

AMENDED IN SENATE AUGUST 31, 1998

AMENDED IN ASSEMBLY MAY 26, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2796**

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Introduced by ~~Committee on Budget (Ducheny (Chair), Aroner, Brown, Cardenas, Cardoza, Cedillo, Davis, Gallegos, Keeley, Papan, Scott, Strom-Martin, Torlakson, and Wright)~~ Assembly Members Wright and Baca and Senator Schiff

*(Principal coauthors: Assembly Members Migden and Aguiar)*

*(Coauthors: Assembly Members Cardoza, Alby, Ashburn, Baldwin, Battin, Bordonaro, Brewer, Cunneen, Frusetta, Granlund, Kuykendall, Leach, Miller, Morrissey, Pacheco, Poochigian, Prenter, Pringle, Richter, Runner, Thompson, and Woods)*

*(Principal coauthors: Senators Alpert, Vasconcellos, Costa, Thompson, Lockyer, Rainey, and McPherson)*

*(Coauthors: Senators Peace and Karnette)*

March 2, 1998

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~~An act relating to local government~~ *An act to add Article 18.8 (commencing with Section 749.3) to Part 1 of Division 2 of, and to add Chapter 2.5 (commencing with Section 990) to Part 1 of Division 2 of, the Welfare and Institutions Code, relating to juvenile correctional facilities and youth centers, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2796, as amended, ~~Committee on Budget Wright. Local government Corrections:~~ *juvenile correctional and youth center facilities.*

*Existing law directs the Department of the Youth Authority to administer the moneys intended for juvenile facilities in the County Correctional Facility Capital Expenditure and Youth Facility Bond Act of 1988.*

*This bill would authorize the Board of Corrections to expend funds, upon appropriation by the Legislature, for the purpose of awarding grants on a competitive basis to counties for the renovation, reconstruction, construction, and replacement of county juvenile facilities and the performance of deferred maintenance on county juvenile facilities. The bill would authorize up to 1½% of these funds to be used by the board for administration of the County Juvenile Correctional Facilities Act, established by this bill. The bill would make grants under these provisions dependent upon the grantee's contributing resources, as specified, for purposes of the grant program in an amount that is at least 25% of the amount of the grant.*

*The bill also would appropriate \$100,000,000 from the General Fund for the purposes of these provisions.*

*This bill would enact the Juvenile and Gang Violence Prevention, Detention, and Public Protection Act of 1998 that would appropriate \$25,000,000 for allocation by the Department of the Youth Authority to nonprofit organizations for acquiring, renovating, or constructing defined youth centers.*

*The bill would also appropriate \$25,000,000 from the General Fund for the purpose of funding that act.*

*This bill would declare that it would take effect immediately as an urgency statute.*

~~This bill would express the intent of the Legislature in enacting its provisions to make the necessary statutory changes to implement the Budget Act of 1998 relative to local government.~~

Vote: ~~majority~~ 2/3. Appropriation: ~~no~~ yes. Fiscal committee: yes. State-mandated local program: no.



The people of the State of California do enact as follows:

1 ~~SECTION 1. It is the intent of the Legislature in~~  
2 ~~enacting this act to make the necessary statutory changes~~  
3 ~~to implement the Budget Act of 1998 relative to local~~  
4 ~~government.~~

5 SECTION 1. Article 18.8 (commencing with Section  
6 749.3) is added to Part 1 of Division 2 of the Welfare and  
7 Institutions Code, to read:

8

9 Article 18.8. County Juvenile Correctional Facilities  
10 Act

11

12 749.3. This title shall be known and may be cited as the  
13 County Juvenile Correctional Facilities Act.

14 749.31. The Legislature finds and declares all of the  
15 following:

16 (a) While the County Correctional Capital  
17 Expenditure Bond Act of 1986 and the County  
18 Correctional Facility Capital Expenditure and Youth  
19 Facility Bond Act of 1988 have provided ninety million  
20 dollars (\$90,000,000) for county juvenile facilities for  
21 remodeling to help ensure health and safety  
22 requirements, many problems remain.

23 (b) Numerous county juvenile facilities throughout  
24 California are dilapidated and overcrowded and do not  
25 meet standards. Over 40 percent or 4,335 facility beds are  
26 in need of renovation, reconstruction, construction, and  
27 deferred maintenance.

28 (c) Capital improvements are necessary to protect the  
29 life and safety of the persons confined or employed in  
30 juvenile facilities and to upgrade the health and sanitary  
31 conditions of those facilities.

