, which made Requests for Proposals to the selected design/build firms possible. Subsequent engagement with bidders, however, made it clear that a significantly greater amount of funding - estimated at around \$15 million - would be required to complete the funding plan for this project.

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- In December 2023, the state's Board of State and Community Corrections (BSCC) representatives confirm that, according to current rules, the \$40 million award has no expiration date, but that any change to size, scope, or location of the project would trigger a lengthy re-approval (minimum one+ year) process, and the revised scope cannot reduce the number of beds at the facility. No further funds are available through this award and return of the funds is permanent.

**Construction Cost update**

The consultant, Kitchell, has performed an updated construction cost estimate as of September 27, 2024, which is about \$69.5 million, or \$1,848 per square foot.

Breakdown of the updated cost estimate, based on the October 2020 Design documents can be found on Attachment 3.

**Operational Costs**

The Sheriff's Office has prepared a cost estimate based on the original design of the BHHU. This design optimizes inmate care and programming and includes three separate housing units and a fourth, specialized housing unit. Based on the location and layout assumptions, the Sheriff will need a Lieutenant to manage the program, five sergeants to provide 24/7 supervision, twenty-five additional correctional deputies to provide the necessary facility coverage 24/7, three detention specialists to facilitate visiting 24/7, one detention assistant to provide clothing exchange and commissary services, and two janitors. Once all staff are fully hired, the annual cost is estimated to be approximately \$11 million dollars per year and is likely to increase 3-5% each year thereafter. Assumptions do assume six correctional deputies will be transferred from a closed housing unit. A total of 37 new staff will be needed to cover the 24/7 staffing needs of the BHHU.

Once an estimated opening date is identified, a phased hiring approach would need to be implemented at least a year prior to opening. This approach will include one year of partial staffing costs, one-time equipment and supply expenses, and the correctional deputy facility training program costs. There is no anticipated need for significant increases to programming, services, and supply costs, because these services will transfer from the housing unit to be closed when the BHHU opens. Currently, the Detention operations are unable to fully utilize existing services due to the lack of appropriate programming space and housing. Once the BHHU is functional, existing services will be evaluated and adjusted as needed. There could be a future opportunity to add more services, but at this time, Sheriff's staff cannot project what those services might be and what the additional costs may be. Staff also intend to increase offerings from volunteer community-based organizations. While the intention is to enhance programming in the BHHU, some of the enhancements may come from volunteer groups or by leveraging existing programs. The purpose the BHHU funding is geared towards enhancements for incarcerated persons and not expansion of jail facilities. The reason why the staffing is not transferrable at a similar ratio is because of the location and design of the proposed facility. Again, until a design is finalized, these assumptions will change but are the best estimates available at this time.

**Financial Projections**

Beginning in 2018-19 ongoing General Fund capacity has been set aside for the operation costs associated with the anticipated Behavioral Health Housing Unit new program. That ongoing capacity in Fiscal Year 2024-25 is \$6.6 million. As previously illustrated, the Sheriff's Office estimates that the projected annual operational cost for the facility will be \$11 million and increasing 3-5% annually. An ongoing gap of \$4.4 million exists with costs continuing to escalate based on cost of doing business changes while the construction is still pending.

The current estimate to construct the facility is \$69.5 million with \$40 million in grant funding on hand. During the Fiscal Year 2021-22 Budget Hearings \$5 million of General Fund was allocated towards construction costs. In Fiscal Years 2022-23 and 2023-24, some of the ongoing General Fund allocated for the BHHU operational costs were set aside in the Non-Departmental designated purposes fund. The amount of that balance is \$8.95 million. The total current funding available for construction is \$53.95 million.

The remaining fiscal gap for construction is \$15.55 million. Some of the current year and future year ongoing capacity, unless instructed otherwise during budget hearings, will be allocated towards construction costs to further reduce the construction funding gap.

Additional funding sources and grant opportunities are also sought to fill the gap however none have been identified yet.

