REQUEST FOR COUNCIL ACTION

CITY COUNCIL MEETING DATE:

DECEMBER 6, 2016

UPDATE ON THE IMMIGRATION AND CUSTOMS ENFORCEMENT CONTRACT FOR DETAINEE SERVICES AND THE SANTA ANA JAIL AND OPTIONS FOR EXPEDITED PHASE OUT {STRATEGIC PLAN NO. 1, 4A}

CITY MANAGER

RECOMMENDED ACTIONS

Review and select option(s) below regarding the Santa Ana Jail:

1. Notify Immigration and Customs Enforcement (ICE) that the City, per the terms of the existing agreement, will be reducing the ICE detainees to a maximum capacity of 128. This action would result in the closure of one module. After the reduction in revenue and decreased cost, the annual net revenue loss is $663,743.
2. Continue the practice of hiring part-time correctional officers per the jail operations phase out plan as previously agreed upon with the Santa Ana Police Officers Association in 2014.
3. Continue to negotiate with the Santa Ana Police Officers Association on retirement incentives.
4. Release the attached Jail Re-Use Request for Qualifications based on input from 12 community meetings.
5. Alternative actions as may be discussed.

UPDATE AND DISCUSSION

On May 17, 2016, the City Council directed the City Manager to (1) work with community members and labor representatives from the Police Officers Association to develop and issue a Request for Qualification (RFQ) for a consultant to conduct a Jail Re-Use Study with a budget of up to $50,000; and include language that the consultant will address reuse as well as improved conditions at the Jail, and alternatives to detention; (2) include a provision on Immigration and Customs Enforcement (ICE) contract that the City will not renew the contract and allow it to expire in 2020; (3) enter into an agreement for Transgender Care and Classification Committee Pilot Program with ICE; and (4) authorize the City Manager to enter into negotiations with the Police Officers Association (POA) to offer voluntary early retirement incentives to full-time staff at the Jail facility.
In an effort to control operating costs, the Jail administrators continually monitors staffing costs related to the Jail housing operation. This includes managing full-time vacancies, mandatory overtime, and the hiring of part-time staff in-lieu of full-time staff. Accordingly, the Executive Director of Personnel Services Agency proposed an early retirement incentive for Jail related personnel to the POA in July 2016. The incentive is for $1,000 for each year of service, up to 20 years. Staff suggests that the total amount of the incentive should be capped at $100,000. Follow up discussions have occurred with the POA but to date no agreement has been reached. One of the recommended actions is to provide direction to staff to continue negotiating such incentives.

In 2010, the Santa Ana Jail had 86 Correctional Officers; currently, there are 70 budgeted Correctional Officers (67 currently filled), a difference of 19 full-time positions. The annual cost savings of these 19 Correctional Officers is $2,171,320. The last full-time Correctional Officer was hired in December 2010. In December 2014, the Police Department began the hiring of part-time Correctional Service Officers (CSO’s) to reduce full-time staffing levels at the Santa Ana Jail facility as part of the agreement with the POA and authorized by the City Council. On-going part-time CSO recruitment efforts have yielded 19 of the 32 budgeted CSO positions. While part-time CSO staff fill some vacancies, recent Correctional Officer retirements and separations have left insufficient numbers to operate the facility without the use of mandatory overtime and facility lockdowns. Mandatory overtime has been in practice for over 10 years.

On February 2, 2016, approximately 239 detainees (or the equivalent of 65% of the jail population) were from ICE. A more recent population count on November 30, 2016 of 151 detainees demonstrates that the City’s efforts to phase out the ICE contract is providing results.

In accordance with Council direction on May 17, 2016, the Police Department is proposing to close Jail housing module 4B, which currently has 38 ICE detainees assigned. This module currently costs $792,607 to operate and generates $1,456,350 in annual revenue, resulting in a net revenue amount of $663,743 after operating expenses.

Upon direction from the City Council, staff would notify ICE that the City would need to establish a new maximum capacity of 128 detainees, inclusive of the 64 bed minimum guarantee for the transgender module. The City believes that it has the authority under the agreement to determine that operational needs have changed; therefore, has decided that bed space availability must be reduced. ICE may argue that the agreement does not allow the City’s unilateral decision to reduce capacity, but staff believes that this action would be consistent with the City Council direction to phase out the ICE agreement altogether in the future. In any event, should there be disagreement, both the city and ICE have the right to terminate the agreement without cause by providing a 90-day notice to the other party.

