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Assembly California Legislature



TONY THURMOND
ASSEMBLYMEMBER, FIFTEENTH DISTRICT

COMMITTEES
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EDUCATION
HEALTH
HUMAN SERVICES
LABOR AND EMPLOYMENT

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CHAIR: BUDGET SUBCOMMITTEE NO. 1
ON HEALTH AND HUMAN SERVICES
BUDGET SUBCOMMITTEE NO. 6 ON
BUDGET PROCESS OVERSIGHT AND
PROGRAM EVALUATION

August 17, 2015

Contra Costa County
Clerk of the Board
651 Pine Street
Martinez, CA 94553

Re: Proposed Expansion of West County Detention Facility

Honorable Members of the Contra Costa County Board of Supervisors:

I am writing this letter to urge your rejection of the Contra Costa County Sheriff's Office's proposed expansion of the West County Detention Facility. The Sheriff's Office's proposal lacks important information – including a detailed description of the new building and a needs assessment of existing jail housing deficiencies – which makes it difficult for the public to determine the merits of the proposal. These deficiencies should be addressed before a jail expansion proposal is submitted.

Additionally, the incarceration levels in the Contra Costa County jail system are already significantly below the system's capacity. The average daily populations at WCDF and the Marsh Creek Detention Facility (MCDF) are 56 percent and 37 percent of the rated capacity, respectively – demonstrating that there is already sufficient space to provide inmates with better housing conditions and additional services without building more jail space. In fact, Report 1508 by the 2014-2015 Contra Costa County Grand Jury concludes that renovating two existing dormitory wings at MCDF could reduce crowded conditions at MDF and increase inmates' access to medical services.

Moreover, the Sheriff's Office has not described how it will pay for additional operational costs, staff costs, and costs associated with the mental health and reentry programs. I was discouraged to learn that the Sheriff's Office is storing millions of AB 109 funds in its budget rather than spending those dollars now on sorely needed reentry programs. Given that the Sheriff's Office has not been spending all of its current reentry funding, I have doubts that it will fully support additional services for mental health and reentry.

Communities nationwide are reducing their prison populations while enhancing programs that decrease recidivism and enhance mental health and reentry services. The proposal by the Contra Costa Sheriff's Office contradicts this national narrative by building more jail space (despite the current availability of space) without dedicating funding for reentry or mental health services. High-quality mental health services should be accessible to residents from facilities located outside of jail walls – like hospitals and community-based health clinics – and support for post-release programs and service providers should be increased.

In addition to the lack of information regarding on-going operational costs that the County will incur, I would like to voice my concern with the County funding 10% of the costs associated with this expansion, approximately, \$9 million dollars. At a time when there is a serious gap in health care services available to West Contra Costa County residents with the closing of Doctors Medical Center, I urge you to invest in much needed expansion of community health care services instead of jail expansion.

Given the pitfalls of the Sheriff's Office's proposals and the fact that significantly better alternatives exist, I strongly encourage you to reject this proposal.

Sincerely,


Tony Thurmond
Assemblymember 15th District



CITY OF RICHMOND, CALIFORNIA

pg 1/20

Tom Butt

Mayor

Office of the Mayor

"We Can Do It!"

Office: 510.620.6503



August 18, 2015

Contra Costa County
Clerk of the Board
651 Pine Street
Martinez, CA 94553

Re: City of Richmond Opposes Proposed Expansion of West County Detention Facility

Honorable Members of the Contra Costa County Board of Supervisors:

On behalf of the City of Richmond, we are writing to inform you that the Richmond City Council adopted a resolution on August 3, 2015 opposing the Contra Costa County Sheriff's Office's request for \$80 million in funding through California Senate Bill (SB) 863 – matched 10 percent by Contra Costa County funding – to expand the West County Detention Facility (WCDF) and transfer more than 400 inmates from the Martinez Detention Facility (MDF) to the WCDF. The Richmond City Council voted to oppose the WCDF Expansion Project (\$90M total estimated construction cost) after thoughtfully reviewing the Sheriff's Office's jail expansion proposal.

We are also notifying you of the City of Richmond's intention to legally challenge the County's certified CEQA documents associated with the project as filed on Tuesday, July 28, 2015.

As the resolution states, the City Council's reasons for opposing the proposed WCDF Expansion Project include:

1. Richmond staff identified significant shortcomings in the Environmental Impact Report for the WCDF expansion;
2. The Sheriff's Office has not adequately responded to questions submitted by the Richmond City Council regarding the WCDF Expansion Project;
3. The Sheriff's Office's proposal would significantly increase housing capacity by adding 240 rooms to the WCDF, which contradicts the legislative purpose of SB 863;
4. The Office has not submitted any documentation or report that clearly demonstrates an existing jail housing deficiency; and
5. The three Contra Costa County detention facilities already have excessive housing capacity in relation to current inmate population (WCDF has an excess of 491 beds, MDF has an excess of 45 beds, and the Marsh Creek Detention Facility has an excess of 118 beds).

Enclosed is a copy of the adopted resolution for your reference.

Reducing jail space and providing additional support for post-release services are proven best-practice models for realigning jail systems. Rather than expand the housing capacity at the WCDF, the City of Richmond believes that state and county resources should be invested in needed services that reduce jail populations and support successful re-entry and re-integration. At this moment in time, public resources should not be committed to jail construction.

Given that Richmond is the host city for the WCDF, we hope you will honor the City Council's decision by rejecting the SB 863 application for the WCDF Expansion Project. We appreciate your time in reviewing our correspondence.

Respectfully,



Tom Butt
Mayor, City of Richmond



Jael Myrick
Vice Mayor, City of Richmond



Bill Lindsay
City Manager



Chris Magnus
Police Chief

cc: Congressman Mark DeSaulnier
State Senator Loni Hancock
State Assembly Member Tony Thurmond
BSCC Executive Board
Contra Costa County Sheriff David Livingston
City of El Cerrito
City of San Pablo
City of Hercules
City of Pinole

With Attachment

CITY COUNCIL RESOLUTION NO. 86-15

**RESOLUTION OF THE COUNCIL OF THE CITY OF RICHMOND, CALIFORNIA IN
OPPOSITION OF THE WEST COUNTY DETENTION FACILITY EXPANSION
PROJECT**

WHEREAS, the City of Richmond is the hosting city of the West County Detention Facility, and

WHEREAS, the Contra Costa County Sheriff has presented the jail expansion plan to the city council upon the City of Richmond's request to gather information about the proposed jail expansion, and

WHEREAS, the Contra Costa County Board of Supervisors is the ultimate decision-making body that will approve or not approve the grant submission and the BSCC is a state decision-making body responsible for disbursement of funds for jail construction projects from Senate Bill 863, and

WHEREAS, the State of California has built 21 state prisons since 1980 while investments in education and services were cut, and

WHEREAS, according to President Obama in his July 2015 speech to the NAACP, the United States has an inmate population 4 times as large as the inmate population of China despite the fact that China has roughly 4 times as many people as the United States does, and

WHEREAS, SB 863 (codified at Government Code section 15820 et seq.) provides for \$500 million to be financed through bonds and to be made available to various counties, but this \$500 million dollar fund, to be paid for by all taxpayers in the State of California, is not cash monies already set aside in the State budget, and

WHEREAS, the City of Richmond staff have reviewed the Draft Environmental Impact Report for the West County Detention Facility Expansion project, and have found significant short-comings therein, and

WHEREAS, the Contra Costa County sheriff has not responded to questions submitted by the City of Richmond regarding the jail expansion project, and

WHEREAS, the Sheriff's proposal is a significant increase in housing capacity, which contradicts the legislative purpose of the SB 863 funds. Government code section 15820.936 states that SB 863 funds are intended to replace existing jail housing capacity, realizing only a minimal increase in capacity, and only if the Sheriff can clearly document an existing housing capacity deficiency, and

WHEREAS, the Sheriff's proposal describes "no net increase in beds", without addressing the net increase in housing capacity that will result from his proposal to add 240 rooms to West County Detention Facility. Nowhere in his proposal does the Sheriff discuss the difference in meaning of actual number of beds versus housing capacity, and

WHEREAS, the Sheriff has not submitted any documentation or report which clearly demonstrates an existing jail housing deficiency. Indeed, the Sheriff's proposal – on the page titled "Overview of the County's Jail System" – describes 3 county jails which have excess housing in relation to the current jail population: MDF has an excess of 45 beds, WCDF has an excess of 491 beds, and Marsh Creek Detention Facility has an excess of 118 beds. The Sheriff's proposal does not explain the discrepancy between this excess in current jail housing, and his proposal to add a new wing to WCDF,

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Richmond hereby directs staff to draft and submit a letter no later than August 15, 2015, to the BSCC and Contra Costa County Board of Supervisors stating that the City Council opposes the West County Detention Facility Expansion project. The statement will express the city's view that state and county resources should be invested in needed services that reduce jail populations and support successful reentry and reintegration. At this moment in time, public resources should not be committed to jail construction.

