

SOUTH KERN



2018 **BUILDING HEALTHY COMMUNITIES**

ADVANCEMENT PROJECT CALIFORNIA



PUBLIC SAFETY

ABOUT BUILDING HEALTHY COMMUNITIES SOUTH KERN

Since 2010, Building Healthy Communities – South Kern (South Kern BHC) has been working diligently through the Comunidades Unidas (United Communities)

Action Team led by Leadership Counsel for Justice and Accountability (LCJA), the Center on Race, Poverty and the Environment (CRPE) and the Central Californian Environmental Justice Network (CCEJN) to improve health and the environment for low-income county residents living in unincorporated communities. Specifically, the South Kern BHC has been advocating for more parks, improved air and water quality, and street and sidewalk infrastructure investments to be located in the unincorporated areas of the County such as Lamont, Greenfield, Weedpatch and the incorporated City of Arvin.



INTRODUCTION

Local governments have the power to shape communities by deciding where programs, services and infrastructure projects will be located. County officials, for example, decide how limited capital project and maintenance dollars are put to use and where to locate new parks, housing, roads, and jails. Capital projects are new structures, facilities, or land acquisitions while maintenance projects are smaller scale projects such as upgrades or improvements to current facilities. Government decisions have a multiplier effect that can either raise property values, improve people's health, and create local jobs – or make communities undesirable. Given the power government officials hold, they have the responsibility to improve the lives of low-income people by locating positive infrastructure projects in their communities.

Using an equity-based approach, local officials should take into account community health and economic indicators to dictate how to best use public infrastructure dollars. For example, an equity-based approach can take into account where low-income residents live and focus resources on those areas rather than spreading resources out equally. Moreover, local officials can work with community members to determine the types of investments that residents would most benefit from. Engaging with the community in the process of identifying the best use of infrastructure dollars will improve community relations by building trust and a sense of cooperation.

The purpose of this brief is to highlight the lack of infrastructure investments made in low-income communities of color by Kern County over the last decade and to provide policymakers with recommendations for how to ensure future investments are spent equitably in low-income communities. It is part of a series of briefs that will shed light on Kern County's historical public infrastructure spending practices from Fiscal Years 2007- 2017 for parks and recreation facilities, public safety, water, and streets and roads, with an added focus on low-income communities living in rural areas.

