

# The New Burnet County Jail Project

## Questions & Answers

December 11, 2007



Mission Statement - To solve Burnet County's long term jail needs by owning and controlling a new County Jail in the most cost effective manner to taxpayers.

## **Why is a new County Jail needed?**

*Our community has experienced a significant growth rate and the current jail has simply been outgrown. The Texas Commission on Jail Standards has required that Burnet County address the overcrowding by sending detainees to vacant beds in other counties. Burnet County has been transporting inmates to other facilities at a significant cost to county taxpayers for over a year.*

## **How long has Burnet County been examining options and planning the new County Jail project?**

*The Commissioners Court has been planning the new County Jail facility for over two years. All Commissioners Court meetings have taken place in public sessions and there have been public advertisements for a request for qualifications and a request for proposals associated with the project. There has also been very complete news media coverage in several county newspapers discussing the need, project approach, and proposed site as well as local radio coverage of the project's progress. Agendas for meetings of Commissioners Court are posted at the Courthouse, on the County's website, and sent to citizens that have requested to be on the email distribution list.*

## **What other options did the Commissioners Court consider before voting to proceed with the development of a new County Jail?**

*The County considered the following options among others:*

- *New Construction at the Existing County Jail – Numerous reasons exist that make this option not acceptable. There is not available land and the current structure and foundation were not engineered or constructed to support any sort of vertical addition. Expansions to meet short term needs have taken place twice at the current facility and have quickly been outgrown. The design of the current facility cannot be staffed efficiently and any sort of addition would significantly add to these inefficiencies. Finally, it is very difficult and adds significantly to the time and cost of construction to expand an operating jail facility. The construction activity would introduce significant security risks.*
- *Use of Portable Buildings at the Existing County Jail – As with the option of expanding the current jail facility, this option requires more land than is available adjacent to the existing facility. Since the investment is only in a short term solution, it was determined this was not the best use of taxpayer dollars.*
- *Continued Housing of Inmates Out-of-County – This option was determined to be too expensive and unreliable for any sort of long term solution. The County first has to rent a jail bed with no control of where or if the bed will be available, then*

*transport the inmates back and forth for all court appearances. The cost includes personnel time, vehicle maintenance, fuel, and inability to control medical expenses in out-of-county facilities. This option also creates extra security risks associated with the inmate transports and takes law enforcement out of Burnet County and away from their intended law enforcement duties inside Burnet County.*

### **Why is the County building a 528 bed jail?**

*Our goal is to construct a jail that we will not outgrow until well after the associated debt is paid off. We know our county growth is going to continue, and unfortunately it is fairly safe to predict that corresponding growth in crime and our inmate population will continue as well. The Texas Commission on Jail Standards estimates Burnet County will need upward of 430 beds by the end of the 20 year financing period.*

*The Jail is being built with 528 general population beds and the required 59 (approximately 10%) additional administrative segregation beds. In addition, a County jail by its nature needs to be designed to hold and separate a diverse group of inmates. This requires additional beds to be built to allow for the compartmentalization of inmate groups. The requirements associated with compartmentalization often requires more bed capacity than inmate population in order to achieve the separation of inmates by classification that best protects the staff and the security of the facility. It is also normal, particularly in a County that attracts significant weekend and recreational visitors, to have spikes in the population associated with peak periods and events. Although a facility may have a monthly average population that is less than maximum capacity, daily spikes can be significantly higher. A properly sized jail facility for Burnet County must have the capacity to manage these spikes for the safety of the community.*

### **Why doesn't the County build a smaller jail and expand it at a later date?**

*We do not want to construct a new County Jail and find that we have outgrown it sooner than predicted. Jails are expensive to build. The cost of steel and concrete seems to be constantly rising. To build for our future needs in a phased or "piece meal" approach would add significantly to the overall cost of construction. Perhaps the most important reason is to make sure our county criminal justice systems and law enforcement community are not short changed by being unable to place someone in jail that needs to be in jail if we underestimated our inmate growth.*

### **What other steps has the County taken to control the inmate population level in the existing County Jail?**

*Commissioners Court and other elected officials that makeup our county criminal justice system have worked diligently over the past two years to address the jail overcrowding issue. Many new programs are on-line to assist in reducing the immediate effect to the County while long term solutions are finalized. These programs include, but are not limited to:*

- *The use of ankle monitoring devices and at home confinement (District Judge / Adult Probation)*
- *Video Magistration (Justices of the Peace)*
- *Contracting for full-time Magistrate (County / City of Granite Shoals Interlocal Agreement)*

**Will the new County Jail be owned by Burnet County?**

*Yes. The new Burnet County Jail will be initially owned by the Burnet County Public Facility Corporation. The Public Facility Corporation is a special purpose entity created by the Burnet County Commissioners Court to issue project revenue bonds and own the facility. Upon repayment of the project revenue bonds from the revenues generated from the facility, the Public Facility Corporation will be dissolved and ownership will transfer to the Burnet County Commissioners Court.*

**Is the new Burnet County Jail a “privatized prison?”**

*No. The facility will be the Burnet County Jail. There will be no other Burnet County Jail. The Commissioners Court simply has elected to contract with a professional corrections management company to develop and manage the County Jail. The jail will be under the control of the County Sheriff and subject to the rules of the Texas Commission on Jail standards just like the present County Jail.*