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The Department of Health Services was asked to research potential funding sources for the ongoing operational costs as well. Historically, Medi-Cal could not be billed for mental health services provided in a jail, but under the CalAim Justice-Involved Reentry certain pre-release services which occur within 90 days of release are eligible to be claimed to Medi-Cal. However, costs covered by Cal-AIM will not be new operational expenses resulting from the BHHU. Unallocated Measure O and Opioid Settlement funds are also a potential funding source that may be applied to the construction cost and/or the ongoing operational cost.

**To move ahead with this project in its current form a significant funding infusion of \$15.55 million one-time and \$4.4 million plus in ongoing resources is requisite for the project's viability.**

#### Options for next steps

Project options to continue include making significant scope changes or terminate the project. While further analysis and evaluation is required staff identifies potential next steps options for Board discussion and consideration.

1. Fund the current iteration of the Behavioral Health Housing Unit by prioritizing upcoming one-time discretionary funds towards filling the construction funding gap AND increasing in the coming Fiscal Years the ongoing set aside should general fund revenues above baseline operating costs and 40% towards the new County Government Center debt service, be available. In sum, this approach will limit the Board's ability to support other non-Sheriff behavioral health programming within other county departments and agencies.
2. Change the location - location of the project could be changed to where the construction cost might be less, however other issues might arise such as proximity with the Main Adult Detention Center, environmental, site, and feasibility analysis costs, resubmittal of grant application with the State, etc.
3. Return the funding - utilize existing programs, facilities, and organizations that provide this services for the clients and return the funding to the state. This would terminate the project.
4. Invest in a community organization - return the state funding and redirect the \$8.95 million discretionary portion already set aside to current organizations that provide the services and improve them.

#### **Strategic Plan:**

N/A

#### **Racial Equity:**

#### **Was this item identified as an opportunity to apply the Racial Equity Toolkit?**

No

#### **Prior Board Actions:**

November 16, 2021 - Authorization of Lease, Financing, and Certain Related Agreements for Sheriff's Adult Detention Behavioral Health Housing Unit Project (2777 Ventura Avenue)

May 25, 2021 - Sheriff's Adult Detention Behavioral Health Housing Unit: Acceptance of 30 Year Life Cycle Operational and Staffing Costs

June 21, 2016 - Approve County of Sonoma submittal to meet the requirements for formal Project Establishment Board

December 8, 2015- Adopt the Sonoma County Criminal Justice Master Plan, 2015 update.

August 8, 2015- Behavioral Health Housing Unit- Adopt Resolution authorizing SB863 funding application.

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Receive report on proposed Behavioral Health Housing Unit, Endorse the proposed Behavioral Health Housing Unit project concept, Adopt a resolution authorizing the application for State S.B. 863 funding in the amount of \$40,000,000 for the construction of an Adult Detention Mental Health Facility, using land value of approximately \$1 million as match, Adopt a resolution making budgetary adjustments totaling \$6,200,000 from Tobacco Securitization Funds to support this project.

July 22, 2015- Approve project for filing of CEQA Notice of Exemption.

**FISCAL SUMMARY**

<b>Expenditures</b>	<b>FY 24-25 Adopted</b>	<b>FY 25-26 Projected</b>	<b>FY 26-27 Projected</b>
Budgeted Expenses			
Additional Appropriation Requested			
<b>Total Expenditures</b>			
<b>Funding Sources</b>			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
<b>Total Sources</b>			

**Narrative Explanation of Fiscal Impacts:**

There are no fiscal impacts with this Item.

**Narrative Explanation of Staffing Impacts (If Required):**

N/A

**Attachments:**

- Attachment 1 - Sonoma SB 863\_Operational Program Statement
- Attachment 2 - Sonoma SB 863\_30 Year Life Cycle Cost Report
- Attachment 3 - Current Construction Cost Estimate
- Attachment 4 - Current Operational Cost Estimate
- Attachment 5 - PowerPoint Presentation

**Related Items "On File" with the Clerk of the Board:**

None