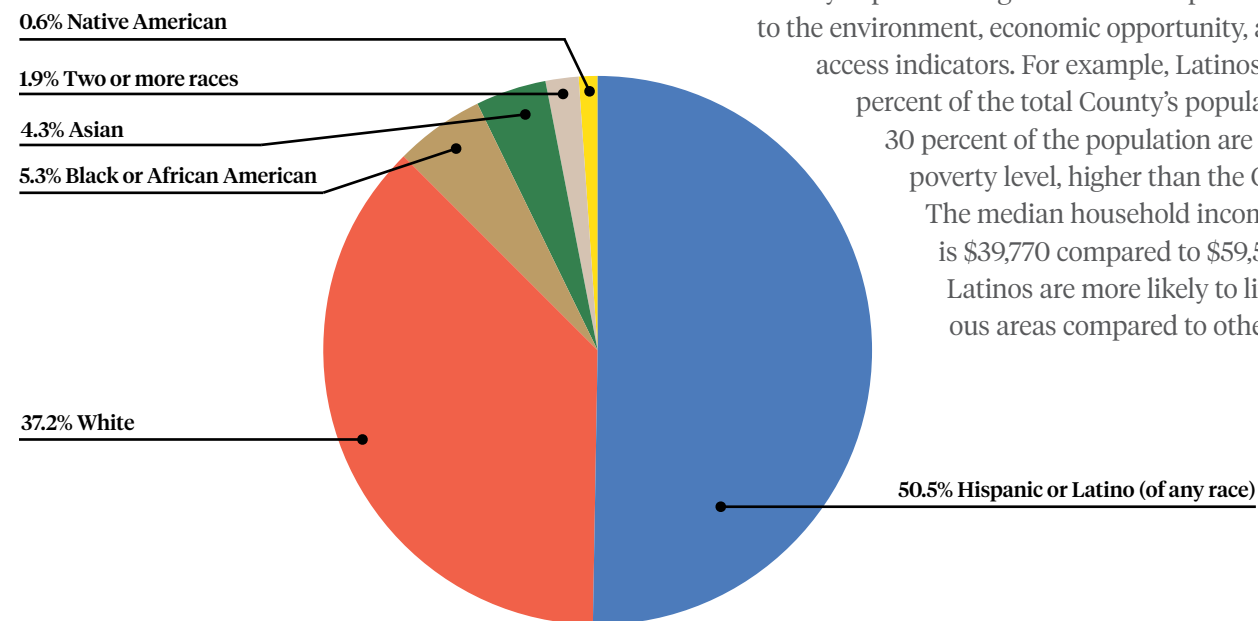
KERN COUNTY PROFILE

Kern County, located in the San Joaquin Valley in Central California, is one of the largest counties in the state, spanning 8,132 square miles¹ and home to 900,000 residents.² The County contains 11 incorporated cities,³ with Bakersfield City being the most populous, containing about 43 percent⁴ of the County's population. On the other hand, 35 percent⁵ of the population lives in unincorporated areas of the County. The population has grown by 20 percent⁶ since 2005 and is expected to continue growing at a rapid pace. Agriculture is one of the leading industries in the region employing 22 percent⁷ of the population followed by government jobs at 20 percent.⁸ However, the unemployment rate is 10.3 percent⁹ and 23 percent¹⁰ of residents are living below the poverty level, both rates higher than the state average.

Kern County Racial Disparities¹¹

People of color represent 63 percent of the population in Kern County; nevertheless they experience higher levels of disparities when it comes to the environment, economic opportunity, and health care access indicators. For example, Latinos represent 51 percent of the total County's population however 30 percent of the population are living below the poverty level, higher than the County average. The median household income for Latinos is \$39,770 compared to \$59,592 for whites. Latinos are more likely to live near hazardous areas compared to other racial groups

Kern County Population by Race



and only 26 percent of Latinos have access to parks. Latinos are heavily concentrated in the unincorporated areas of the County that are located next to the Bakersfield City borders, more commonly known as metropolitan Bakersfield, and northeastern regions, whereas, whites primarily reside in the northwestern and southern areas of the County. While 60 percent of Latinos are registered voters, they are still politically underrepresented in elected office. Kern County also ranks as one the highest locality in the Central Valley region to have very little diversity in law enforcement personnel, which may explain why 58 percent of residents do not feel safe in their neighborhoods; a rate much higher in Kern County than in any other nearby county.

PUBLIC SAFETY PROFILE IN KERN COUNTY

Local governments across the state are known to spend a large share of their resources on public safety programs and services. According to public officials, public safety is a top priority for residents and as such millions of dollars are spent annually for policing, patrolling and incarceration activities. In Kern County, public safety encompasses the larger Sheriff-Coroner, Probation, and District Attorney Departments in addition to the smaller Building Inspection and Public Defender Departments. In order to understand the scale of public safety investments made by the County, one can look at the Fiscal Year 2017-2018 (Fiscal Year 2018), where the County proposed spending 51 percent or \$208 million of their discretionary general fund dollars on public safety. The largest share of those discretionary dollars were allocated to the Sheriff-Coroner and Probation Department, \$111 million and \$32 million respectively.

Spending for law enforcement activities such as detention and corrections has largely remained constant over the last decade, despite the 10 percent drop in arrest rates from 2007 to 2016.¹² The high price tag associated with public safety spending is due in large part to the size of the labor force that is used to patrol, investigate and manage probation, detention, and correctional facilities. For example, the Sheriff-Coroner Department employs 1,300 personnel to operate thirteen substations, six detention facilities, and a coroner's facility. A large labor force incurs substantial wage



costs, health benefits and retirement costs. In addition, public safety departments operate multiple county buildings requiring the County to spend millions of dollars annually to maintain and upgrade them.

