

Matching funds for new Fresno County Jail project could come up short

By Marc Benjamin



Fresno County jail in downtown Fresno.

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Fresno County supervisors learned Tuesday that they may not be able to spend up to \$2 million from tobacco settlement monies for preconstruction work for the county's new downtown jail annex.

That could leave the county with a shortfall in its matching funds and real estate with a combined value of \$8.8 million, about 10% of the project cost.

Vicki Crow, the county auditor-controller, said she was trying to determine the eligibility of the tobacco funds in the most "conservative" manner possible. She said she is consulting with bond counsel, too.

Crow said there are "gray areas" with some preconstruction costs, such as costs of arranging bid packages and the bid process.

"Our approach has been pretty conservative and they feel like there is some wiggle room there," Crow said, referring to discussions with bond counsel.

The issue came up because supervisors were asked to authorize a \$4.8 million agreement with Kitchell/CEM to provide construction management services for the new West Annex Jail project. They approved the agreement in a 4-1 vote.

The state is funding \$79.2 million for the 300-bed jail. Under the county's proposal, the three-story structure would replace the existing, antiquated 1947 south annex jail. The new jail would be adjacent to the existing main and north annex jails on the downtown block bordered by M, L, Merced and Fresno streets. It would be built behind the north annex and feature pod-style housing, program space, medical/mental health services, video visitation and a stand-alone laundry and storage building.

Crow said the funding gap might be as low as \$1.1 million and can be bridged somewhat because an error by the state Board of Equalization will provide an additional \$1 million in Proposition 172 dollars to the county. She said any money not eligible to pay for jail work will be returned to the tobacco fund.

Supervisor Henry R. Perea said he was concerned about using Proposition 172 funding, which is supposed to pay for law enforcement staffing and programs.

Following the meeting, he suggested that development fees on new construction, which supervisors repealed last week, could have helped cover the jail costs instead of the law enforcement money.

"Today was a good example of how we could have used development fees for public impacts to make up this gap," he said.

He also was critical of the Kitchell/CEM agreement because the firm was the second-highest bidder. Perea opposed the agreement because it was \$85,000 higher than the lowest bid. He also previously objected to the board's approval of an architect whose nearly \$7 million bid was \$765,000 higher than the lowest bidder, which was the lowest ranked of three firms.

"I have been very supportive of the construction of the new jail, but in the past five or six months, I have not been supportive of the process this board has followed in selecting architects, and in this case, the construction managers," he said. "We've had a process where we've had responsible bidders in each situation and we've selected the highest cost to the taxpayers of this county and state."

Crow said she will return to supervisors in January with a better breakdown on ineligible funding.

- Supervisors also voted 3-2 to support adding \$250,000 to pay for nonstaff lawyers, about a third of which will be used to defend lawsuits challenging the medical marijuana cultivation ban county supervisors approved this year. Other lawsuits for which the county needs to hire legal representation are a sheriff's case, an assessment conflict over events at the Save Mart Center with Fresno State, and an appeal of a Public Employees Relations Board decision in favor of the Fresno County Prosecutors' Association.

Supervisors had already voted this year to pay \$210,000 for outside counsel.

"From my vantage point, you are asking for appropriations for eventualities that were not foreseeable and I think that's the nature of litigation," Board Chairman Andreas Borgeas said. "When we give you policy direction on where we want to go in terms of litigation, it's a dynamic environment."

Because other money could be available to pay for the sheriff's lawsuit, Supervisor Debbie Poochigian wanted to authorize only \$200,000.

- Supervisors also supported consolidating the county's Mental Health Board and Alcohol and Drug Advisory Board in a 4-1 vote.

The Mental Health Board voted to support the consolidation, said Carolyn Evans, the board's chairwoman, but she pointed out that the two boards did not agree.

"Some people with mental health disorders don't want to be associated with those with substance-abuse disorders and likewise, those with substance-abuse disorders don't want to be associated with mental illness," Evans said.

“But, in reality, they are both brain diseases we must address and often there’s crossover.”

John Duchscher, vice chairman of the alcohol and drug advisory board, said there is “no evidence that merging these two boards will directly impact client treatments.”

County staff reports indicated other communities are moving toward consolidating the two boards.

“Each county has its own personality and its own culture,” Duchscher said.

Poochigian pointed out that a majority of seats on the Alcohol and Drug Advisory Board are vacant. Supervisor Judy Case McNairy said a problem for the board is that “the number of applicants has been zero — I’m not talking just minimal, I’m saying zero.”

But Supervisor Phil Larson, who cast the lone dissenting vote, said he had concerns about putting the two groups together because of testimony from Duchscher and others.

- Supervisors also unanimously approved reducing landfill fees for a new 20-year agreement with the city of Fresno. The county/city agreement expired in June and was extended month-to-month. The city will deliver 250,000 tons annually at \$18.50 per ton. The cost will rise 2.5% annually under the agreement. The city had been paying \$23 per ton and was examining other landfill options. The city of Fresno delivers 64% of all trash that goes to the county’s American Avenue landfill.

Also, retiring supervisors Case McNairy, elected in 2000, and Larson, elected in 2004, got fire helmets as they were honored for their service by Fresno County Fire Protection District firefighters. They were also given plaques by the county. Tuesday was their final regular board meeting.

Contact Marc Benjamin: mbenjamin@fresnobee.com, (559) 441-6166 or [@beebenjamin](https://twitter.com/beebenjamin) on Twitter.

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