32 (d) Over two hundred twenty million dollars  
33 (\$220,000,000) is needed to remodel, upgrade, or replace  
34 4,335 beds by the year 2000.

35 (e) Due to fiscal constraints associated with the loss of  
36 local property tax revenues, counties are unable to  
37 finance the construction of adequate juvenile facilities.



1 (f) Local juvenile facilities are operating over capacity  
2 or must implement emergency release procedures, and  
3 the population of these facilities is still increasing. It is  
4 essential to the public safety that construction proceed as  
5 expeditiously as possible to relieve overcrowding and to  
6 maintain public safety and security.

7 (g) County juvenile facilities are threatened with  
8 closure or the imposition of court ordered sanctions if  
9 health and safety deficiencies are not corrected  
10 immediately.

11 749.32. As used in this article, the following terms  
12 have the following meanings:

13 (a) "County juvenile facilities" means county juvenile  
14 halls or camps.

15 (b) "Board" means the Board of Corrections.

16 749.33. (a) Upon appropriation by the Legislature,  
17 moneys may be available to the board for the purpose of  
18 awarding grants on a competitive basis to counties for the  
19 renovation, reconstruction, construction, completion of  
20 construction, and replacement of county juvenile  
21 facilities, and the performance of deferred maintenance  
22 on county juvenile facilities. However, deferred  
23 maintenance for facilities shall only include items with a  
24 useful life of at least 10 years. Up to 1<sup>1</sup>/<sub>2</sub> percent of these  
25 moneys may be used by the board for administration of  
26 this article.

27 (b) No grant shall be awarded pursuant to this article  
28 unless the applicant makes available resources in an  
29 amount equal to at least 25 percent of the amount of the  
30 grant. Resources may include in-kind contributions from  
31 participating agencies, but in no event shall the  
32 applicant's cash contribution be less than 10 percent of  
33 the grant.

34 (c) An application for funds shall be in the manner and  
35 form prescribed by the board and pursuant to  
36 recommendations of an allocation advisory committee  
37 appointed by the board. From these recommendations,  
38 an allocation plan shall be developed and adopted by the  
39 board. The allocation advisory committee shall convene  
40 upon notification by the board.



1 (d) Any application for funds shall include, but not be  
2 limited to, all of the following:

3 (1) Documentation of need for the project or projects.

4 (2) Adoption of a formal county plan to finance  
5 construction of the proposed project or projects.

6 (3) Submittal of a preliminary staffing plan for the  
7 project or projects.

8 (4) Submittal of architectural drawings, which shall be  
9 approved by the board for compliance with minimum  
10 juvenile detention facility standards and which shall also  
11 be approved by the State Fire Marshal for compliance  
12 with fire and life safety requirements.

13 (5) Documentation that the facilities will be safely  
14 staffed and operated in compliance with law, including  
15 applicable regulations of the board.

16 (e) The board shall not be deemed a responsible  
17 agency, as defined in Section 21069 of the Public  
18 Resources Code, or otherwise be subject to the California  
19 Environmental Quality Act (Division 13 (commencing  
20 with Section 21000) of the Public Resources Code) for any  
21 activities undertaken or funded pursuant to this title. This  
22 subdivision does not exempt any local agency from the  
23 requirements of the California Environmental Quality  
24 Act.

25 SEC. 2. Chapter 2.5 (commencing with Section 990)  
26 is added to Part 1 of Division 2 of the Welfare and  
27 Institutions Code, to read:

28  
29 CHAPTER 2.5. JUVENILE AND GANG VIOLENCE  
30 PREVENTION, DETENTION, AND PUBLIC PROTECTION ACT  
31 OF 1998  
32

33 990. As used in this article:

34 (a) "Acquiring" means obtaining ownership of an  
35 existing facility in fee simple for use as a youth center.

36 (b) "Altering" or "renovating" means making  
37 modifications to an existing facility that are necessary for  
38 cost-effective use as a youth center, including restoration,  
39 repair, expansion, and all related physical improvements.



1 (c) "Applicant" means a nonprofit youth serving  
 2 agency, including, but not limited to, organizations such  
 3 as Boys and Girls Clubs, YMCA, Girl Scouts, Boy Scouts,  
 4 Camp Fire, Inc., California 4-H Programs, and camping  
 5 organizations that have been operating in California for  
 6 a period of not less than two years. An applicant does not  
 7 have to be operating in the county of application in order  
 8 to be a qualified applicant.

9 (d) "Constructing" means the purchase or building of  
 10 a new facility, including the costs of land acquisition and  
 11 architectural and engineering fees.