The High Cost of Jail Expansion

In 2008, the County applied for the AB900 state grant, that made money available for local jail construction, due to local concerns of gang violence and the lack of adequate bed space available in jails. The State then awarded the County \$100 million in grants for the construction of the new Kern County Justice Facility, a 216,000 square foot jail located at the Lerdo Detention Facility site, in operation since October 2017. The new jail required a local match of \$27 million that included a mix of Inmate Welfare Funds, Local Public Safety Funds, and discretionary dollars from the Tobacco Endowment Fund.¹³ In addition, the County took on additional costs, not incorporated in the original estimate, to improve the wastewater treatment plants located in the Lerdo Detention Facility site to accommodate the demands of the new jail.

The decision to construct the new jail has put an increased pressure on the County's current resources, which have been decreasing due to labor force cost increases and a decrease in property tax revenues connected to changes in the price of oil. The County recognized this and in early 2014 proposed¹⁴ making budget reductions to all the departments receiving General Fund discretionary dollars to cover the jail operation costs. By Fiscal Year 2017, the County entered into a Four Year Deficit Mitigation Plan,¹⁵ to end by Fiscal Year 2020, that would reduce each department's reliance on the County's discretionary dollars in order to balance the budget in future years. The deficit mitigation efforts have required cuts from each department in Fiscal Year 2017 and 2018 respectively. Cuts have taken shape in different forms, for example, departments may choose to use the attrition of positions to minimize layoffs or find efficiencies by merging two offices into one. In a continuation of cost saving measures, the County also dismantled the Parks and Recreation Department in the fall of 2016 and folded it into the General Services Department as a division; the move was projected to save the County \$1 million in the first year.

In Fiscal Year 2018, the County set aside \$6.8 million in discretionary dollars for the operation of the new jail facility; however, the County originally projected operating costs to be \$20.5 million annually.¹⁶ The County is expecting operating costs to grow to \$40 million annually over the next twenty years. The Kern County Justice Facility will also be competing for one-time discretionary dollars available for maintenance and capital projects moving forward. In essence, the County's decision to construct the new jail has tied up revenues that could have been used to construct or improve facilities such as parks, housing, and water wells that go a long way to improve a community's wellbeing.

Public Infrastructure Project Analysis

Each year the County Board of Supervisors adopts a new budget detailing how they intended to spend public dollars for the upcoming fiscal year. In the process of adopting the budget, the County produces a detailed Recommended Budget, which provides extensive information about the County's revenue sources, department budgets, and a priority list of capital and maintenance projects. The criteria the County uses to prioritize capital and maintenance projects includes whether projects are legally mandated, address health and safety concerns, are preventative, can reduce costs, or provide a direct benefit to the public. However, County officials are not mandated to follow the criteria.

The County's spending on capital and maintenance projects fluctuates year-to-year depending on available resources and facility needs. For example, in Fiscal Year 2008 the County proposed \$36.7 million in new and rebudgeted capital projects; \$23.8 million of the of the revenue used to pay for the projects was sourced from offsetting revenue or special revenues and the remaining \$12.8 million sourced from County discretionary revenue. As of Fiscal Year 2017, the County proposed zero capital projects and only \$6.4 million in maintenance projects due to budget constraints. The maintenance projects that were proposed, were prioritized because they reduced the County maintenance costs in the long run.





KEY FINDINGS

Recommended Budgets from Fiscal Years 2007 to 2017 demonstrate that public safety facilities have seen the largest share of infrastructure investments compared to other county facilities. To put this into perspective 30 percent or \$193 million of all the capital and maintenance expenditures proposed by the County in the last decade were directed at public safety facilities compared to 4 percent or \$23 million directed to park and recreation facilities.

