

XAVIER BECERRA, State Bar No. 118517
Attorney General of California
ADRIANO HRVATIN, State Bar No. 220909
Supervising Deputy Attorney General
ELISE OWENS THORN, State Bar No. 145931
TYLER V. HEATH, State Bar No. 271478
KYLE A. LEWIS, State Bar No. 201041
LUCAS HENNES, State Bar No. 278361
Deputy Attorneys General
1300 I Street, Suite 125
P.O. Box 944255
Sacramento, CA 94244-2550
Telephone: (916) 210-7318
Fax: (916) 324-5205
E-mail: Elise.Thorn@doj.ca.gov
Attorneys for Defendants

ROMAN M. SILBERFELD, State Bar No. 62783
GLENN A. DANAS, State Bar No. 270317
ROBINS KAPLAN LLP
2049 Century Park East, Suite 3400
Los Angeles, CA 90067-3208
Telephone: (310) 552-0130
Fax: (310) 229-5800
E-mail: RSilberfeld@RobinsKaplan.com
Special Counsel for Defendants

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

RALPH COLEMAN, et al.,

Plaintiffs,

v.

GAVIN NEWSOM, et al.,

Defendants.

Case No. 2:90-cv-00520 KJM-DB (PC)

**DEFENDANTS' THIRTEENTH STATUS
REPORT ON FUNDING FOR THE
CONSTRUCTION OF 100 MENTAL
HEALTH CRISIS BEDS**

Judge: The Hon. Kimberly J. Mueller

INTRODUCTION

On April 29, 2019, the Court ordered Defendants to file a status report on the funding process for the construction of 100 mental health crisis beds. (ECF No. 6135.) The Court further ordered Defendants to file an update every thirty days until the funding process is complete. (*Id.*) Defendants have filed twelve status reports and a supplemental report providing additional information requested by the Court, which outline the funding process and Defendants' ongoing efforts to advance the construction of additional licensed crisis beds. This is Defendants' thirteenth status report.

DISCUSSION

I. DEFENDANTS HAVE MET THE COURT'S DIRECTIVE TO PROVIDE UPDATES ON THE CONSTRUCTION OF ADDITIONAL CRISIS BEDS.

On May 28, 2019, Defendants filed their first status report on funding for the construction of 50 crisis beds at the California Institution for Men (CIM) and 50 crisis beds at the R.J. Donovan Correctional Facility (RJD). (ECF No. 6168.) The report explained that the California Department of Corrections and Rehabilitation (CDCR) completed the project's preliminary plan phase of design, was seeking approval to begin the project's working drawings phase, and was preparing a request for funding to the Department of Finance for the project's construction phase to be included in the 2020-21 State Budget. Defendants timely filed eleven additional status reports between June 27, 2019, and March 27, 2020 (ECF Nos. 6208, 6235, 6256, 6297, 6371, 6399, 6436, 6452, 6485, 6537, and 6644) and a supplemental report on August 2, 2019. (ECF No. 6256.)

II. UPDATE ON FUNDING FOR THE PRELIMINARY PLAN AND WORKING DRAWINGS PHASES OF CDCR'S MHCB CONSTRUCTION PROJECT.

As previously reported to the Court in August 2019, based on a review and analysis of the continuing need for additional licensed crisis beds requested by the Joint Legislative Budget Committee, CDCR decided to proceed with its plans to construct 50 new licensed mental health crisis beds at CIM and to defer plans to construct 50 beds at RJD. (ECF No. 6297 at 3.) The Legislature and the Governor approved the plan. (ECF No. 6371 at 3.) The work on the plan is proceeding as scheduled. (Borg Decl. ¶ 2.) Architect Hellmuth, Obata & Kassabaum (HOK) provided CDCR with the one-hundred-percent working drawings deliverable on March 20, 2020. (ECF No. 6537.) On March 24, 2020, CDCR conducted a teleconference review of the one-hundred percent working drawings. (*Id.*) Stakeholders reviewed the plans and provided final design review comments to HOK on April 10, 2020. (Borg Decl. ¶ 2.) HOK incorporated the final comments into the working drawings and submitted the drawings to CDCR. (*Id.*) CDCR reviewed the working drawings and submitted them for review to the Office of the State Fire