I CERTIFY that the foregoing resolution was adopted at a special meeting of the City Council on August 3, 2015 by the following vote:

AYES: Councilmembers Beckles, Martinez, McLaughlin, Vice Mayor Myrick, and Mayor Butt.

NOES: Councilmembers Bates and Pimplé.

ABSTENTIONS: None.

ABSENT: None.

PAMELA CHRISTIAN
CLERK OF THE CITY OF RICHMOND
(SEAL)

Approved:

TOM BUTT
Mayor

Approved as to form:

BRUCE GOODMILLER
City Attorney

State of California }
County of Contra Costa : ss.
City of Richmond }

I certify that the foregoing is a true copy of **Resolution No. 86-15**, finally passed and adopted by the City Council of the City of Richmond at a special meeting held on August 3, 2015.


Pamela Christian, City Clerk of the City of Richmond

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August 17, 2015

VIA U.S. MAIL AND EMAIL

Contra Costa County Board of Supervisors
Attn: Clerk of the Board
651 Pine Street Room 106
Martinez, California 94553
clerkoftheboard@cob.cccounty.us

**Re: Comments on the Proposed West County Detention Facility Expansion Project
Final EIR, State Clearinghouse #2015042003**

Dear Members of the Board of Supervisors:

We are writing on behalf of the City of Richmond ("City") with comments on the Final Environmental Impact Report ("FEIR") for the West County Detention Facility ("WCDF") expansion project (the "Project") proposed by Contra Costa County ("County") and located within the City of Richmond. The City has submitted comments at all stages of the environmental review process, and these comments are meant to supplement, not replace, earlier comments.

Environmental review documentation is more than a set of technical hurdles for agencies and developers to overcome. The documents must "contain facts and analysis, not just the agency's bare conclusions or opinions." (*Laurel Heights Improvement Assn. v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 404.) Crucially, the documents "must include detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project." (*Id.* at 405.) The County must ensure that adequate environmental information is gathered and that the environmental impacts of the Project are fully identified and analyzed before the Project is approved. "To conclude otherwise would place the burden of producing relevant environmental data on the public rather than the agency." (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 724.)

For a variety of reasons, the EIR falls short of compliance with CEQA. First, the Project Description is inaccurate and misleading in that it assumes no net increase in detention center capacity within the County. Second, the EIR fails to analyze all of the direct, indirect, and cumulative impacts to the environment, and many of the EIR's impact conclusions are entirely lacking in factual support. The net effect of these problems is that the Board cannot legally rely on the current EIR to approve the Project, and therefore, we respectfully submit that the

proposed Project must be denied pending more thorough environmental review in a recirculated EIR.

I. The Board's Actions on the Project Have Misled the Public as No Project Approval Has Occurred

The Board has conveyed contradictory messages to the public regarding the actions it has taken with respect to the Project. At the Board's July 21 meeting, the Board certified the FEIR for the Project but did not approve the Project. Thus, at that meeting the Board directed staff to withhold the filing of a Notice of Determination ("NOD") until approval of the Project in August, when, according to the Board, it would also consider Project funding. The next week, on July 28, the Board adopted Consent Item 76 directing the filing of an NOD for the Project. Notably, the agenda for that item specifically stated that the Board's final approval of the Project would occur at its August 2015 meeting. (See Board Agenda, July 28, 2015, Consent Item 76 ["Sheriff's Office will return to the Board in August 2015 for final project approval."].) The Agenda for the Board's upcoming August 18, 2015 meeting states that it will:

CONSIDER adopting Resolution No. 2015/301, approving the County's proposal to be awarded \$80 million in State financing for the West Contra Costa County Reentry, Treatment, and Housing facility project in the Richmond area, authorizing the Sheriff to submit the proposal to the State, and taking related actions, as recommended by the Sheriff-Coroner. (David O. Livingston, Sheriff-Coroner)

The draft of Resolution 2015/301 provided with the Agenda Report for Item D.3 confirms that the County will consider whether to approve the project during the August 18 public hearing. (See Agenda Report, Item D.3 (Aug. 18, 2015), Resolution No. 2015/301, p. 1 ("Approves the West Contra Costa County Reentry, Treatment and Housing facility project.")) From this record, it is clear that approval of the Project *has not yet occurred*. The Board must take further action, as provided in the draft Resolution No. 2015/301, to approve the Project. (See, e.g., Pub. Resources Code, § 21002, 21081; Guidelines, § 15090-15095.)

As we noted in our letter dated August 12, the County impermissibly filed a Notice of Determination ("NOD") of approval of the Project on July 28. An NOD is only valid if filed *after* the lead agency "approves or determines to carry out a project which is subject to the requirements of CEQA." (CEQA Guidelines, § 15373.) Yet, the County *has not approved* the Project. (See Board Agenda, July 28, 2015, Consent Item 76 ["Sheriff's Office will return to the Board in August 2015 for final project approval."].) Any NOD filed before the date of project approval is defective and has no force or effect. (*County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931 (a notice of exemption filed before rather than after project approval is invalid).) If after considering the Project at the August 18 Board meeting, the Board approves the Project, only then can the County issue an NOD.

II. The Project Description Is Inaccurate and Misleading Because It Assumes No Net Increase in Detention Center Capacity in Contra Costa County

“[A]n accurate project description is necessary for an intelligent evaluation of the potential environmental effects of a proposed activity.” (*San Joaquin Raptor/Wildlife Rescue Ctr. v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 730.) Without an accurate and stable project description, it is impossible for the public to “ascertain the project’s environmentally significant effects, assess ways of mitigating them, and consider project alternatives.” (*Sierra Club v. City of Orange* (2008) 163 Cal.App.4th 523, 533.)

The Project Description claims there will be “no net increase of California Department of Corrections rated beds in Contra Costa County as a whole.” (DEIR, p. ES-1.) This statement is both false and misleading. The Project will add 240 cells (480 beds) at the WCDF to house existing high-security inmates that are located at MDF. The cells at MDF will not be closed or demolished or otherwise restricted from use. Instead, they will be “repurposed for short-term housing of inmates for purposes of in-processing and release” and the MDF will “continue to be the booking facility for law enforcement agencies in the central and eastern areas of the County.” (DEIR, p. 3.) Nowhere does the EIR point to any restriction on later use of the 240 cells, whether for short-term or long-term inmate housing, or whether low, medium, or high security could be housed there. Indeed, there is not even any discussion of how or when the transfer of inmates from one facility to another will occur. The County’s most recent application materials for funding through SB 863 demonstrate that the capacity at MDF will remain available. The application states that it will modify existing MDF cells that are currently double occupancy to single-occupancy—a change which can easily be reversed should additional beds be needed. (Agenda Report, Item D.3, Attachment A, Statement of Need, p. 5.) The application also states that they will close two housing modules at MDF, but presumably those modules could also be reopened if needed. (*Id.*) There are no physical or legal actions taken with respect to MDF that will prevent future re-use of the facilities for the maximum use at which they are currently operating.