The Police Department anticipates an additional five Correctional Officer retirements in 2017. As the number of full-time Correctional Officers decreases, the Police Department will be able to
Update on the Immigration and Customs Enforcement Contract for Detainee Services and the Santa Ana Jail and Options for Expedited Phase Out December 6, 2016 Page 3

consider additional housing module closures, but any action would be presented to the City Council for consideration.

Upon completion of the phase out of the ICE agreement or if the agreement is terminated by either party the City would have approximately 14 Correctional Officers that would be displaced. The remaining Correctional Officers would continue to work on the City's booking facility and to serve our remaining contracts. The City plans to offer other positions within the City and the necessary training for those positions. The City will comply with all labor and Meet and Confer requirements with the impacted labor groups.

The City conducted 12 meetings with community stakeholders, the Santa Ana Police Officers Association and the Service Employee International Union representatives in preparation of the Request for Qualifications (RFQ). This RFQ will study options for jail re-use, including improved conditions at the jail, and alternatives to detention. The City anticipates releasing the Jail Re-Use RFQ the second week of December (Exhibit 1).

STRATEGIC PLAN ALIGNMENT

Approval of this item assists the City in meeting Goal #1 - Community Safety, Objective #4 (ensure a sound fiscal model for jail operations). Strategy A (modify the Santa Ana Jail business model and identify short- and long-term goals to effectively meet the needs of the community through contract negotiations with outside agencies, evaluation of staffing needs and increasing operational efficiency).

FISCAL IMPACT

Approval of the recommended action will result in a $1,458,350 reduction in the FY 2016-17 Jail Facility Rental revenue account (no. 01114002 57480). The net revenue loss after factoring in the $792,807 in module 4B operational cost savings is $663,743.

Any final net revenue loss will be monitored and any shortfall will be offset by the $1,000,000 Jail Stabilization Fund, if necessary and required.

APPROVED AS TO FUNDS AND ACCOUNT:

Carlos Rojas
Chief of Police
Santa Ana Police Department

Francisco Gutierrez
Executive Director
Finance and Management Services Agency

Exhibit: 1. Request for Qualifications Draft
REQUEST FOR QUALIFICATIONS

FOR

SANTA ANA JAIL REUSE, ALTERNATIVES TO DETENTION, AND JAIL CONDITION EVALUATION

RFQ NO: 16-XXX

CITY OF SANTA ANA
20 Civic Center Plaza
Santa Ana, CA 92701

Project Manager:
Jorge E. Garcia
Senior Management Assistant, City Manager’s Office
jgarcia10@santa-ana.org

KEY RFQ Dates (Subject to change at the discretion of the City)

<table>
<thead>
<tr>
<th>Issue RFQ</th>
<th>December 12, 2016</th>
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<tbody>
<tr>
<td>Due Date</td>
<td>January 31, 2017</td>
</tr>
<tr>
<td>Evaluation Committee (EC)</td>
<td>February 1, 2017 - February 28, 2017</td>
</tr>
<tr>
<td>Firm Interviews</td>
<td>March 15, 2017</td>
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<tr>
<td>Council Review</td>
<td>April 18, 2017 City Council meeting</td>
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EXHIBIT 1

65A-5
City of Santa Ana
REQUEST FOR QUALIFICATIONS
FOR
SANTA ANA JAIL REUSE, ALTERNATIVES TO DETENTION, AND JAIL CONDITION EVALUATION

I. Introduction

The City of Santa Ana is seeking submittals of Request for Qualifications from qualified firms or consultants of professional planning, engineering, and environmental consulting backgrounds to complete a reuse assessment of the Santa Ana City Jail. The primary goal of this study is to provide the City and future developers with preliminary information to help guide appropriate and efficient reuse strategies. The selected firm will be able to successfully engage the community throughout the process to ensure stakeholders’ participation in identifying feasible reuse strategies for the jail.

The City is interested in selecting a firm or consultant that can provide expertise in each of the three following areas: jail facility reuse, alternatives to detention models for federal immigration detainees, and evaluation of existing jail conditions. The re-use of the jail may include reuse of the entire jail or a partial re-use option. The selected consultant should further evaluate re-entry services for state and county inmates returning to Orange County.