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1 Marshal (OSFM) on May 5, 2020. (*Id.*) The working drawings are still under review by the
2 OSFM. (*Id.*)

3 **III. UPDATE ON FUNDING FOR THE CONSTRUCTION PHASE OF CDCR'S MHCB**
4 **CONSTRUCTION PROJECT AT CIM.**

5 As previously reported, the Governor's proposed budget for the 2020-21 fiscal year
6 contains an appropriation of \$91,032,000 for construction of 50 new licensed crisis beds at CIM,
7 which will be considered by the Legislature in the 2020 Budget Act. (ECF No. 6452 at 3.) The
8 May Revision to the Governor's 2020-21 Budget does not change the amount appropriated for
9 this construction project. (Borg Decl. ¶ 3.)

10 **IV. DEFENDANTS CURRENTLY DO NOT EXPECT COVID-19 TO DELAY THE PROJECT.**

11 CDCR's COVID-19 response plan has not led to any delays to the CIM project as of the
12 date of this report. (Borg Decl. ¶ 4.) Defendants will report any future impacts from the
13 COVID-19 pandemic on the funding and construction process.

14 **CERTIFICATION**

15 Defendants' counsel certifies that she reviewed the following orders relevant to this filing:
16 ECF Nos. 3556, 6135, 6212, and 6312.

17 Dated: May 27, 2020

Respectfully submitted,

18 XAVIER BECERRA
19 Attorney General of California
ADRIANO HRVATIN
20 Supervising Deputy Attorney General

21 /s/ ELISE OWENS THORN

22 Elise Owens Thorn
23 Deputy Attorney General
24 *Attorneys for Defendants*
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XAVIER BECERRA, State Bar No. 118517
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ADRIANO HRVATIN, State Bar No. 220909
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Deputy Attorneys General
1300 I Street, Suite 125
P.O. Box 944255
Sacramento, CA 94244-2550
Telephone: (916) 210-7318
Fax: (916) 324-5205
E-mail: Elise.Thorn@doj.ca.gov
Attorneys for Defendants

ROMAN M. SILBERFELD, State Bar No. 62783
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2049 Century Park East, Suite 3400
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**DECLARATION OF DEAN L. BORG
SUPPORTING DEFENDANTS'
THIRTEENTH STATUS REPORT ON
THE FUNDING PROCESS FOR THE
CONSTRUCTION OF 100 MENTAL
HEALTH CRISIS BEDS**

Judge: The Hon. Kimberly J. Mueller

I, Dean L. Borg, declare:

1. I am the Director of the Facility Planning, Construction and Management Division for the California Department of Corrections and Rehabilitation (CDCR). I have personal knowledge of the facts stated in this declaration and if called to testify to those facts I could and would do so competently. I make this declaration to support Defendants' thirteenth status report on the funding process for the design and construction of licensed mental health crisis beds in Southern California.

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2. The work on CDCR's plan to construct 50 new licensed mental health crisis beds at the California Institution for Men (CIM) is proceeding as scheduled. On April 10, 2020, stakeholders provided final design review comments on the plans to Architect Hellmuth, Obata & Kassabaum (HOK). HOK incorporated the final comments into the working drawings and submitted the drawings to CDCR. CDCR reviewed the working drawings and submitted them for review to the Office of the State Fire Marshal (OSFM) on May 5, 2020. The working drawings are still under review by the OSFM.

3. I am aware that the Governor issued a proposed May Revision to the budget initially proposed in January. Based on information readily available to me, the May Revision does not change the amount appropriated for the CIM construction project.

4. CDCR's response plan to COVID-19 has not led to any delays to the CIM project as of the date of this report.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed in Sacramento, California on May 27, 2020.

/s/ DEAN L. BORG

DEAN L. BORG

Director

Facility Planning, Construction and Management
(original signature retained by attorney)