- We identified 112 proposed public safety projects¹⁷ that amounted to \$193 million in spending over a decade. To put this into perspective there are communities with contaminated water wells and perpetually flooding yet water related projects only received \$32 million in capital and maintenance expenditures.
- The Kern County Justice Facility, the County’s newest jail, has received the largest share of funds, roughly 65 percent or \$127 million of all public safety infrastructure spending. \$100 million of the funds for this project are from an AB 900 state grant and the remaining \$27 million included a mix of Inmate Welfare Funds and discretionary dollars from the Tobacco Endowment Fund.
- Eighty-seven percent of the recommended expenditures over the decade were located in unincorporated communities, primarily in the metropolitan area surrounding Bakersfield City, and the remaining 13 percent were located within city limits.
- A large majority of the proposed public safety expenditures (86 percent, or \$167 million) were for the construction of the new detention facility and for upgrades to current detention facilities with the remaining 19 percent or \$26 million split among Sheriff, Probation and Trial Court Department facilities.
- The Lerdo Jail Facilities received a \$13 million wastewater treatment plant upgrade in preparation for the new jail expansion.

REVENUES FOR PUBLIC SAFETY INFRASTRUCTURE PROJECTS

The County has used a variety of funding sources, such as governmental grants, special funds and discretionary General Fund dollars to pay for public safety infrastructure projects over the years. For example, the new jail facility used \$100 million in AB 900 State grants, \$6.5 million from the Local Public Safety Fund, which are revenues collected through a sales tax approved by state voters in 1993 for public safety purposes, among other revenue sources. The sources of revenue vary from project to project; unfortunately, the County does not publically disclose a Capital Improvement Program (CIP) list as other jurisdictions do with a detailed list of projects, the amount in which the county will pay for the project on a year-to-year basis and the sources of revenue used to fund the project. With that said, discretionary General Fund revenues will continue to be a large stable revenue source for ongoing operation and maintenance expenses incurred by public safety departments. The reality that the County was left with ongoing costs calls into question whether the state grant for the Kern County Justice Facility was free after all since there is no expected future state funds for the facility.

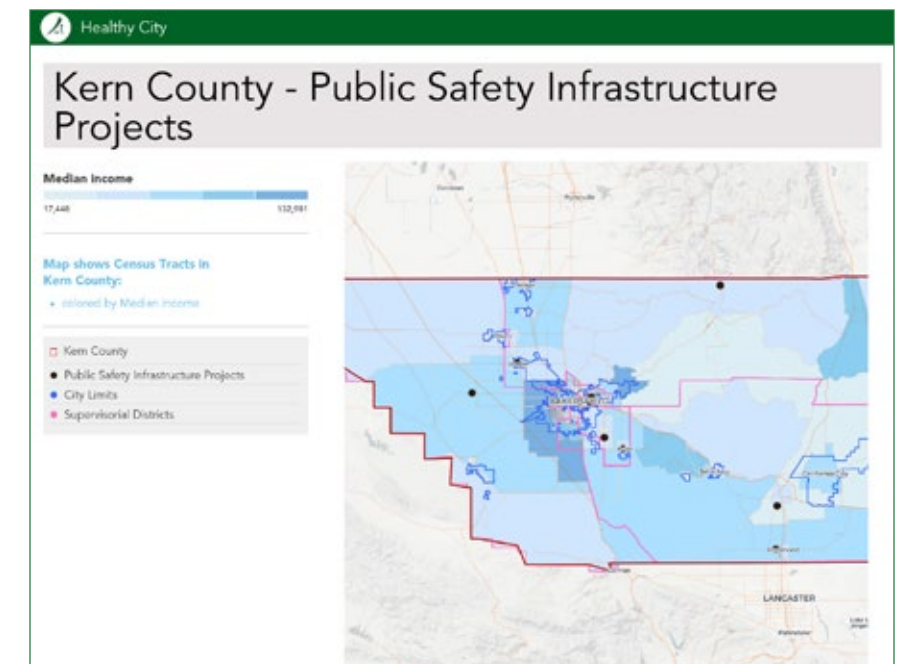


Figure 1. The figure above demonstrates all the public safety capital and maintenance projects proposed by the County between the Fiscal Years of 2007 and 2017. Credit: Healthy City, Advancement Project. Map is accessible at <http://www.healthycity.org/maps/1384/>



