

SUBCOMMITTEE NO. 5

Agenda

Senator Maria Elena Durazo, Chair
Senator Scott Wilk
Senator Dave Cortese
Senator Josh Newman



Thursday, February 11, 2021
10 a.m. or upon adjournment of Session
State Capitol - Room 3191

PART A

OUTCOMES

Consultant: Christopher Francis, Ph.D.

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All Items Held Open		
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All Items Held Open		

Public Comment

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DISCUSSION ITEMS

5225 DEPARTMENT OF CORRECTIONS AND REHABILITATION (CDCR)

Issue 1: Valley State Prison (VSP): Arsenic and Manganese Removal Water Treatment Plant

Governor’s Budget. The Governor’s budget includes \$20 million General Fund for the construction of an arsenic and manganese removal water treatment plant at VSP due to the increase in the levels of these constituents in the wells at VSP and the adjacent Central California Women’s Facility (CCWF). This treatment plant will reduce arsenic and manganese levels to be in compliance with the Environmental Protection Agency and State Water Resources Control Board drinking water quality standards at both VSP and CCWF.

Staff Comment: The CDCR is withdrawing this proposal because the timeline for the working drawings phase has extended and a construction appropriation in 2021-22 is no longer needed. The department stated that the project itself is still needed and that they anticipate requesting a construction appropriation in a future budget cycle.

Staff Recommendation. Reject this proposal without prejudice. **Adopted 4-0**

Issue 2: Various Infrastructure Repair Proposals

Governor’s Budget. The Governor’s budget includes multiple infrastructure upgrade proposals for the CDCR:

NUMBER	BCP/PROJECT NAME	PROPOSED AMOUNT	DESCRIPTION
1	Fire Alarm Replacement and Fire Suppression Repair Reappropriation	A reappropriation of \$54.5 million General Fund	<p>The proposed reappropriation is for the replacement of fire alarm systems and repair fire suppression systems at Mule Creek State Prison (MCSP), Richard J. Donovan Correctional Facility (RJD), and California State Prison-Sacramento (SAC). The Department also requests provisional language to extend the expenditure and encumbrance period through June 30, 2024.</p> <p>Between 2014 and 2017, the Office of the State Fire Marshal (OSFM) identified a number of deficiencies resulting from fire and life safety inspections at MCSP, RJD, and SAC. In response to OSFM findings, CDCR retained consultant services to conduct comprehensive studies of the fire alarm, fire detection, and fire suppression systems in all buildings at these</p>

			<p>institutions to determine compliance with applicable building codes and OSFM directives.</p> <p>In development of the performance criteria phase for this project, CDCR determined that additional time was needed to fully document project scope. In addition, the original project schedule did not include sufficient review period for CDCR and the OSFM. Due to these schedule adjustments, the performance criteria phase is currently anticipated to be completed in Spring 2021, postponing the start of the design build solicitation phase. The Notice to Proceed to the selected design-build contractor is expected in Fall 2021. The duration of the design-build phase is anticipated to be approximately 24 months, with anticipated completion in Fall 2023.</p> <p>The 2019 Budget Act included \$4.5 million General Fund in 2019-20 for performance criteria and \$54.5 million General Fund in 2020-21 for design-build activities to address fire alarm and fire suppression system deficiencies at MCSP, RJD, and SAC.</p>
2	Health Care Facility Repairs at the California Rehabilitation Center (CRC)	\$6.8 million General Fund in 2021-22	<p>This proposed expenditure is for health care facility repairs at the CRC. This request is a resubmittal of a request originally submitted in the 2020 Governor’s Budget but which was withdrawn before the passage of the 2020 Budget Act.</p> <p>In 2012, CDCR implemented the Health Care Facility Improvement Program (HCFIP) to improve treatment and clinic space across the State at 31 adult institutions. However, due to the anticipated closure of CRC in the 2012 Blueprint, a HCFIP project was not implemented at CRC. The continued operation of CRC without implementation of a HCFIP project has resulted in medical infrastructure at CRC that is inconsistent with similar prisons and does not meet the standards established by the Federal</p>

