

**SRJ MHPSU Project**  
**BSCC Responses to State Legislature**  
**September 22, 2023**

**1. Please provide additional background on how the new Mental Health Program and Services (MHPS) Unit helps the County meet the conditions of the Court approved Consent Decree in the case of Babu et al v. County of Alameda.**

The County Health Care Services Agency Adult Forensic Behavioral Health (AFBH) manages an average monthly caseload of 900 persons housed at Santa Rita Jail (SRJ). The Babu Consent Decree (Decree) requires that program services for these clients are to be provided outside of cells, in confidential therapeutic settings with limited exceptions. There is an additional requirement to provide increased out of cell time. SRJ does not have adequate space to meet these level of care standards while also maintaining compliance with Americans with Disability Act and other Board of State and Community Corrections (BSCC) requirements.

The AFBH program scope for the new MHPSU includes supporting the following services: assessments, medication review, monitoring and maintenance appointments, both mental health support groups and private, therapy-driven activities, housing unit support teams, roving crisis intervention team and reentry planning. The MHPS Unit provides space for these enhanced services, the increased volume of those needing services since realignment, and the substantial increase in staff needed to provide the expanded scope of legally mandated services.

**2. Are there conditions in the Consent Decree that specifically require the County to construct additional mental health infrastructure?**

There are specific conditions for construction of additional mental health infrastructure in the Decree related to the MHPS Unit:

‘Defendants shall use best efforts to construct and activate the Mental Health/Program Services Building which will provide programming, medical and mental health treatment, and administrative space at SRJ.’ (Decree pages 34-35)

**3. Please provide the detailed design plan, identifying the different components of the MHPS Unit, that the project's cost estimate is based on.**

The Bridging Design Documents and the detailed Budget Plan were submitted to BSCC on December 20, 2022. These confidential documents are to be released to Qualified Design Build contractors with a Request for Proposals after they submit signed Non-Disclosure Act Agreements, a security requirement of SRJ.

The original scope included the construction of a two-story building between Housing Units 23 and 24 and was connected to the existing jail facility. The clinic included spaces for a lobby/waiting area, administrative office space, mental health treatment, medical health treatment, an OB/GYN clinic, utility spaces, and programming space.

The revised scope is for a standalone building on the western part of the SRJ campus. As such, it is not physically connected to the existing jail facility. The same type of spaces as described above are included with the exception of medical health treatment and the OB/GYN clinic which have been eliminated.

**4. How many treatment beds are planned for the new MHPS Unit?**

There are no beds in the new MHPS Unit nor were beds planned in the previous scope.

**5. Will the new building include facilities for individuals in mental health crises?**

The scope change for the MHPSU does not include mental health or medical beds dedicated to stabilizing patients in crisis, or long-term living units for persons with severe mental illness while they are in crisis; however, this is not a scope change, as neither did the original plan.

**6. Will there be long-term living units for people with severe or serious mental illness while they are incarcerated?**

The County is committed to expanding services for severe/serious mental illness in the community as such the MHPSU is not programmed as a housing unit. In compliance with the Babu Consent Decree, cell softening and other measures to reduce risk of suicide in cells to and provide more outdoor time for the incarcerated with mental health needs are underway.

**7. How much of the new building will be dedicated to offices?**

The Decree includes that the parties agree that staffing for mental health services must be increased, and that the Board of Supervisors authorized the hiring of an additional 107 AFBH staff to bring the total staffing to 161 authorized positions. This is in addition to 21 contract psychiatric providers.

Bridging Design for the new building includes 15,550 gross square feet of office space. The space is to be designed to accommodate AFBH program and support staff as well as contract service providers assigned to providing services inside of SRJ and in the new MHPSU building which equates to 85 square foot per person.

**8. How much of the new building will be dedicated to counseling rooms?**

The Decree requires all mental health clinical and psychiatric encounters be conducted in confidential settings. Bridging Design includes programming to provide access to confidential settings for approximately 8,000 service hours per year in approximately 19,460 square feet of space. This includes spaces dedicated to providing confidential, therapeutic individual, and group counseling with related support space, bathrooms, and common walkways.

**9. The County's original plan included remodeling of the housing units, the new plan eliminates this remodel. What is the County's intent for that housing, and will the new proposal include housing units, in addition to mental health beds?**

The original plan only included minimum remodeling 1,235 square feet of Housing Units 23 and 24 to allow for transport to the new MHPS building that was to be wedged between these Housing Units. The building is no longer proposed for this location; therefore, there is no need to remodel existing housing units. Neither the original building scope nor the scope change request included construction of additional housing units or mental health beds.

**10. Since the design is not final, will the Mental Health Advisory Board and the Care First Taskforce be informed or involved in the design modification process?**

GSA, in accordance with the State Public Contract Code, will request authorization from the County Board of Supervisors to bid for a Design/Builder contract at a regularly held public Board meeting. This request will be posted on the County Agenda in advance of the meeting.