The Project will result in an overall increase of 480 beds in Contra Costa County, the 480 beds existing at the MDF will continue to house inmates, there will be no restrictions on the short-term or long-term use of the MDF cells based on inmate security risk level, and thus Contra Costa County will see a *net increase* in detention center capacity. The EIR’s failure to properly disclose these facts results in a misleading Project Description and deficient impacts analysis. “Far from being an informative document, the EIR’s conclusions call for blind faith in vague subjective characterizations.” (*Communities for a Better Env’t v. City of Richmond* (2010) 184 Cal.App.4th 70, 85.)

This defect is similar to the one at issue in *San Joaquin Raptor Rescue Ctr. v. County of Merced* (2007) 149 Cal.App.4th 645, 655-56. There, the EIR involved the expansion of acreage at an existing mine, which would have allowed the mine’s *peak capacity* to increase, but the EIR made “inconsistent assurances [] that there would be no increase in production” and instead

relied upon what the projected average production would be. (*Id.* at 655.) The Court held that “[b]y giving such conflicting signals to decisionmakers and the public about the nature and scope of the activity being proposed, the Project description was fundamentally inadequate and misleading.” (*Id.* at 655-56.) Such “curtailed and inadequate characterizations of the Project” had the result of “mislead[ing] the public and thwart[ing] the EIR process.” (*Id.* at 656. As described below, the EIR’s assumption that there would be “no net increase” in detention center capacity in Contra Costa carried through to the analysis of air quality and traffic impacts as described below.

Finally, the EIR’s Project Description is also misleading with respect to its statements about the number of staff that will be needed at WCDF as a result of the expansion. The County’s proposed SB 863 application materials specifically state that the Project will require, as “preliminary staffing” an additional 43 deputy sheriffs and sheriff’s aids (Agenda Report, Item D.3, p. 2), *in addition to* the six employees or community volunteers needed for the educational, vocational, and drug and alcohol counseling services (EIR, p. 2-5), totaling 49 new employees at the WCDF. The EIR only disclosed a maximum of 30 staff members. This defect must be remedied and the environmental analysis concerning air quality and traffic must be updated to reflect the actual staffing level proposed for the WCDF.

III. The EIR’s Analysis of the Project’s Operational Air Quality Impacts Is Premised Upon No Net Increase in Detention Center Capacity

The EIR’s analysis of operational air quality impacts is defective because it is premised upon the inaccurate assumption that there will be no net increase in detention center capacity in Contra Costa County. This is made evident when the EIR states:

Implementation of the proposed project would not increase the inmate population or number of employees in Contra Costa County. Rather, as described in Chapter 2, Project Description, the County would transfer 480 inmates and up to 24 employees from the MDF to the WCDF and would add 6 community volunteers or other program staff members. Because neither the number of inmates nor employees would increase within the airshed relative to existing conditions, there would be no net increase in vehicle trips within the County or BAAQMD. . . . Because no changes in vehicle trips or VMT would result from proposed project implementation relative to existing conditions, there would be no increase in mobile source criteria pollutant or GHG emissions in the airshed as a result of the proposed project. (EIR, p. 3-2.13—14 (emphasis added).)

With respect to existing inmate and receptor exposure to potential Project-generated carbon monoxide hot-spots, the EIR makes the same assumption regarding a “transfer” of existing impacts at MDF to WCDF. The EIR states:

Implementation of the proposed project would shift existing vehicle trips from the MDF to the WCDF, decreasing traffic and CO concentrations adjacent to the MDF and increasing traffic and CO concentrations by a corresponding amount near the WCDF. (DEIR, p. 3.2-23.)

Further evidence of the EIR's assumption that there will be no additional mobile source emissions associated with operation of the Project is found in Table 3.2-8, which excludes mobile source emissions altogether.

As explained in Section II above, the Project will add capacity at WCDF and will not close, demolish, or otherwise restrict usage of the existing capacity at MDF. Therefore, the Project could result in an increase in the inmate population and the number of associated detention facility employees within the County. In addition, as acknowledged in the County's EIR and the County's own application materials for funding under SB 863, the Project will require both a transfer of 31 existing employees from MDF, and 18 *new employees*—six *new* Deputy Sheriff's, six *new* Sheriff's Aides, and six *new* staff for the educational, vocational, and mental health and medical services that are proposed as part of the Project. (See Agenda Report, Item D.3, p. 2, DEIR, p. 2-4.)

For these reasons, the EIR cannot assume that there is no net increase in air quality impacts associated with mobile sources and inmate and receptor exposure because any existing emissions associated with the MDF facility will not simply "transfer" to the WCDF facility. The Project will not foreclose the use of MDF's existing capacity, and the Project will add new 18 entirely new employees to the WCDF. Furthermore, the Project will add entirely new facilities to the WCDF, including a mental health treatment facility, educational and vocational programs, and healthcare services. Any analysis of mobile source emissions associated with operation of the Project must include an evaluation of how these new facilities will alter the number and frequency of cars and trucks coming to the Project site.

IV. The EIR Fails to Properly Evaluate the Project's Potential Greenhouse Gas Emissions and Energy Impacts

In evaluating a project's greenhouse gas (GHG) emissions, Appendix G of the CEQA Guidelines directs lead agencies to evaluate whether the project will "conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases." (CEQA Guidelines, App. G(VII).) Assembly Bill 32 (AB 32), as one applicable plan or policy, establishes a statewide goal to reduce GHG emissions to 1990 levels by 2020. In addition, BAAQMD has established GHG thresholds of significance to assist lead agencies in determining the level of significance of operational-related GHG emissions. (See DEIR, p. 3.2-15.) In December of 2008, Contra Costa County adopted a Municipal Climate Action Plan (MCAP).¹ Contra Costa County adopted the long-term GHG reduction target set by the US Cool

¹ The MCAP is available at: <http://www.co.contra-costa.ca.us/DocumentCenter/Home/View/2905>

Counties Climate Stabilization Declaration, which “calls on the County to work with local, state, and federal governments and other local leaders to develop a regional plan to reduce countywide GHG emissions to 80% below baseline levels by 2050.” (MCAP, p. 4.)² The MCAP also establishes a “reduction target of 50% below baseline levels by 2030.” (MCAP, p. 4.) California has also adopted aggressive energy efficiency standards for new buildings, including the California Green Building Standards Code, which “establishes voluntary standards that became mandatory in the 2010 edition of the code.” (DEIR, p. 3.2-5, *see* 24 Cal. Code Regs., Part 11.)

Under Impact GHG-2, the EIR concludes that “the WCDF expansion *could be* LEED Silver certified and would include a number of energy efficiency improvements relative to the existing MDF.” (DEIR, p. 3.2-25.) Then the EIR concludes that “[t]his is consistent with strategies identified in the AB 32 Scoping Plan, as well as MCAP goals to conserve energy and reduce GHG emissions generated by County facilities” and that “implementation of the proposed project would not conflict with AB 32 or the MCAP.” (*Id.*) Nowhere does the EIR provide any detail concerning what the Project’s energy efficiency improvements would be, or how the Project would reduce emissions from business-as-usual to meet state and local GHG reductions targets. As shown in the MCAP, building electricity use, building natural gas consumption, and waste disposal as the second, third, and fifth largest contributors to municipal emissions within the County, respectively. (MCAP, p. 3.) Yet, under Impact GHG-2 there is no discussion of how the County will construct the Project (either as design features or as mitigation measures) in a way as to reduce electricity usage, natural gas consumption, or waste disposal. Thus, there is no substantial evidence supporting the EIR’s conclusion under Impact GHG-2 that the Project will not conflict with applicable plans, policies, or regulations concerning GHG reductions. “Such a bare conclusion without an explanation of its factual and analytical basis is insufficient.” (*San Joaquin Raptor/Wildlife Rescue Ctr. v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 736.) This requirement that conclusions be adequately supported and explained is needed to “enable[] the decision-makers and the public to make an ‘independent, reasoned judgment’ about a proposed project.” (*Concerned Citizens of Costa Mesa v. 32nd Dist. Agric. Assn.* (1986) 42 Cal.3d 929, 935.)