			<p>Receiver for uniform medical care improvements.</p> <p>The existing health care treatment areas at CRC are located in buildings that are approaching 75 years old and are poorly configured for treatment purposes. These space limitations not only restrict functional workflow, but also compromise inmate-patient privacy as required by the Health Insurance Portability and Accountability Act. Many spaces do not have hand sinks to allow for frequent hand washing. Additionally, the walls, work surfaces, and flooring also lack cleanable finishes necessary for effective infectious disease control measures in medical areas.</p> <p>CRC needs to have the capability to provide suitable facilities that can support the delivery of primary, specialty, emergency, medication distribution, inpatient pharmacy, and laboratory services to its inmate-patients. However, the poor condition and inefficient configuration hinders the functional delivery of health care services to CRC's inmate-patients. Basic repairs and renovations are needed to improve building conditions and make the spaces safe and functional.</p> <p>This project will replace damaged flooring, walls, casework and doors, and complete basic renovations to make medical spaces safe and functional. This project would also replace several existing medication distribution windows with prototypical medication distribution windows along with casework replacements and installation of sinks for hand washing.</p>
<p>3</p>	<p>Roof Replacement Design and Construction</p>	<p>\$1 million General Fund in 2021-22 for the design phase</p> <p>\$32.6 million General Fund in 2022-23 for the construction phase</p>	<p>This proposal is for the construction phase of roof replacements at California State Prison, Los Angeles County (LAC). Roof replacement is necessary due to deteriorated conditions of the existing roof that severely impacts housing conditions and inmate access to services and rehabilitation programs.</p>

		<p>Wind-driven storms and sustained rainfall have battered CDCR's prisons and wreaked havoc within buildings with deteriorated roofing systems. Failures of roofs and building systems at the institutions can significantly affect CDCR's ability to provide basic services such as feeding and housing the inmate population. In addition, health care services and rehabilitative programs need adequate physical space and infrastructure to provide necessary services and programs. These critical functions are negatively impacted when roofs and building systems fail. When medical facilities are closed, health care services become backlogged.</p> <p>LAC has significant roof damage in Facilities A, B, C, and D, Visitor Processing, Receiving and Release, Central Control, and Central Kitchen. These areas include housing units, program space, and offices. Due to the condition of the roofs, damage has occurred to ceiling tiles, drywall, insulation, paint, electrical components, and cells. With limited supplies and an increasing number of leaks, LAC is not able to keep up with the amount of repairs and replacements needed to maintain a safe and secure environment.</p> <p>CDCR's annual baseline Special Repair (SR) funding is \$26 million for adult institutions. The 2017, 2018, 2019 and 2020 Budget Acts provided additional funding for various roof replacement projects. But the department states that by appropriating funding specifically for roof replacements, CDCR is able to utilize the annual SR funding on the needed repair of other prison infrastructure systems. Without this dedicated funding for roof replacements, CDCR would need to commit more of its annual SR funding to roofs, negatively impacting CDCR's ability to fix other critical infrastructure needs.</p>
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CDCR Roof Replacement Needs

Phase	Institution	Cost ¹
1	California State Prison, Los Angeles County	\$32,650,000
2	California Institution for Men	\$35,400,000
	California Medical Facility	\$14,250,000
3	R.J. Donovan Correctional Facility	\$37,350,000
	Wasco State Prison	\$30,100,000
4	Mule Creek State Prison	\$23,050,000
	North Kern State Prison	\$33,250,000
5	Valley State Prison	\$26,600,000
	Centinela State Prison	\$27,850,000
6	Avenal State Prison	\$23,150,000
	Folsom State Prison	\$24,225,000
7	Correctional Training Facility	\$48,600,000
	Sierra Conservation Center	\$20,850,000
8	California Correctional Center	\$27,900,000
	Pelican Bay State Prison	\$38,050,000
Total:		\$443,275,000

Current Funded Roof Replacements	
Calipatria State Prison	High Desert State Prison
California State Prison, Corcoran	Ironwood State Prison
California State Prison, Sacramento	Pleasant Valley State Prison
California State Prison, Solano	Salinas Valley State Prison
California Correctional Institution (partial)	Substance Abuse Treatment Facility
Central California Women's Facility	

**Roof replacements at the following institutions will be addressed through the annual Special Repair Program as needed:*

- California Correctional Institution
- California Health Care Facility
- California Institution for Women
- California Men's Colony
- California Rehabilitation Center
- Chuckawalla Valley State Prison
- Folsom Women's Facility
- Kern Valley State Prison
- San Quentin State Prison

¹All costs are based on 2022-23 cost estimates.

The costs for Phases 2-8 do not include escalation because the date each phase would receive funding is undetermined.