SANTA ANA JAIL FACTS
- Type II facility - opened January 1997
- 512-bed capacity
- Average daily population as of 2016:
  - 337 – Total Jail Population
    - 196 – I.C.E. Detainees
    - 125 – U.S. Marshal Service
    - 16 – Bureau of Prisons
- Federal agencies provide 98.8 percent of total population

COMMUNITY PROFILE
The City of Santa Ana is a 27-square mile, ethnically diverse city located 35 miles south of Los Angeles and roughly 10 miles inland from the Pacific Ocean. With a total population of over 342,000, Santa Ana is Orange County’s second largest city and serves as the county seat.

Incorporated in 1886, Santa Ana has long been Orange County’s government powerbase. Santa Ana’s centralized location places the City less than 30 minutes from most Southern California destinations, including four airports. Its density and mass transit infrastructure enables residents and employees to embrace a sustainable

65A-6
lifestyle, by commuting to work by bus, train, bicycle and foot, for example. This
convenience attracts a diverse population that appreciates Santa Ana’s distinctive,
affordable housing choices, energetic nightlife and cultural amenities like the Artist
Village, Discovery Science Cube, and the Santa Ana Zoo.

Santa Ana has a very large and diverse business base with over 19,000 businesses
employing over 160,000 people. Santa Ana is the corporate headquarters of several
large companies, including Behr Paint, Medtronic, First American Financial Corporation,
and Wahoo’s Fish Taco. Recently, the City of Santa Ana was assigned an AA issuer
credit rating from Standard and Poor’s.

DEMOGRAPHICS
• Population: 342,930
• Median Age: 29.1
• Median Household Income: $54,521
• Median Home Price: $384,316
• Labor Force: 160,700
• Unemployment Rate (April 2016): 4.6 percent

III. Framework and Project Description

If selected, a successful reuse assessment will include, without limitation, the following
aspects:
• Goals and themes that are crucial to the completion of the reuse assessment
• Identification of various uses which may or may not include a jail model

Minimum required deliverables include:
• A minimum of three (3) reuse assessment proposals for the Santa Ana City Jail,
  including estimated financial costs for each.
  • Of the three (3) options, a minimum of two (2) reuse assessments will
    consider non-punitive facilities to repurpose the Santa Ana City Jail.
  • All reuse assessments must consider public input and the identified needs
    of Santa Ana residents.
  • All reuse assessments must include Alternatives-to-Detention (ATD)
    programs.
  • All reuse assessments must identify impacts on the residents of Santa
    Ana.
  • All reuse assessments must consider fiscal impacts on the City of Santa
    Ana.
• A report on existing jail conditions
  • This report must include detainee testimonies when analyzing jail
    conditions.
• A meeting with an identified committee of stakeholders two (2) times to present a
draft and final study.
Final presentation to the City Council.
IV. Qualification Requirements

The qualifications submittal should provide ample evidence of the firm or consultant’s ability to provide the following:

- A description of the firm’s approach to this reuse assessment. This shall include methodology, demonstrated understanding of the community’s needs, and a project timeline for accomplishing the tasks described in the Scope of Services.
- The ability to maintain adequate files, legal records, and statistical reporting requirements.
- The administrative and fiscal ability to provide and manage the proposed services and to ensure an adequate audit trail.
- At least three (3) years’ experience providing this type of service.
- Meet other requirements as described in this RFQ.
- Any other information deemed relevant to the project and which the firm believes will further the competitiveness of the proposal, including work samples from similar completed projects.
- Experience working with federal government programs, including but not limited to the Refugee Resettlement Program or the Foster Care System for Unaccompanied Children.
- Demonstrated knowledge of domestic and international alternatives to immigration detention efforts.
- Knowledge of prison reentry services.
- Experience monitoring places of confinement.
- Knowledge about the needs of the LGBT community.

The City reserves the right to investigate the qualifications of all firms or consultants under consideration and to confirm any part of the information furnished by the firm or consultant, or to require other evidence of capabilities the City considers necessary for the successful completion of the services. Additionally, any proposal that fails to include all of the above information will be considered unresponsive, and will not be afforded a complete review by the review committee.

V. Project Budget

The maximum budget for the requested evaluation is $50,000.

VI. Submission Requirements

Respondents must provide ten (10) printed copies (9 bound and 1 unbound) of their submittal response by the date and time set forth plus one (1) electronic copy in PDF format. Electronic or fax submissions will not be accepted. Please limit submittal response to 20 pages, not including work samples.