Similarly, under Impact EGY-1, the EIR summarily concludes that “the proposed project would be consistent with AB 32, the County’s MCAP, the County’s Green Building Code, and would be planned for a high level of energy efficiency and sustainability, potentially to LEED Silver levels. Therefore, the proposed project would be consistent with state and local energy policies and would not result in a wasteful, inefficient, and unnecessary usage of energy.” (DEIR, p. 3.2-26.) Yet, again, there is absolutely no factual data or information supporting this conclusion, no description of how the Project will be energy efficient, reduce waste, reduce water usage, or otherwise implement energy reducing features for the operation. Thus, there is

² The State’s emissions reductions targets are increasing. This past January, Governor Brown announced a new goal of 50 percent renewable energy by 2030. (See Governor Brown Inaugural Address (Jan. 5, 2015), available at: <http://gov.ca.gov/news.php?id=18828>; see also Senate Bill 350 (amended July 16, 2015), available at: http://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB350.)

no substantial evidence supporting the EIR's less-than-significant impact conclusion for Impact EGY-1 because the EIR fails to explain how the Project's energy consumption will not be "wasteful, inefficient, or unnecessary."

Finally, the County's evaluation of the Project's GHG impacts commits the same error made by the lead agency in *Friends of Oroville v. City of Oroville* (2013) 219 Cal.App.4th 832. There, the lead agency was found to have violated CEQA because it applied the threshold for compliance with AB 32 incorrectly because the EIR never evaluated how the proposed project could reduce emissions from Business-As-Usual (BAU) to meet AB 32's target reductions. (*Id.* at 842.) As the Court explained:

The relevant question to be addressed in the EIR is not the relative amount of GHG emitted by the Project when compared with California's GHG emissions, but whether the Project's GHG emissions should be considered significant in light of the threshold-of-significance standard of Assembly Bill 32, which seeks to cut about 30 percent from business-as-usual emission levels projected for 2020, or about 10 percent from 2010 levels.

(*Id.* at 842.) Here, the EIR completely avoids any evaluation of the Project's BAU emissions, and likewise fails to demonstrate how those emissions will be reduced to meet AB 32's current targets. As such, the EIR must be revised and recirculated to correct this substantive error.

V. The EIR Does Not Adequately Analyze and Mitigate the Project's Aesthetic Impacts

Under Appendix G of the CEQA Guidelines, a project would have a significant aesthetic impact if it would (a) have a substantial adverse effect on a scenic vista; (b) substantially damage scenic resources within a state scenic highway; (c) substantially degrade the existing visual character or quality of the site and its surroundings; or (d) create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

The EIR states that the Project will develop 2.3 acres and construct a new building with a height range of 32-45 feet for a total of 150,000 square feet. (DEIR, pp. 2-2, 2-3.) In response to comments raised on this issue, the FEIR disclosed that the setback from the Giant Highway will be greater than 100 feet. (FEIR, p. 2-11.) The Project fails, however, to include a site plan, specifications, or any depiction of the proposed Project. As a result, it is not possible to determine whether the Project's impacts to identified viewsheds (i.e., the Giant Highway, nearby residences, the Richmond Golf and Country Club, the Point Pinole Regional Shoreline, and the Pinole Point Business Park) may be potentially significant.

The EIR shows that the proposed Project would result in the construction of buildings closer to the Great Highway, nearby residences, and the Richmond Golf and Country Club, than the existing WCDF buildings on the Project site. (DEIR, Figure 2-3.) As a result, the EIR notes

that the Project may increase the visibility of the WCDF from these areas. (DEIR, p. 3.1-5.) It is impossible to determine whether aesthetic impacts are significant, however, because the EIR fails to include a rendering of what the Project will look like from any of the selected vantage points, or any other point of view, for that matter. At a minimum, the EIR should include viewpoints of the site with a generic rendering of the Project, including a scale building at the maximum proposed height of 45 feet at the eastern boundary of the 2.3-acre expansion area depicted in Figure 2-3. While an EIR need not conduct every study, the EIR here lacks any substantial evidence that the Project will have less than significant impacts on aesthetics.

Further, the Project has the potential to create new sources of substantial light or glare adversely affecting nighttime views in the area. Facility lighting has the potential to be very bright, but the EIR fails to include any clear and specific set of lighting design features requiring that lights be directed away from the Giant Highway and nearby residences, stating only that “[e]xterior lighting for the facility would be similar to existing lighting, directed downward with the minimum wattage [necessary] to meet security needs.” (DEIR, p. 2-3.) Because the Project may be visible from nearby residences, it is also possible that lighting for the facility will be as well. (DEIR, p. 3.1-6.) The EIR should be revised to state design features necessary to avoid creating hazardous roadway conditions or shining onto adjacent businesses and residences.

Additionally, the EIR does not fully discuss the status of existing landscaping used to obscure the WCDF, only stating that it will be maintained. (DEIR, p. 2-3.) With respect to new landscaping, however, the County states that it will not install new landscaping adjacent to the WCDF for security reasons, thus ruling out one of the only feasible measures to mitigate view impacts without providing alternative options, which may be required to mitigate the impacts to aesthetics caused by the Project.

VI. The EIR Does Not Adequately Analyze and Mitigate the Project’s Impacts to Biological Resources

As pointed out in comments by the California Department of Fish and Wildlife, the County completely failed to conduct a thorough assessment of habitat, flora, and fauna within and adjacent to the Project area to determine the presence of threatened, endangered, and locally unique species and sensitive habitats. Although the County’s consultant “confirmed the lack of suitable wildlife habitat” on the Project site (Initial Study, p. 18), the County did not evaluate which special-status species may have a potential to occur on the Project site, and therefore may have potentially significant impacts from Project operation and construction. Instead, the Initial Study simply concluded—without supporting evidence—that the “project would not have a substantial adverse effect either directly or through habitat modification for any candidate, sensitive, or special-status species.” (Initial Study, p. 18.)

Further, the County failed to evaluate the presence of flora and fauna in areas adjacent to the Project site. The Initial Study acknowledges the WCDF is bordered on the western side by the 2,315-acre Point Pinole Regional Shoreline Park, which is “home to more than 100 species of

birds, eucalyptus woodlands, and assorted wildlife,” but concludes that because a rail line separates the WCDF and the park, that “the rail lines are considered to limit the site’s suitability for nesting birds.” (Initial Study, p. 17.) This assumption is not supported by substantial evidence in the record. The County failed to conduct a survey to determine whether nearby areas are not suitable for special status bird species to nest and forage, or whether bird species and other sensitive wildlife are present and have become habituated to existing noise patterns. Indeed, a March 2014 EIR for the Chevron Refinery Modernization Project discussed the presence of many sensitive species at nearby Point Pinole, species which the environmental documents for this Project fail to disclose:

Point Pinole. Tidal and freshwater marshes, mudflat, grassland, eucalyptus plantation, and fishing pier, which extends ¼ mile into San Pablo Bay. Valuable for migrating waterfowl and shorebirds. Habitat for soft-haired bird’s beak (Cordylanthus mollis ssp. mollis), California clapper rail and salt marsh harvest mouse (Reithrodontomys raviventris), possibly for black rail, Samuel’s song sparrow (Melospiza melodia samuelis), and white-tailed kite (Elanus leucurus). The eucalyptus plantation serves as an overwintering site for migrating monarch butterflies (about 5 miles north of the Project site).

(Chevron Refinery Modernization Project EIR, March 2014, p. 4.4-45 (“Chevron EIR”).) In contrast, the County’s EIR failed to identify sensitive species which may be present on or near the Project site.

The County admits that it “is aware that there may be birds that nest in nearby trees and monarch butterflies that use nearby trees; however, the County does not propose to remove those trees.” (DEIR, p. 1-5.) Assuming the presence of sensitive species, as the County does here, requires an analysis of the potentially significant impacts on those species that may result from Project construction and operation. The fact that tree removal is not proposed is not a sufficient basis to conclude that the Project’s impacts to sensitive species will be insignificant. For example, the Chevron EIR made the following findings with respect to potential construction impacts:

As described above, any wildlife species, including nesting birds, using habitats adjacent to Refinery Process and Tank Farm areas are assumed to already be acclimated to industrial noise levels. *However, there is potential for increased noise levels during construction to disrupt nesting activities of special-status bird species, including those protected by the MBTA.* With implementation of Mitigation Measure 4.4-1a (see Section 4.4.4.2.1 below), this indirect impact would be avoided by conducting a nesting bird survey and observing prescribed disturbance buffers (if active nests are found), or by avoiding construction during the nesting season.