The Design/Builder will be responsible for designing the building to meet the program and building performance criteria while providing the best value to the County for a stipulated sum. Change orders exceeding \$210,000 require Board approval at a public Board meeting per the State Public Contract Code. The Mental Health Advisory Board and the Care First Task Force will be informed of the design modification process.

**11. According to the Board of Supervisors' May 9, 2023 agenda item, the County funds will be provided through a combination of sources including but not limited to the Capital Financing Plan Designation and other eligible departmental revenue sources. Please provide a breakdown of where the matching funds will come from.**

The Funds will come from the "Capital Financing Plan Designation", which is funded by the County's General Fund.

**12. If any of them are bond funds, what are the annual costs on the debt service on those bonds?**

County Bond funds are not being used to fund this project.

**13. Prior to the Board of Supervisors' approval of the County's share of cost of \$26.6 million, were any County Advisory Boards or community interest groups informed of the hearing?**

The item was posted on the County's Board Agenda for the May 9, 2023, meeting. Members of the Mental Health Advisory Board were present and spoke during the public comment period.

**14. What community outreach was conducted before the hearing?**

County staff are not aware of community outreach prior to the Board date.

**15. Once the new MHPS Unit is constructed, what is the estimated annual cost increase associated with the enhanced mental health services and staffing levels?**

The estimated annual cost is \$138 million for enhanced mental health services and staffing to

be provided in SRJ, and in the MHPS Unit.

**16. Will the new Building be run by the Sheriff or Alameda County Behavioral Health Care Services?**

The Building will be located within the secured perimeter of the correctional facility campus operated by the Sheriff's Office. The services within the building will be provided by the Health Care Services Agency.

**17. Is there anything that prevents the County from changing the use of the new unit in the future? For example, is there anything that prevents the County from repurposing some of the new building into non-mental health housing units in the future?**

As required by the SB 863 program, the County will enter into a lease agreement with the State that will include provisions on allowable use. The property title will have a restriction on the recorded deed requiring the land and building to be used in accordance with the lease provisions. Any change in the use would require the State and the County Board of Supervisors' approval of an amendment to the lease agreement in compliance with the terms of the lease.

The inmate population and programming does not support another use. Also, the program specifications for the building do not include infrastructure for alternative use such as housing. As such, the building will not be constructed to support housing. In addition to a lease amendment, repurposing the building would come at significant costs and would take years to design and construct.

**18. According to the BSCC's November 18, 2021, agenda item, the County reported that the new location will result in significant savings in construction costs, however the County's new plan has a cost estimate that is almost \$19 million above the previously approved plan. Please provide information/background on how the new location is the more cost effective, given the increase in projected cost and the apparent elimination of the housing units.**

No existing housing units were eliminated. The original plan included 1,235 sf of modifications to two existing housing units to provide access to the original proposed building that would be attached to the jail.

During the preliminary design and real estate due diligence phase of the original project scope, it was determined that utility infrastructure and seismic upgrades to the existing jail would be required as well as relocation of the existing fire access road. The cost estimates for these additional requirements were projected to cost over \$100 million with the SB863 grant funding being fixed. The revised scope for construction of a new standalone mental health building to provide therapeutic space separate from the jail constructed to current building codes, on a separate parcel with independent utilities is more cost effective at \$81 million.

**19. And finally, please explain why the 20-day notification letter from the Department of Finance was sent to the JLBC five days prior to the Board of Supervisors action to approve the \$26,662,922, an addition of \$18,954,950, in County funds. The usual timing of such a**

**notification letter would seem to be triggered after local action was taken.**

Alameda County's BOS approved the contract amendment (authorizing work on the scope change) on May 18, 2021 and then subsequently requested the scope change from BSCC in October 2021. BSCC approved the scope change in November 2021. The Department of Finance 20-day letter for a scope change went out on May 4, 2023, the 10-day notice for the PWB meeting was released on May 8, 2023, and the PWB meeting was on May 19, 2023. The County of Alameda's Board of Supervisors' Meeting was on May 9, 2023 to approve funding increases.

The local action was taken prior to the Department of Finance 20-day letter notifying of the upcoming PWB meeting. BOS approval of the increased cost was not required prior to approval of a PWB scope change.

Alameda County staff notified BSCC and PWB that they were recommending approval of an increase to their match at their county BOS meeting on May 9<sup>th</sup> with the goal of having the PWB meeting consider an action to recognize their revised project costs on May 19<sup>th</sup>.

In an attempt to make the May meeting, PWB staff agreed to concurrently consider the item before the BOS action. However, PWB staff would not recommend a PWB action prior to a BOS approval of the revised project cost. If the BOS decided not to approve their increased match, the PWB board staff would adjust the recommendation, potentially pulling the item, as necessary.