**Who is taking on the financial risk associated with the new County Jail?**

*The County has passed on all financial risks associated with the new County Jail to the operator. The operator is responsible for up to \$1.5 million in liquidated damages for delays in completion of the new County Jail and has unlimited responsibility for all cost overruns, changes, etc. which exceed the amounts raised for the construction of the new County Jail. The County has no responsibility. In addition, the operator is solely responsible for all operating expenses of the facility, even if the revenue generated is insufficient to reimburse them. The operator’s reimbursement from the revenue generated is AFTER all payments to bondholders and payment of all County Fees. The County has no obligation whatsoever to reimburse the operator.*

**Are the Burnet County taxpayers responsible for the debt payments on the project revenue bonds?**

*No. Unlike a general obligation bond in which the County taxpayers are responsible for debt service, the only source of monies for project revenue bond payments is the revenue generated by the project. The County and its taxpayers are not responsible to pay bondholders if the jail does not generate sufficient revenues.*

### **What is the Trustee's role in the Project Revenue bonds?**

*A Trustee is an independent entity entrusted with the carrying out of the duties required in the bond documents. The independent Trustee for the Project Revenue Bonds will be USBank. The bonds have been structured to provide the Trustee with full control (as outlined in the bond documentation) of all the monies associated with the project both during construction and after the new County Jail commences operation. The Trustee will receive all proceeds from the sale of the project revenue bonds and distribute them only upon receipt of proper requisitions. Upon commencement of operations, the Trustee will receive all revenues generated by the project and distribute as instructed under the bond documentation. The operator will have no control over the distribution of any monies during construction or operations.*

### **Who is responsible for maintaining the new County Jail?**

*The operator is responsible for all routine repairs and maintenance at the jail. For non-routine or large capital items, a special repair contingency fund is being set up within the bond structure. This trust account will be funded out of the revenue generated by the jail up to \$7,000 per month until such time as the fund reaches \$400,000. When the special repair contingency funds are utilized, money will be deducted from future facility revenue to replenish the fund and restore the \$400,000 balance.*

### **How do citizens know the facility will be properly managed and secure?**

*The contracts Burnet County will sign require the design, construction, and management of the new County Jail to meet the requirements of the Texas Commission on Jail Standards and the American Corrections Association. In addition, the facility will be monitored by the Burnet County Sheriff's office and the Texas Commission on Jail Standards will perform routine inspections of the facility. The Sheriff will maintain a full-time monitor that will be stationed at the facility. The Sheriff of Burnet County will be in charge of all training for employees of the operator that will work at the new County Jail. The Sheriff will also hold all the TCLEOSE licenses of every employee at the facility. TCLEOSE stands for the Texas Commission on Law Enforcement Officer Standards and Education and the agency establishes the licensing, education, and training requirements for all security personnel that will work at the new County Jail.*

*Furthermore, the jail is required to be certified by the American Corrections Association. This compliance involves a rigorous accreditation process relating to operations and the physical plant. Additionally, the Commissioners Court recently voted to enhance the security of the new County Jail by adding a second perimeter fence and enhancing the electronic monitoring of the perimeter. The physical security of the facility is beyond what one would typically expect to find in a county jail.*

## **Why is the County locating the new County Jail next to the existing Texas Department of Corrections (TDC) prison?**

*Numerous site options were explored and evaluated. The TDC land became a preferred option because of the land use benefits of locating next to an existing correctional facility. The City of Burnet and community leaders many years earlier had made the land use decision that the area was ideal to locate a correctional facility. The 300 acre tract of land was given to TDC by the City of Burnet to entice the TDC to locate the existing state prison in Burnet. The fact that TDC was free to utilize the 300 acre tract for the existing state prison and future expansion, committed the entire 300 acre tract to correctional facility use.*

*Second, as an added benefit, it was determined that the land could be obtained from TDC at no cost to taxpayers. The acreage proposed for the new County Jail is part of the 300 acre tract the City originally donated to TDC. Special legislation was required to transfer the land from the State to the County and two Burnet County legislators, Senator Troy Fraser and Representative Jimmie Don Aycok, worked diligently at the request of the County to get the transfer of land approved by the Texas State Legislature.*

*Third, the land is already part of a 600-bed state prison.*

*Fourth, City of Burnet records reflect that the current state prison facility has:*

- *Been a good neighbor*
- *Increased jobs*
- *Not decreased home values*
- *Had a positive economic impact on the community*

*Fifth, it is desirable to have the site as close as possible to the County and District Court locations to minimize expenses associated with transporting inmates to and from court appearances.*

## **What are some of the due diligence steps the County has taken over the last two years in its planning of the new County Jail?**

*The Commissioners Court has taken several steps over the last two years to ensure it had the proper knowledge and expertise to plan the new County Jail. Following are examples of some of the steps taken:*

- *A special Jail Committee was formed in October, 2005 to examine alternatives and make recommendations as to the best course of action for the County.*
- *The County issued a Request for Qualifications to select an independent consulting firm to assist in the planning and development of the new County Jail. This process led to the hiring of C3 Corrections.*

- *The County hired the law firm of Allison Bass to represent its interests and provide information to the County on topics associated with the project.*
- *Several members of the Commissioners Court visited jails managed by the selected operator and spoke to local Sheriffs regarding the company's reputation, track record, and the quality of operations at the jails they are managing.*
- *The Commissioners Court queried other Counties in Texas that have similar public / private partnerships as to their experiences with such relationships.*

**When does the County anticipate taking final action on the new County Jail?**

*We are on schedule to give final approval in January 2008.*