12 (e) "Department" means the Department of the  
 13 Youth Authority.

14 (f) "Nonprofit organization" means a youth serving  
 15 agency or organization that is exempt under Section  
 16 501(c)(3) of the Internal Revenue Code and is owned  
 17 and operated by one or more corporations or associations  
 18 with no part of the net earnings benefiting any private  
 19 shareholder or individual.

20 (g) "Programs" means services and activities  
 21 provided in a youth center; including, but not limited to,  
 22 recreation, health and fitness, citizenship and leadership  
 23 development, job training, delinquency prevention such  
 24 as antigang programs, teen pregnancy prevention  
 25 programs, and counseling for such problems as drug and  
 26 alcohol abuse.

27 991. Moneys in the fund, up to twenty-five million  
 28 dollars (\$25,000,000), upon appropriation to the  
 29 department, shall be available for allocation by the  
 30 department in accordance with this chapter, for grants to  
 31 nonprofit organizations for acquiring, renovating, or  
 32 constructing youth centers. Of these moneys, an amount  
 33 not to exceed 1½ percent thereof shall be available to the  
 34 department for administrative costs associated with this  
 35 article.

36 992. (a) The department shall, upon appropriation  
 37 pursuant to Section 993.3, make grants to nonprofit  
 38 organizations for the purpose of acquiring, renovating, or  
 39 constructing youth centers. This article shall not apply to



1 agencies or institutions under the jurisdiction of the  
2 department prior to the operative date of this section.

3 (b) A nonprofit organization receiving a grant for the  
4 acquisition of a facility to be used as a youth center shall  
5 agree that the facility will be used for that purpose for at  
6 least 10 years from the date of acquisition.

7 (c) A nonprofit organization receiving a grant for  
8 renovation of an existing facility to be used as a youth  
9 center shall agree that the facility will be used for that  
10 purpose for at least 10 years.

11 (d) A nonprofit organization receiving a grant for the  
12 construction of a facility to be used as a youth center shall  
13 agree that the facility will be used for that purpose for at  
14 least 20 years after completion of construction.

15 (e) Prior to the grant award, and as a condition to  
16 receipt of the award, the nonprofit organization shall  
17 execute and deliver a promissory note to the department  
18 in a form approved by the department. The amount of  
19 the note shall be the amount of the grant, reduced  
20 proportionately for each year of compliance as set forth  
21 in subdivisions (b), (c), and (d). The department shall  
22 have a lien on any facility construction, acquired,  
23 renovated, or remodeled under this act for the period of  
24 time described in subdivisions (b), (c), and (d). The lien  
25 shall be evidenced by a deed of trust or other suitable  
26 recordable document approved by the department. This  
27 subdivision shall not apply when the department  
28 determines that application of its provisions is not in the  
29 best interests of the public.

30 (f) Should any of the following events occur, the  
31 department may, without the consent of the Department  
32 of General Services, foreclose upon the lien, take  
33 possession of and sell the property:

34 (1) The owner of the facility ceases to be a nonprofit  
35 organization.

36 (2) The facility is no longer used for youth center  
37 activities.

38 (g) A facility altered, acquired, renovated, or  
39 constructed using funds allocated under this article may



1 *not be used and may not be intended to be used for*  
2 *sectarian instruction or as a place for religious worship.*

3 *(h) The Director of the Youth Authority, prior to*  
4 *issuing a request for proposal under this article, shall*  
5 *create an advisory committee. This advisory committee*  
6 *shall advise the director on the request for proposal and*  
7 *on the criteria for reviewing and evaluating the*  
8 *responses. The department shall not issue a request for*  
9 *proposal for acquiring, renovating, or constructing youth*  
10 *centers any later than three months after the moneys are*  
11 *deposited in the fund for the purpose of this chapter. The*  
12 *advisory committee shall consist of representatives,*  
13 *including, but not limited to, representatives from*  
14 *statewide nonprofit youth organizations, local*  
15 *government, probation and law enforcement, and*  
16 *community-based nonprofit organizations serving youth*  
17 *or youth related issues. Any local chapter, branch, group,*  
18 *or other entity within an organization shall not be eligible*  
19 *for funding under this article if a representative of the*  
20 *organization serves on the advisory committee and that*  
21 *representative is a member of the particular chapter,*  
22 *branch, group, or other entity within the larger*  
23 *organization that is applying for the funds.*

24 *The department shall review and evaluate proposals*  
25 *from applicants for funding. The proposals shall be*  
26 *consistent with the criteria developed by the department*  
27 *following consultation with the advisory committee.*