<p>4</p>	<p>One-Time Deferred Maintenance Allocation</p>	<p>\$50 million General Fund in 2021-22. Additionally, CDCR is requesting provisional language to allow the funding to be available for expenditure and encumbrance until June 30, 2024.</p>	<p>The Governor’s budget for 2021-22 proposes a \$50 million one-time General Fund increase to CDCR’s \$26 million base budget for special repairs and deferred maintenance. According to CDCR, the additional funds would support 20 projects at various prisons (See below for a list of projects). For example, \$3.7 million would be used to upgrade fire suppression exhaust hood systems at California Men’s Colony in San Luis Obispo.</p> <p>Facilities require routine maintenance, repairs, and replacement of parts to keep them in acceptable condition and to preserve and extend their useful lives. When such maintenance is delayed or does not occur, we refer to this as deferred maintenance (DM).</p> <p>Special Repair (SR)/DM project development and funding processes address the following categories and types of building and site-wide infrastructure needs: 1) Unplanned Emergency or Urgent Major Repair and/or System Replacement, and 2) Preventive Major Repair and/or System Replacement. The former refers to a group of needs results from sudden catastrophic or imminent major system and/or system component failures while the latter refers to and includes systems that require major repair, but which have not completely failed. These preventative needs can be identified and the required work can be scoped, designed, scheduled and funded according to system and CDCR priority.</p> <p>Currently, CDCR has a SR/DM project funding request backlog exceeding \$1 billion. This is more than 40 times CDCR’s current \$26 million annual baseline funding. Assessments indicate that a more comprehensive picture of the DM backlog is approximately \$13 billion. The department has said that current funding levels are ineffective to address the new and backlogged maintenance.</p>
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2021-2022 Proposed Deferred Maintenance Projects

Facility	Description	Estimated Funding Need
ASP	Replace Hydronic Loop System (2021-22 phase)	\$3,400,000
ASP	Upgrade Fire Suppression Exhaust Hood Systems (UL 300 Compliance)	\$3,234,000
CAL	Replace Condenser Water Supply and Return Piping - Chiller Plant	\$3,081,000
CAL	Repair and Upgrade Lethal Electrified Fence	\$1,473,000
CCI	Repair and Upgrade Lethal Electrified Fence (partial funding amount)	\$1,466,000
CCWF	Repair Housing Unit Showers (14 Buildings)	\$4,660,000
CEN	Repair and Upgrade Lethal Electrified Fence	\$1,382,000
CMC	Upgrade Fire Suppression Exhaust Hood Systems (UL 300 Compliance)	\$3,700,000
CMF	Upgrade Fire Suppression Exhaust Hood Systems (UL 300 Compliance)	\$2,800,000
COR	Upgrade Fire Suppression Exhaust Hood Systems (UL 300 Compliance)	\$3,700,000
CVSP	Renovate Water Tanks	\$4,500,000
CVSP	Repair and Upgrade Lethal Electrified Fence	\$946,000
ISP	Repair and Upgrade Lethal Electrified Fence	\$1,418,000
LAC	Repair and Upgrade Lethal Electrified Fence	\$1,407,000
RJD	Repair and Upgrade Lethal Electrified Fence	\$1,433,000
SCC	Repair Showers - Facility C (5 Buildings)	\$1,600,000
SOL	Repair Water Treatment Plant Filter Trains	\$1,100,000
SOL	Replace Hydronic Loop System (2021-22 phase)	\$4,000,000
SOL	Upgrade Fire Suppression Exhaust Hood Systems (UL 300 Compliance)	\$2,400,000
WSP	Upgrade Potable Water Well Treatment and Pumps	\$2,300,000
Total:		\$50,000,000

LAO Assessments of the 2021-22 Budget: Prison Maintenance and Repair Proposals

- ***State Could Close Up to Five Prisons.*** Given that the prison population is projected to decline by a couple tens of thousands of inmates over the next few years, the administration plans to close the Deuel Vocational Institution (DVI) in Tracy by September 30, 2021 and a second, unnamed, prison in 2022-23. The LAO finds that the state would likely be able to close three additional prisons by 2024-25.
- ***Plan Needed on Disposition of Closed Prisons.*** The disposition of the prisons to be closed is currently unclear. Given the need to provide maintenance and security resources while prisons are closed, it is important for the state to have a long-term plan for each closed prison. Accordingly, the LAO recommends the Legislature require CDCR to report on what options it is considering for the ultimate disposition of the two prisons it plans to close.
- ***Additional Funding for Special Repair and Deferred Maintenance Needed.*** Given the state's significant prison infrastructure needs—many of which are urgent and relate to health, safety, or habitability concerns—additional funding for special repair and deferred maintenance of state

prisons appears reasonable. Moreover, the costs for addressing these needs are largely unavoidable and will grow if not addressed.