(Chevron EIR, p. 4.4-49 (emphasis added).) In contrast, the Project EIR simply provides that the County “will require standard use of Best Management Practices, including pre-construction surveys, to ensure that nesting birds would not be affected.” (DEIR, p. 1 -5.) To the extent the County presumes the presence of sensitive species and corresponding impacts to them, it fails to provide adequate and necessary mitigation measures. The commitment to conduct pre-construction surveys and proceed under Best Management Practices constitutes impermissible deferral of the mitigation analysis, especially where, as here, the County has failed to identify which species may be present. (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 671 (EIR improperly deferred to future management plan to mitigate direct and indirect impacts to special-status species presumed present); *see also Lotus v. Department of Transp.* (2014) 223 Cal.App.4th 645, 656 (EIR should indicate whether project’s environmental impacts would be potentially significant and separately determine whether mitigation measures described would substantially reduce or avoid identified significant impacts).)

Accordingly, the EIR failed to adequately analyze the Project’s potentially significant construction-related impacts to biological resources, including noise and dust-related impacts. The Initial Study’s conclusion that nearby rail lines “are considered to limit the site’s suitability for nesting birds” does not amount to evidence supporting the conclusion that no impacts to nesting birds may result from the Project. Consequently, the Biological Resources impacts analysis in the EIR is inadequate and must be revised.

VII. The EIR Fails To Incorporate Required Mitigation for the Discovery of Human Remains During Construction

As acknowledged in the EIR, “[c]ultural resources was the one resource topic for which the Initial Study identified potential impacts that would be less than significant with mitigation,” but the EIR did not further evaluate impacts to cultural resources, it simply incorporated two mitigation measures. (DEIR, p. 1-5.) The DEIR proposes Mitigation Measures CUL-1: Stop Work at Discovery of Cultural Resources, and CUL-2: Stop Work at Discovery of Paleontological Resources. (DEIR, p. ES-5—6.) The DEIR failed to incorporate Mitigation Measure CUL-3, pertaining to discovery of human remains during construction, even though the Initial Study found “it is possible construction of the new facilities would result in the discovery of human remains,” and that to “reduce potential impacts on undiscovered human remains” mitigation was required. (Initial Study, p. 22.)

CEQA Guidelines section 15064.5(e)(1) requires that in the event of “accidental discovery of human remains . . . [t]here shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains.” (CEQA Guidelines, § 15064.5(e)(emphasis added).) Moreover, even Mitigation Measure CUL-3, as provided in the Initial Study, did not include the requirement that the County “rebury” any “Native American remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance” where the applicable conditions are

met. (Initial Study, p. 22.) The omission of any discussion of preservation in place conflicts with settled case law. (*See Madera Oversight Coalition, Inc. v. County of Madera* (2011) 199 Cal.App.4th 48 [the determination of a site's historical significance must be made before certification of the final EIR, not during construction].) Based on the above, there is substantial evidence within the Initial Study and EIR demonstrating that the Project will have potentially significant impacts to cultural resources.

VIII. The EIR Does Not Adequately Analyze and Mitigate the Project's Noise Impacts

The EIR concludes that the Project will have less than significant noise and vibration impacts to the nearest residences, located approximately 450 feet away, which the City and other commenters have disputed. Additionally, the EIR completely omits any analysis of the expected significant impacts to persons living and working on the premises of the WCDF. The EIR fails to analyze noise and vibration impacts to inmates and staff resulting from Project construction, which is expected to proceed from 6 a.m. to 6 p.m. five days per week for 18-24 months. The EIR acknowledges that construction noise could reasonably reach 88 dBA at a distance of 50 feet from construction activity, and 69-65 dBA at a distance of 450 feet (distance of nearest residence). (DEIR, p. 3.4-7.) The EIR utilizes a threshold of 75 dBA to conclude that noise impacts to the nearby residences will be less than significant. (*Id.*) Because noise impacts on the Project site itself will exceed 75 dBA, the EIR attempts to minimize these effects by claiming that the inmates are "normally located within existing buildings or in outdoor areas that are shielded by buildings." (*Id.*) This analysis improperly diminishes the potential effects on inmates and staff, and ignores the fact that people residing in nearby residences will likewise be indoors most of the time and/or shielded from noise through walls or buildings. In effect, the EIR ignores the 88 dBA noise level that will affect the existing inmates and staff at WCDF. The EIR must be revised to properly evaluate the effect of construction noise to inmates and staff at WCDF and include measures to mitigate those impacts.

IX. The EIR's Traffic Analysis Is Flawed

The EIR's analysis of the Project's traffic related impacts is premised upon a defective method of quantifying trip generation. The EIR states that it was unable to use the Institute of Traffic Engineers ("ITE") *Trip Generation Manual* because the two studies for the land use code "Prison" had a very wide range of rates. (DEIR, p. 3.6-5.) As a result, the County surveyed the existing WCDF during a "typical weekday in February to determine existing trip generation rates." (*Id.*) Then, to determine the Project's potential trip generation, the County simply took the existing traffic counts, divided it by the number of existing average occupancy beds (574) to get a trip generation rate of "0.05 trips per bed in the A.M. peak hour, and 0.06 trips per bed in the P.M. peak hour." (*Id.*) Using these rates, the County simply multiplied the number of additional beds by these rates to conclude that the proposed Project "would generate 24 additional trips during the A.M. peak hour and 29 additional trips during the P.M. peak hour." (*Id.*)

This entire approach to estimating the proposed Project's potential trip generation is flawed. First, as explained in Section II, the Project will require 49 new employees at the WCDF (31 transferring from MDF and 18 entirely new staff), separate from the 480 inmates. The trip generation methodology assumes that there will be fewer additional trips than there will be new employees. The new employees alone will increase daily trips by 49 in both the morning and afternoon, unless the EIR can demonstrate that these employees will be carpooling with existing employees or with one another, or have another means of getting to work that does not involve driving. Second, there is no real analysis of how traffic will change as a result of the construction of the other new facilities on the premises that do not currently exist, in particular the new educational and vocational program facilities and healthcare and mental health services. Existing trip generation rates are based on a facility that does not have these operations. Thus, the EIR fails to evaluate how these new operations will increase traffic, for example with deliveries of supplies, machinery, medicine, handling and removal of hazardous medical waste, increased maintenance, etc.

Because the data underlying all of the EIR's traffic impacts conclusions is inherently flawed, the County must re-evaluate the Project's trip generation rates, with reference to the new employees needed for the Project and the new types of facilities that will be present on the site as part of the proposed Project. The EIR identified that two intersections would operate at LOS F based on cumulative conditions, with or without the project. If the traffic counts are flawed, then there may be a cumulatively considerable impact at each of these locations if the delay exceeds 5 seconds. Regardless, the EIR must be revised and recirculated with new trip generation data.

Finally, under Impact TRA-5, concerning emergency access on the Project site, there is inadequate information and analysis supporting the EIR's conclusion that there will be no impact. (DEIR, p. 3.6-11.) As acknowledged in the EIR, the Project's "site plan is conceptual, it lacks many details of a typical site layout plan such as drive aisle widths, stall widths, curb radii, etc." (DEIR, App. B, p. iii.) Indeed, the Traffic Study found in Appendix B of the EIR states "access to the site for trucks cannot be assessed." (App. B, p. iii.) As a result, there is no substantial evidence supporting the conclusion that the addition of 150,000 square feet of new buildings on the existing site will not impair emergency access.