RECOMMENDATIONS

Budgets are a reflection of local government priorities and what is evident is that Kern County has prioritized public safety activities over many other important county functions. The jail expansion will increasingly put more pressure on the County to pay for ongoing operations and facility maintenance moving forward. It is worth questioning whether this focus on incarceration is a good investment of public funds given declining arrest rates and increasing operating costs associated with jail expansion.



- The County should identify and prioritize other vital county facilities in the development of infrastructure improvement and maintenance projects so that there is not a disproportionate amount of capital project and maintenance spending on detention facilities.
- The County should strive to establish a dedicated stream of revenue for park and recreation maintenance and water infrastructure projects given the former department's disproportionate financial impact due to the jail expansion.
- The County should monitor the cost-benefit analysis of operating the Kern County Justice Facility in order to determine if it is in the best interest of local taxpayers. In addition, the County should carefully consider community needs before expanding detention and correction facilities in future years, given the high ongoing operating and maintenance costs associated with expansion and the history of underinvestment for community health and well-being facilities that provide quality housing, better water management systems and park space.

- The County needs to re-examine and re-define what public safety means beyond enforcement and incarceration activities that are primarily centered with the Sheriff-Coroner and Probation Departments. For example, public safety to a community may mean being able to use a clean park and have access to recreational activities with lights, sidewalks, bike lanes, and spray parks.
- The County should establish a uniform Capital Improvement Program (CIP) list reporting policy for all departments, including the Sheriff-Coroner Department, in order to have a clear, transparent, detailed list of projects, with the amount in which the county will pay for the project on a year-to-year basis and the sources of revenue used to fund the project. This list should be readily available online. By providing a publicly available CIP list the County will increase transparency and accountability that is vital towards building a better relationship with the public who will have a better understanding of the County's infrastructure priorities.

Endnotes

- 1 U.S. Census Bureau, Census of Population and Housing, Land Area in Square Miles, 2010.
- 2 U.S. Census Bureau, Population Estimates Program, July 1, 2016.
- 3 State of California, Department of Finance, Population Estimates for Cities, Counties and the State with Annual Percent Change — January 1, 2016 and 2017. Sacramento, California, May 2017.
- 4 Id at 3.
- 5 Id at 3.
- 6 U.S. Census Bureau, 2005 - 2015 American Community Survey 5-Year Estimates.
- 7 State of California Employment Development Department - Labor Market Information Division, California Industry Employment.
- 8 Id at 8.
- 9 State of California Employment Development Department - Labor Market Information Division, Local Area Unemployment Statistics for California Areas: Annual Average 2016.
- 10 Id at 7.
- 11 The following information is available through RaceCounts.org, an initiative launched by Advancement Project California, USC PERE, PICO California and California CALLS that includes a comprehensive online tool ranking all 58 counties by seven issue areas critical to California's future to paint a comprehensive picture of racial disparity in California.
- 12 CA State Department of Justice, Office of Attorney General Crime Statistics.
- 13 "Request to Amend the County's Local Match Amount and Funding Source for the AB900 Jail Financing Program."
- 14 "Response to February 4, 2014 Referral Regarding Potential Revenue Sources to Fund Assembly Bill 900 New Jail Operations." Kern County Board of Supervisor Meeting, Item 14, February 11, 2014.
- 15 Kern County Fiscal Year 2016-2017 Recommended Budget.
- 16 Id at 15.
- 17 In the cases where the same project was re-budgeted in future years, we kept the later year's project estimate as the recommended project and ultimate cost.



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