- ***Not Cost-Effective to Start Projects at Prisons That Could Be Closed.*** Special repair and deferred maintenance projects can take a couple years to complete. If CDCR starts such a project at a prison that is later closed, it's possible that the project would not be completed until around the time that the prison is being closed, which would not be cost-effective. For example, the administration expects that the proposed health care facility repairs at CRC and fire suppression upgrades at CMC would not be completed until around the fall of 2023. However, given the inmate population projections, CDCR may be able to close both prisons by around this time or shortly thereafter.

LAO Recommendations

- ***Approve Proposed \$50 Million Augmentation for Special Repair and Deferred Maintenance.*** Given the significant statewide prison infrastructure needs, the LAO recommends that the Legislature approve the requested \$50 million one-time augmentation for special repair and deferred maintenance projects.
- ***Prohibit Funding From Being Spent on Prisons Likely to Be Closed.*** The Governor's budget proposes a \$50 million one-time General Fund increase to CDCR's base budget for special repairs and deferred maintenance. While additional funding is warranted given the state's significant prison infrastructure needs, it would not be cost-effective to start projects at prisons that are closed shortly after project completion. Accordingly, the LAO recommends prohibiting CDCR from spending these funds on prisons that are strong candidates for closure.
- ***Reject Proposed \$6.8 Million for Health Care Facility Repairs at CRC.*** The LAO recommends that the Legislature reject the proposed health care facility repairs at CRC, unless the administration provides a long-term plan for the facility demonstrating that the repairs will be completed sufficiently in advance of any potential future closure date. This action would free up \$6.8 million that the Legislature could redirect to high-priority prison repair needs at prisons not planned for closure.

Staff Recommendation. Hold open.

Issue 3: Various Capital Outlay Proposals

Governor’s Budget. The Governor’s budget includes multiple capital outlay projects for the CDCR:

NUMBER	BCP/ PROJECT NAME	PROPOSED AMOUNT AND PHASE	DESCRIPTION
1	Calipatria State Prison, Calipatria (CAL): Health Care Facility Improvement Program (HCFIP)- Phase II	\$ 4.1 million General Fund (GF) for the construction phase	<p>As a result of the <i>Plata vs. Newsom</i> case, the CDCR health care delivery system was placed under a Federal Receiver in 2006.</p> <p>Subsequently, CDCR and the Federal Receiver developed the Health Care Facility Improvement Program (HCFIP) to improve the physical plant serving CDCR’s health care delivery system, with medication distribution improvements as a primary program component.</p> <p>The purpose of HCFIP is to provide a facilities infrastructure within CDCR that will support a timely, competent, and effective health care delivery system with appropriate health care diagnostics and treatment, medication distribution, and access to care for individuals incarcerated within CDCR.</p> <p>The HCFIP improvements at CAL have been divided into two phases. Phase I includes renovations to Central Health Services and renovations to Health Care Administration. Phase II includes renovations and additions to the Primary Care Clinics in Facilities A, B, C, and D and a new Administrative Segregation Unit Primary Care Clinic.</p> <p>It was determined that the current funding is not adequate to complete construction. The construction cost increase is associated with the following items:</p> <ol style="list-style-type: none"> 1. Design errors and omissions (E&Os) related to the integration of the fire alarm system into the existing site wide monitoring system, modifications to the underground fire water supply at both HCFIP sub-projects, and the relocation of utility lines at the new ASU Primary Care Clinic.

			<p>2. Increased job costs that resulted from delays in the project’s schedule. The delays were caused by E&Os and COVID-19, resulting in additional costs for Inmate/Ward Labor staff, casual labor, guarding, and inspections for an extended duration.</p> <p>3. State Fire Marshal requirements related to the repairs to the existing rated corridor construction and head of wall at Facilities A, B, C, and D clinics.</p> <p>The proposal is for a supplemental appropriation for the construction phase in the amount of \$4,145,000 General Fund. The total estimated project cost is \$22.2 million.</p>
<p>2</p>	<p>California State Prison, Los Angeles County, Lancaster (LAC): Medication Preparation Room Unit D5</p>	<p>\$328,000 GF for working drawings phase</p>	<p>The purpose of this project is to design and construct a Medication Preparation Room (MPR) at LAC in housing unit D5 and is part of the projects within the HCFIP.</p> <p>Phase I of the Statewide Medication Distribution Improvements project included modifications at 22 institutions to address deficiencies in the health care delivery system by providing MPRs and Medication Distribution Rooms.</p> <p>The original scope for Phase II of the Statewide Medication Distribution Improvements project included a MPR at LAC Housing Unit D5. The original scope was for the MPR to be constructed in an existing office within the housing unit. It was subsequently determined during the design process that the office was too small for current requirements of a MPR; expanding the office to address the needed space would create blind spots and pose security concerns within the housing unit.</p> <p>This physical plant modification will allow CDCR to provide the appropriately-sized space with the proper infrastructure for safe and secure medication preparation.</p> <p>The total estimated project cost is \$3.4 million GF.</p>