X. The EIR Does Not Adequately Analyze and Mitigate the Project's Impacts with Respect to Utilities and Service Systems

A. Water Service

CEQA requires a discussion of whether the Project will have "sufficient water supplies available to serve the project from existing entitlements and resources, or whether new or expanded entitlements are needed. (CEQA Guidelines, Appx. G.) The EIR concludes that "[w]ater demand during construction activities would be temporary in nature and is not anticipated to be substantial." (DEIR, p. 3.5-7.) The EIR fails to identify a threshold of significance or discuss any data supporting its conclusion that construction-related water demand

will be anything less than substantial. Because the Project entails the development of 2.3 acres of land and the construction of a 150,000 square foot building, the use of water for “airborne dust suppression, routine cleaning of construction equipment, concrete mixing, and other purposes” is potentially significant. This is especially true given that construction activities have an expected duration of 18-24 months at 60 hours per week. (DEIR, p. 3.4-7.) Because no data regarding construction-related water usage was provided, the EIR’s analysis of the Project’s impacts with respect to water supply is inadequate, particularly as the State is in an unprecedented drought.

With respect to Project operations, the EIR only analyzes the increase in water use associated with an expanded onsite population. (DEIR, p. 3.5-7.) Notably, the EIR fails to discuss the expected water demand associated with new programming offered at the WCDF, as well as water demand associated with healthcare and mental health services. For these reasons, the County’s analysis of the Project’s water usage is insufficient and must be revised to determine whether potentially significant impacts may occur.

B. Wastewater Service and Infrastructure

The Initial Study identified potentially significant impacts from the Project that were not adequately analyzed in the EIR, including exceeding wastewater treatment requirements of the Regional Water Quality Control Board, requiring the construction of new wastewater treatment facilities, and insufficient wastewater treatment provider capacity to treat wastewater from the Project in addition to existing commitments. The EIR must be revised to remedy the failure to analyze identified potentially significant impacts.

The EIR is deficient because it does not analyze whether the Project will cause or contribute to the West County Wastewater District (“WCWD”) exceeding the wastewater treatment requirements of the Regional Water Quality Control Board. The EIR should be revised to identify the effluent limits contained in WCWD’s permits, and analyze the Project’s expected wastewater stream. Without knowing the effluent limits contained in the WCWD’s permits, it is impossible to determine whether the Project may cause or contribute to exceedances of those standards. The issue is whether the Project’s wastewater may have, in actual expected volumes, significant impacts on the WCWD’s treatment standards. Again, this assessment cannot be done without an actual understanding of all the treatment plant’s requirements (not just its volumetric limits) and the full range of chemicals and contaminants that will likely be found in the Project’s wastewater, and the volume of that water.

Moreover, the Initial Study found that the Project would not result in impacts to the stormwater drainage facilities because the existing facilities were designed to accommodate any increase in stormwater drainage. The IS continues, however, that “runoff and drainage are not anticipated to increase substantially,” but no evidence is cited to support this conclusion, especially considering that the Project will develop 2.3 acres and place a 150,000 square foot building on them—essentially increasing impervious surfaces and attendant runoff substantially. Nor does the IS support its conclusion that “no new drainage facilities or expansion of existing

facilities would be required.” (Initial Study, p. 49.) Additionally, the EIR found that “more recent regulations require development projects to implement low-impact development standards and ensure runoff is retained on-site.” (DEIR, p. 3.5-4.) Whether and how the County will redesign the stormwater runoff facilities onsite is not addressed in the EIR, nor is the County’s compliance with “recent regulations.” Those regulations are not identified, nor are the Project’s wastewater facilities described in accordance with them.

In contrast to the Initial Study, the EIR summarily concludes that the Project will not have significant stormwater impacts without adequate analysis or explanation. Thus, the EIR’s treatment of stormwater runoff impacts remains insufficient. The EIR must be revised to confront the water quality impacts associated with the Project’s stormwater, and to provide additional information regarding the specific onsite infrastructure that would mitigate polluted runoff.

C. Hazardous and Solid Waste Disposal

The EIR is deficient because it does not adequately analyze impacts associated with construction-related waste. The County concludes that waste-related impacts are less than significant because “[m]inimal solid waste would be generated during the operation of proposed project.” The EIR admits, however, that “the majority of solid waste generation would take place during construction of the facility.” (DEIR, p. 3.5-8.) This analysis is inadequate and the EIR must determine whether “the majority of solid waste generation” would also have a less than significant impact on waste disposal capacity. If the impacts are significant, mitigation measures should be discussed in the EIR and required as part of the approved Project.

Additionally, the County entirely omits discussion of potentially significant impacts resulting from hazardous waste disposal required by new healthcare facilities that will be on site. A medical facility presumably has the potential to generate hazardous wastes, yet this concern is not discussed in any of the environmental documents for the Project.

XI. The Project Has Significant Environmental Justice Concerns

Environmental justice addresses disproportionate environmental impacts on communities of color, low-income communities, and other demographics that have historically faced discrimination. California Attorney General Kamala D. Harris has intervened in two cases challenging projects or programs for their failure to analyze disproportionate impacts on minority communities.³ The California legislature explicitly adopted an environmental justice statute that requires the California Environmental Protection Agency to “[c]onduct its programs, policies, and activities that substantially affect human health or the environment in a manner that ensures the fair treatment of people of all races, cultures, and income levels, including minority

³ CEQA Litigation and Settlements, State of California Department of Justice, Office of the Attorney General, <http://oag.ca.gov/environment/ceqa/litigation-settlements> (last visited June 8, 2012).

populations and low-income populations of the state.” (Pub. Res. Code § 71110(a).) Under CEQA, “[e]conomic or social changes may be used . . . to determine that a physical change shall be regarded as a significant effect on the environment . . . economic and social effects of a physical change may be used to determine that the physical change is a significant effect on the environment. If the physical change causes adverse economic or social effects on people, those adverse effects may be used as a factor in determining whether the physical change is significant.” (Guidelines, § 15064(e).)

The EIR’s failure to adequately analyze the Project’s environmental effects raises significant environmental justice concerns, especially with respect to air quality, GHG emissions, and noise. Both inmates of the WCDF and those who live in the residential development adjacent to the Project site will suffer, in particular, during the two-year construction period. The Project has the potential to generate significant adverse localized air quality impacts, as well as increased noise, which will both have a disproportionately greater effect on nearby residents and the existing population of inmates and WCDF staff, many of whom will be unable to leave the Project site during the entire two year construction period. This is especially troublesome, since Richmond, together with San Pablo, was one of the six Bay Area communities determined by BAAQMD to have higher relative toxic air contaminant exposure, and accordingly was designated a Community Air Risk Evaluation (CARE) community.⁴

The EIR should be recirculated to correct the deficiencies highlighted in the sections above, and as part of that analysis, should evaluate and mitigate the disproportionate environmental effects of the Project on the WCDF inmates and nearby residential area.

XII. The EIR Must Be Revised and Recirculated

As discussed in detail above, the EIR’s Project Description is misleading, the EIR fails to adequately identify and analyze potentially significant environmental effects, fails to support significance conclusions with substantial evidence, and fails to adopt mitigation measures that would reduce the Project’s identified significant impacts to a level of insignificance. Under these circumstances, the Board should decertify the EIR and direct staff to substantially revise the EIR to include these missing analyses. CEQA requires recirculation of an EIR when “significant new information” is added to the EIR. (Pub. Res. Code, § 21092.1); CEQA Guidelines, § 15088.5.) Therefore, the EIR must be recirculated for public review and comment after further revision.

⁴ BAAQMD initiated the CARE program in 2004 to evaluate and reduce health risks associated with outdoor toxic air contaminants in the Bay Area. The CARE program focuses on emissions near sensitive populations to help prioritize air quality mitigation strategies.

CONCLUSION

The EIR for the West County Detention Facility Expansion Project is inadequate. The City of Richmond respectfully submits that the proposed Project must be denied pending appropriate environmental review in a revised and recirculated EIR that addresses the issues discussed above. The City is highly concerned about the serious environmental and associated impacts this project could have within Richmond and is willing to pursue legal action, if necessary, to ensure that the environmental review for the Project complies with the law. We appreciate your consideration.