Any costs associated with the submittal shall be borne exclusively by the firm or consultant making the submittal and not by the City. Although the format is discretionary, all submittals must include the following information at minimum:
• The legal name of the firm or consultant, address, and telephone number(s). Indicate whether the proposing entity is a sole proprietorship, partnership, or corporation, and the state and year established. List key personnel who will be involved in decision-making, contract negotiation, and project development. Include mailing address, email address, and phone and fax number(s).

• A narrative description of the three most relevant prior public sector projects of the key personnel to be assigned to work on the project. Provide description of work performed by said individuals, including date, location, etc. Provide names of contact individuals who provided material assistance on the projects described.

• Provide a list of references: a minimum of three (3) of which one (1) should be a governmental agency, involving the Proposer’s delivery of services that demonstrate the ability of the Proposer to provide the type of services as outlined in this RFQ. All references must have names, titles and phone numbers.

• The proposed project schedule, fee structure, and total cost proposal for providing the requested services.

• Please describe how your firm meets the items described in Section IV. Qualification Requirements.

VII. Selection Process

A selection committee, appointed by the City Manager, will evaluate the submittals and determine the most qualified firm or consultant. During the evaluation process, the committee may request one or more of the firms to make a presentation. Not all firms will be asked to make a presentation. Selection will be based on qualifications, references, and experience. Once a firm or consultant is selected, City staff shall meet with the recommended firm to negotiate the final form of the contract. If such negotiations are unsuccessful, the City may terminate the negotiations and determine whether or not to initiate negotiations with another firm. The City reserves the right to terminate any or all negotiations at its sole discretion. The final contract award will be made by the Santa Ana City Council.

VII. Deadline for Submitting Responses

The deadline for the receipt of proposals is January 31, 2017 at 10:00 AM PST. The City reserves the right to reject any or all RFQ responses, in whole or in part, and to waive irregularities or informalities in any submittal, at its sole discretion.

(Mail or Hand Delivery)
Jorge Garcia, Senior Management Assistant
City of Santa Ana
20 Civic Center Plaza, Mailstop 31
Santa Ana, CA 92701

All questions regarding this RFQ must be directed to Jorge Garcia in writing at jgarcia10@santa-ana.org.
IX. E-Mail Communications and Interpretations / Clarifications

To facilitate the RFQ process, proposers are required to monitor and respond to e-mail requests within 48 hours. No oral interpretations will be made by the City to any proposer as to the meaning of the request. All interpretations must be made in writing via e-mail to the Project Manager by no later than 5:00 PM on TUESDAY, JANUARY 24, 2017. Significant interpretations or clarification will be made by an addendum to this RFQ, which will be posted to the City’s website at http://www.planetbids.com/portal/portal.cfm?CompanyID=20137 or http://www.ci.santa-ana.ca.us/bids-rfps/default.asp. Addenda may become part of the agreement documents.

X. Addenda

If clarification or interpretation of this RFQ is considered necessary by the City, a written addendum shall be issued and the information will be posted on the City’s website at http://www.planetbids.com/portal/portal.cfm?CompanyID=20137 or http://www.ci.santa-ana.ca.us/bids-rfps/default.asp. It is the responsibility of each proposer to periodically check the City’s website to ensure that they have received and reviewed any and all addenda to the RFQ.

XI. Rules for Qualifications

The signer of the RFQ must declare in writing that the only person, persons, company or parties interested in the proposal as principals are named therein; that the proposal is made without collusion with any other person, persons, company or parties submitting a proposal; that it is in all respects fair and in good faith without collusion or fraud; and, that the signer of the proposal has full authority to bind the proposer (EXHIBIT 1).

XII. City Business License

The selected proposer shall be required to submit a City of Santa Ana business license within 30 days of selection and must provide a copy to the Project Manager prior to commencing any work in Santa Ana.

XIII. Public Records

Qualifications will become public record after award of agreement. Interested offerors may submit a written request, with a self-addressed stamped envelope, to receive results of the evaluation. Proposer information identified as proprietary information shall be maintained confidential, to the extent allowed under the California Public Records Act. Submit your request to, City of Santa Ana City Manager’s Office, ATTN: Jorge Garcia, 20 Civic Center Plaza, Mailstop 31, Santa Ana, CA 92701.