<p>3</p>	<p>AB 900 (2007) General Fund Reappropriation</p>	<p>Reappropriation of \$6.0 million GF for Construction phase</p>	<p>A reappropriation of the unexpended funding is being requested. This reappropriation ensures the balance of this appropriation remains available for completion of the below projects.</p> <p>Assembly Bill 900 (2007) as amended originally appropriated \$300 million GF for design and construction of infrastructure, dental, medication distribution improvements and for projects in the Health Care Facility Improvement Program (HCFIP) at prisons statewide.</p> <p>Five HCFIP projects, the Folsom State Prison’s Cell Block Five Fire Life & Safety project, and multiple medication distribution improvement projects are authorized from this funding source. Preliminary plans and working drawings have been completed for these projects; however, construction has been delayed due to fire alarm system connectivity issues, delayed approvals of fire sprinkler submittals, and phasing to maintain safe prison and medical operations during construction.</p> <p>The total pot appropriation is \$239 million.</p>
<p>4</p>	<p>California Institution for Men, Chino: Air Cooling Facility A</p>	<p>\$ 13.9 million GF for the construction phase</p>	<p>The purpose of this project is to design and install air cooling systems in housing units at CIM’s Facility A. Installation of cooling systems in Facility A’s housing units will reduce indoor temperatures during the hot months, providing a better environment for inmates and staff and enhancing safety and security.</p> <p>With internal heat loads (lighting and occupants), it is quite possible to have indoor temperatures as high as the outside and, without air cooling, there is no relief from summer temperatures that can reach as high as 114°F. Facility A houses a large number of inmate-patients who are aged and/or are considered to be high risk medical that are more susceptible to health risks during high temperatures. The population on Facility A, as of December 2020, was 790. The average inmate age on the facility is 55, and approximately 605 (76 percent) of the</p>

			<p>population is currently 50 years of age or older.</p> <p>The project will help to maintain indoor temperatures at or below 89° F in accordance with the CDCR Design Criteria Guidelines. The Facility A housing units were built in 1952 when air cooling systems were not required by departmental standards.</p> <p>The total estimated project cost is \$15.7 million GF.</p>
5	<p>Substance Abuse Treatment Facility (SATF): Air Cooling Facility F And G</p>	<p>\$ 2.7 million GF for the preliminary plans and working drawings phases</p>	<p>This proposal would be for the installation of air cooling systems with required fire/life/safety improvements in rehabilitative treatment, education, and office space within Facility F and G housing units at SATF to provide indoor temperatures suitable for incarcerated people to receive treatment and education.</p> <p>Facility F and G have a total of six dormitory-style housing units with four “wings” each. Each housing unit contains rooms used for rehabilitative programming, group therapy, individual therapy, and a shared staff office. Several of these housing units contain Enhanced Outpatient incarcerated patients.</p> <p>High temperatures in these areas lead to missed treatment and education hours for inmates through refusal to attend treatment and education, as well as the cancellation of sessions. From May 2018 to August 2019, there were approximately 3,160 hours of cancelled treatment and education sessions due to temperatures exceeding 89°F. Inmates have also refused to attend scheduled treatment sessions because of the high temperatures in the treatment rooms. The temperatures have been recorded as high as 94°F.</p> <p>The total estimated project cost is \$14.9 million GF</p>
6	<p>Statewide: Minor Capital Outlay Program</p> <p>California Health Care Facility (CHCF),</p>	<p>\$1.5 million GF for the preliminary plans, working drawings, and</p>	<p>A list of 5 projects for fiscal year 2021-22, totaling \$1,515,000 General Fund for the design and construction of minor capital outlay improvements at the CHCF. Each project costs \$303,000 GF.</p>

	Facility E Dayroom Restroom Housing Units 301 B-F	construction phases	<p>Inmate-patients in Facility E are often medically fragile, experiencing bladder and bowel control issues and early onset dementia. These conditions often require ready access to toilets. The dayroom in-housing units 301B through 301F are not equipped with toilets. The total population in this facility is 327 incarcerated patients.</p> <p>Design and construction of a toilet and sink inside a housing unit for inmate-patients with accessibility requirements and chronic medical needs.</p> <p>The total project cost is \$1.5 million GF.</p>
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Staff Recommendation. Hold all proposals open.