Very truly yours,

DOWNEY BRAND LLP



Christian L. Marsh

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City of Richmond

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Douglas Dunn—BOS 863 Remarks Tues., 8/18/2015

Fellow Supervisors:

I support the Sheriff's proposed use of SB 863 funds because he has taken a big step forward in:

- Real community stakeholder outreach, and
- Help for incarcerated persons who are gravely mentally ill.

I know, because this very minute, our loved one is decompensating inside an out-of-state jail that has no mental health treatment. His extremely severe mental illness is what caused him to commit an act for which he faces the first felony charges in his life. I'm doing everything possible to get him back here to his home county in a Behavioral Health Court program. He could immediately use the services this Sheriff's project proposes to provide. To further earn the community's trust in this project, the Sheriff needs to leverage funding and his leadership to do three more things:

1. Expand the use of Behavioral Health Court treatment for the incarcerated mentally ill whenever possible.
2. Expand Crisis Intervention Training to sheriffs units in east county where it is desperately needed.
3. Actively encourage further community stakeholder involvement in law enforcement policies and decisions.

Sheriff Livingston, if you lead the department to do these 3 things, this project will demonstrate your sustained community concern and help for our most vulnerable citizens.

Thank you



LEAGUE OF WOMEN VOTERS OF DIABLO VALLEY

♦ Alamo ♦ Antioch ♦ Bay Point ♦ Bethel Island ♦ Brentwood ♦ Byron ♦
♦ Canyon ♦ Clayton ♦ Concord ♦ Danville ♦ Diablo ♦ Discovery Bay ♦
♦ Knightsen ♦ Lafayette ♦ Martinez ♦ Moraga ♦ Oakley ♦ Orinda ♦
♦ Pacheco ♦ Pittsburg ♦ Pleasant Hill ♦ Rossmoor ♦ San Ramon ♦ Walnut Creek ♦

August 17, 2015

SPECIAL TO: Contra Costa County Board of Supervisors

The League of Women Voters of Diablo Valley opposes the plan to build 418 maximum security beds at the West County Detention Center. The League of Women Voters of the United States believes that alternatives to imprisonment should be explored and utilized.

We welcome the Sheriff's resolve to provide programming space for mental health and drug addiction treatment, and feel that units in the Martinez jail could be adjusted and remodeled with partitions and soundproofing to provide adequate space for group therapy and counseling.

The Sheriff's plan would commit the county to spending over \$5 million per year in operating expenses (not including programming expenses) for the life of the new jail, possibly 50 years, amounting to more than \$250 million dollars. The League would support investing this money in prevention and in community based mental health and drug addiction treatment rather than new jail cells.

Thank you for your consideration of our position.

The non-partisan League of Women Voters encourages informed and active participation in governmental processes. The League never supports or opposes any political party or candidate.

500 St. Mary's Road, #14, Lafayette, CA 94549
(925) 283-2235 ♦ www.lwvdv.org

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Resources > POST Videos > Public Safety Realignment Act

Public Safety Realignment Act

Assembly Bill 109

(2011)

This video clarifies the key areas of the law, features some processes that are working well, and dispels some of the common myths associated with the new law.

The Public Safety Realignment Act has brought to law enforcement some of the most significant changes in decades. It is important to understand this legislation and why it happened in order to more effectively serve our communities.

Read POST Bulletin [2015-05](#) (pdf)



00:00

Video
ON-line *
(April, 2015, 75 mins.)

Compliments of Joseph V.A. "Joe" Partansky, M.B.A.
Human-Disability Rights Advocate
AccessJoeP@gmail.com (925) 524-0272

Skip to Chapter

Introduction
Overview of Public Safety Realignment Act
Field Contact & Arrest
Jails & Booking Facilities
Courts & Sentencing
Local Incarceration
Supervision
Administration / Executive Level
Final Thoughts
Credits

POST of California has recently issued/on-line a 75 minute video on AB 109 or "Public Safety Realignment Act" (can be viewed by topic). POST website now and its up coming "mental health resources" can be searched: www.post.ca.gov

Suggest visiting "Resources/Links" at the California Council on the Mentally Ill Offenders (COMIO) website: www.cdcr.ca.gov/COMIO

Home | B&

The California State Auditor's April, 2015 19 page report on re-alignment is at: www.bsa.ca.gov/pdfs/reports/2015-609 and [2015-610.pdf](http://www.bsa.ca.gov/pdfs/reports/2015-610.pdf)

Contra Cost County Point Person is Chief Probation Officer Mr. Philip F. Kadar, who Chairs the Community Corrections Partnership. Contact: Donte.Blue@prob.cccounty.us or (925) 313-4158.



Mental Health Commission

Contra Costa County Mental Health Commission has a dual mission: 1) To influence the County's Mental Health System to ensure the delivery of quality services which are effective, Efficient, culturally relevant and responsive to the needs and desires of the clients it serves with dignity and respect; and 2) to be the advocate with the Board of Supervisors, the Mental Health Division, and the community on behalf of all Contra Costa County residents who are in need of mental health services.

August 17, 2015

Dear Supervisor Gioia,

RE: MHC Support for Application of the Sheriff's Proposal to seek SB 863 Funding

On Thursday, August 13th, the Contra Costa County Mental Health Commission voted its support of the Sheriff's application to receive funding from the State to expand the West County Detention Facility (Yea 9; Nay 1; Abstention 4).

Members of the Mental Health Commission toured both the West County Detention Facility and the Martinez Detention Facility. The main reason cited by Commissioners for voting their approval is there are no mental health programs or treatment aside from medication at the Martinez Detention Facility or the West County Facility.

The proposed grant application outlines plans to bring mental health treatment programs to the West County Facility. The Commission emphasizes that there are no mental health programs for the seriously mental ill at either Detention Facility. Senate Bill 863 speaks specifically to the need of mental health treatment in Detention Facilities. Whether the County is successful in acquiring State funding to expand the West County Facility, the need to provide treatment for the seriously mental ill must begin immediately. The County cannot wait until it receives funding to build a new facility or give the excuse that the building does not provide room for programming. Those who remain incarcerated at the Martinez Facility who are seriously mental ill need to be in treatment programs that consist of more than monitoring medication.

The Mental Health Commission will continue to work with the Sheriff's Office to ensure steps are taken to provide treatment to those with a serious mental illness.

Sincerely,

Lauren Rettagliata
Chair, Contra Costa County Mental Health Commission

cc: David Livingston, Contra Costa County Sheriff
William W. Walker, M.D., Director of Health Services
David Twa, Contra Costa County Administrator
Cynthia Belon, Director of Behavior Health Services
Clerk of the Board



Bob Lilley
Assistant Business Manager - IBEW Local 302
1875 Arnold Drive
Martinez CA 94553

Dear County Supervisors,

I am writing in support of the West County Treatment and Housing Facility Project.

This project will provide much more than just additional space to house an increasing number of inmates. It will help alleviate overcrowding, allow for the dispensation of much-needed services, and offer a more humane prescription of a safer environment and programs conducive to a brighter future for those who are incarcerated.

The judicial system provides a guideline for dealing with those who falter. But those guidelines should reflect the ideals of our community. To be a fair and just society, it must offer a fair and just alternative to those who ran afoul of our system in the first place.

Thankfully, the days of the "snake pit" are over. The overcrowded, inhumane, and neglectful conditions which offered little in the way of hope and training lead to a vicious cycle of dead-end recitivism. It has proven to be a vicious and COSTLY cycle, paid in installments of a sentence.

To those who cite the cost, I say what is the cost if we do *not* build it? What is the true cost of a lost life? What is the cost to condemn the same offenders time after time and offer them no alternative?

Without addressing the issues of over-crowding and a humane environment, even the best programs in the world will be doomed to underperform and under-deliver.

To simply create more jail cells is not the answer. We must not continue to pave the path back to jail and neglect the road to a better life for any of our residents. Let's build this facility and move toward a more inclusive, more humane society.

Sincerely,

Bob Lilley

REQUEST TO SPEAK FORM (3 Minute Limit)

Complete this form and place it in the upright box near the speaker's podium, and wait to be called by the Chair.