28 *(i) Proposals from an applicant for youth center*  
29 *funding shall do all of the following:*

30 *(1) Document the need for the applicant's proposal.*

31 *(2) Contain a written commitment and a plan for the*  
32 *delivery of programs, including, where appropriate,*  
33 *plans for innovative nontraditional programs designed to*  
34 *meet the needs of the youth of the targeted community.*

35 *(3) Contain a match for funding that meets the*  
36 *following:*

37 *(A) Equal to 15 percent of the total amount requested.*

38 *(B) Match is in cash or in kind.*

39 *(4) Document the cost effectiveness of the proposal.*



1 (5) Contain a written commitment and plan to  
2 develop and implement a process to receive and consider  
3 feedback and suggestions from the community served  
4 including a separate mechanism for the youth it serves.  
5 A board of directors reflecting broad representation of  
6 the community shall satisfy the requirement for  
7 community input.

8 (6) Document plans to utilize and coordinate  
9 availability of the youth center facilities with other  
10 organizations serving the same youth population and,  
11 where possible, when the facilities are not being utilized  
12 for youth activities, to maximize utilization by other  
13 community organizations, including, but not limited to,  
14 senior groups and crime victims' and crime prevention  
15 organizations.

16 (j) The department shall rank the proposals received  
17 for funding on a priority consideration based on  
18 established greatest need, the number of youths that can  
19 be served, the most underserved areas, and the most  
20 economically disadvantaged areas, both in urban and  
21 rural counties. The department shall also evaluate the  
22 cost effectiveness of the proposal, the nonprofit  
23 organization's experience in programs serving youth, and  
24 the proposed utilization of, and coordination with, other  
25 agencies serving youth.

26 (k) The department shall, to the extent possible, and  
27 giving consideration to the amount of funds available,  
28 attempt to ensure a broad distribution of the funds  
29 consistent with the program priorities, in order to meet  
30 the needs of the youth in the state.

31 (l) The department shall consider any protest or  
32 objection regarding the award of a contract grant,  
33 whether submitted before or after the grant award, as  
34 long as the protest is filed within the time period  
35 established in the request for proposal. All protests or  
36 objections shall be made in writing. The protesting party  
37 shall be notified by the department in writing of the final  
38 decision on the protest. The notification shall set forth the  
39 rationale upon which the decision is based.

1 993. (a) No grant made pursuant to this chapter shall  
2 exceed three million dollars (\$3,000,000) and each grant  
3 shall reflect the reasonable costs for acquisition and  
4 construction of a facility, taking into consideration its  
5 location, size, and proposed use.

6 (b) In a youth center facility that is acquired,  
7 renovated, or constructed in conjunction with other  
8 groups, funds received under this article may support  
9 only the following:

10 (1) That part of the facility used by qualifying youth.

11 (2) A proportionate share of the costs based on the  
12 extent of use of the facility by qualifying youth.

13 (c) Facilities shall be acquired, renovated, or  
14 constructed not later than three years from the date of  
15 any grant awarded unless the time is extended, for good  
16 cause, by the department.

17 SEC. 3. (a) The sum of one hundred million dollars  
18 (\$100,000,000) is hereby appropriated, without regard to  
19 fiscal years, from the General Fund for the purposes set  
20 forth in Article 18.8 (commencing with Section 749.3) of  
21 Part 1 of Division 2 of the Welfare and Institutions Code.

22 (b) The sum of twenty-five million dollars  
23 (\$25,000,000) is hereby appropriated, without regard to  
24 fiscal years, from the General Fund for the purpose of  
25 funding the youth centers provided for in Chapter 2.5  
26 (commencing with Section 990) of Part 1 of Division 2 of  
27 the Welfare and Institutions Code.

28 (c) Neither of the appropriations made in this section  
29 shall be valid unless both are enacted in full as provided  
30 in this section.

31 SEC. 4. This act is an urgency statute necessary for the  
32 immediate preservation of the public peace, health, or  
33 safety within the meaning of Article IV of the  
34 Constitution and shall go into immediate effect. The facts  
35 constituting the necessity are:

36 In order to protect the life and safety of the persons  
37 confined or employed in county juvenile facilities which,  
38 in their current overcrowded condition, pose a threat to  
39 public safety and security, and to construct youth centers  
40 to prevent at-risk behavior, it is necessary that



1 *construction and remodeling of these facilities proceed as*  
2 *expeditiously as possible.*

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4 **CORRECTIONS**

5 **Heading — Coauthors.**

6 **Text — Page 5.**

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