Personal information is optional. This speaker's card will be incorporated into the public record of this meeting.

Name (PRINT): Arlene Grimes

To ensure your name is announced correctly, you may want to include its phonetic spelling

Address: 2365 Harbor View Dr

City: Martinez

Phone: (925) 372-6366

I am speaking for: ☒ Myself

☐ Organization: _____

I wish to speak on Agenda Item #: D-3

Date: 8/12/15

My comments will be: ☐ General

☐ For

☒ Against

☐ I wish to speak on the subject of:

☒ I do not want to speak but would like to leave comments for the Board to consider
(Use the back of this form)

In view of the fact that CCC's pension plan for retirees has been sapping the county budget, is it possible that Sheriff Livingston is advocating the new wing for the Richmond Detention Center so that we have a larger work force to contribute to that pension fund?

Information for Speakers:

1. Deposit this form into the upright box next to the speaker's podium before the Board's consideration of your item
2. Wait to be called by the chair. Please speak into the microphone at the podium.
3. Begin by stating your name and your city or area of residence, and whether you are speaking for yourself or on behalf of an organization.
4. If you have handout materials, give them to the Clerk.
5. Avoid repeating comments made by previous speakers.
6. The Chair may limit the time allocated to speakers so that all may be heard.

In lieu of speaking, I wish to submit these comments:

(see above)

REQUEST TO SPEAK FORM (3 Minute Limit)

Complete this form and place it in the upright box near the speaker's podium, and wait to be called by the Chair.

Personal information is optional. This speaker's card will be incorporated into the public record of this meeting.

Name (PRINT): Tiffany Poulos
To ensure your name is announced correctly, you may want to include its phonetic spelling

Address: _____

City: ANTIOCH, CA

Phone: _____

I am speaking for: ☐ Myself

☒ Organization: CALIFORNIA
NURSES ASSOC.

I wish to speak on Agenda Item #: D3

Date: _____

My comments will be: ☐ General
☐ For
☒ Against

☒ I wish to speak on the subject of:

D3
invest in health
care

☒ I do not want to speak but would like to leave comments for the Board to consider
(Use the back of this form)

Information for Speakers:

1. Deposit this form into the upright box next to the speaker's podium before the Board's consideration of your item
2. Wait to be called by the chair. Please speak into the microphone at the podium.
3. Begin by stating your name and your city or area of residence, and whether you are speaking for yourself or on behalf of an organization.
4. If you have handout materials, give them to the Clerk.
5. Avoid repeating comments made by previous speakers.
6. The Chair may limit the time allocated to speakers so that all may be heard.

In lieu of speaking, I wish to submit these comments:

I am a registered nurse at
contra Costa Regional Medical Center.
on my unit (medical surgical) we
have almost 1/2 of our hospital
Beds occupied by patients
who are medically stable and
cleared for discharge however
remain in The hospital due to

REQUEST TO SPEAK FORM (3 Minute Limit)

Complete this form and place it in the upright box near the speaker's podium, and wait to be called by the Chair.

Personal information is optional. This speaker's card will be incorporated into the public record of this meeting.

Name (PRINT): Catherine Cabanas
To ensure your name is announced correctly, you may want to include its phonetic spelling

Address: _____

City: _____

Phone: _____

I am speaking for: ☐ Myself

☒ Organization: California Nurses
Association

I wish to speak on Agenda Item #: D3

Date: 8/10/15

My comments will be: ☐ General

☐ For

☒ Against

☐ I wish to speak on the subject of:

health system

☒ I do not want to speak but would like to leave comments for the Board to consider
(Use the back of this form)

Information for Speakers:

1. Deposit this form into the upright box next to the speaker's podium before the Board's consideration of your item
2. Wait to be called by the chair. Please speak into the microphone at the podium.
3. Begin by stating your name and your city or area of residence, and whether you are speaking for yourself or on behalf of an organization.
4. If you have handout materials, give them to the Clerk.
5. Avoid repeating comments made by previous speakers.
6. The Chair may limit the time allocated to speakers so that all may be heard.

In lieu of speaking, I wish to submit these comments:

I'm a registered nurse @ Contra Costa regional medical
center. I work on the medical/surgical floor. we
have about 13 mental health patients (our unit
patient max capacity is 30) & they have been on
our floor between 6 months to a year. what we need is
to invest in the mental health of these patients in the hospital
provide them with better resources & housing while
allowing us to open beds to care for the acutely
ill in our community.

REQUEST TO SPEAK FORM (3 Minute Limit)

Complete this form and place it in the upright box near the speaker's podium, and wait to be called by the Chair.

Personal information is optional. This speaker's card will be incorporated into the public record of this meeting.

Name (PRINT): Rena Meyers-Dahlkamp
To ensure your name is announced correctly, you may want to include its phonetic spelling

Address: PO Box 47

City: Canyon, CA 94516

Phone: 925.32.3-7928

I am speaking for: ☒ Myself

☐ Organization: _____

I wish to speak on Agenda Item #: D3

Date: 8/8/15

My comments will be: ☐ General

☐ For

☒ Against

☐ I wish to speak on the subject of:

☒ I do not want to speak but would like to leave comments for the Board to consider
(Use the back of this form)

Information for Speakers:

1. Deposit this form into the upright box next to the speaker's podium before the Board's consideration of your item
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5. Avoid repeating comments made by previous speakers.
6. The Chair may limit the time allocated to speakers so that all may be heard.

In lieu of speaking, I wish to submit these comments:

As a mother, I strongly urge
you to not invest in jail expansion
but rather restorative practices
education for all our county
schools, especially those that are
currently underfunded & facing
tremendous economic hardship.
Please listen to the many citizens
here today & make us proud to
know you are listening to the people.

REQUEST TO SPEAK FORM (3 Minute Limit)

Complete this form and place it in the upright box near the speaker's podium, and wait to be called by the Chair.

Personal information is optional. This speaker's card will be incorporated into the public record of this meeting.

Name (PRINT): Rona Meyers-Dahlkamp
To ensure your name is announced correctly, you may want to include its phonetic spelling

Address: PO Box 47

City: Canyon, CA 94576

Phone: _____

I am speaking for: ☒ Myself a many other white Lamanda families

☐ Organization: _____

I wish to speak on Agenda Item #: D3

Date: 8/18/15

My comments will be: ☐ General

☐ For

☒ Against

☒ I wish to speak on the subject of:

the Sheriff's slide
that said there is
not really opposition
to this bill

☐ I do not want to speak but would like to leave comments for the Board to consider
(Use the back of this form)

Information for Speakers:

1. Deposit this form into the upright box next to the speaker's podium before the Board's consideration of your item
2. Wait to be called by the chair. Please speak into the microphone at the podium.
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5. Avoid repeating comments made by previous speakers.
6. The Chair may limit the time allocated to speakers so that all may be heard.

In lieu of speaking, I wish to submit these comments:

REQUEST TO SPEAK FORM (3 Minute Limit)

Complete this form and place it in the upright box near the speaker's podium, and wait to be called by the Chair.

Personal information is optional. This speaker's card will be incorporated into the public record of this meeting.

Name (PRINT): Magdalena Meyers-Dankamp
To ensure your name is announced correctly, you may want to include its phonetic spelling

Address: P O Box 47

City: Canyon, CA 94516

Phone: _____

I am speaking for: ☒ Myself 7 years old

☐ Organization: _____

I wish to speak on Agenda Item #: D3

Date: 8/18/15

My comments will be: ☐ General

☐ For

☒ Against

☐ I wish to speak on the subject of:

☒ I do not want to speak but would like to leave comments for the Board to consider
(Use the back of this form)

Information for Speakers:

1. Deposit this form into the upright box next to the speaker's podium before the Board's consideration of your item
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4. If you have handout materials, give them to the Clerk.
5. Avoid repeating comments made by previous speakers.
6. The Chair may limit the time allocated to speakers so that all may be heard.

In lieu of speaking, I wish to submit these comments:

INVEST in
EDU CALLS!
NOT JAIL!