

APPENDIX 28

**California Prison Health Care Receivership Corporation
(CPR)
Construction Oversight and Advisory Board**

CHARTER

I. PURPOSE

The Construction Oversight and Advisory Board (COAB) has been established by Receiver J. Clark Kelso as a body to provide advice and recommendations in accomplishing the directive of the Federal Court to bring prison medical care services within California's prisons up to federal constitutional standards. A critical component of this plan of action is the goal of constructing necessary clinical, administrative and housing facilities. Accordingly, the Receiver's Turnaround Plan of Action calls for the construction of new prison health facilities and housing for approximately 10,000 inmates whose medical and/or mental condition requires separate housing to facilitate appropriate access to necessary health care services. This objective is to be completed by July 2013. The Turnaround Plan of Action also calls for the improvement or addition of administrative and/or clinical space at each of the California Department of Corrections and Rehabilitation's thirty-three prison locations by January 2012. In order to accomplish this mission consistent with the core program values of economy, transparency, trustworthiness, integrity, respect, collaboration, responsibility, and accountability, the Receiver has established the COAB to be a body of public and private sector experts in the fields of governmental accountability, facility planning and construction in order to obtain the highest quality of advice and to be able to ensure optimum quality and accountability for project scope, schedule and budgets.

II. MEMBERSHIP

1. Membership of the Construction Oversight and Advisory Board (COAB) shall include the following representatives:

- The Receiver (or designee)
 - The State Auditor (or designee)
 - The California Inspector General (or designee)
 - The Secretary (or designee) of the California State Business, Transportation and Housing Agency
 - The Secretary (or designee) of the California State and Consumer Services Agency
 - An executive consultant with experience in the administration of the planning, design and construction of California prison facilities
 - A licensed representative of the architectural/engineering community with experience in the design and/or construction of prison facilities
 - A representative of a respected construction firm with a record of success in the completion of public works projects
 - A representative from an accredited University School of Engineering with an academic and research expertise in public works projects
 - A representative from the National Institute of Corrections
 - A member of the Plata v. Schwarzenegger Advisory Board as established by the United States District Court for the Northern District of California
2. The Receiver or his designee shall serve as chair of the COAB
 3. The State Auditor shall be a non-voting member
 4. It is estimated that Board members, in coordination with the COAB chair, shall meet quarterly and shall review, analyze and make recommendations on matters relating to the prison health facility construction program

III. OBJECTIVES

The COAB shall consider and advise the Receiver on issues, items and topics brought forth by the Receiver or as identified and agreed to by a majority of the Board members. Topics may include, but not be limited to the following:

- The approach(es) used for design and construction
- Project scope
- Project budgets
- Project schedules
- Control procedures used to ensure quality designs and specifications
- Control procedures used to ensure financial and schedule accountability
- The facility activation organization, plans and progress
- The organizational structure for project management and accountability

The COAB will receive regular periodic presentations by project management staff and will receive project reports as necessary.

IV. MEETING LOCATION AND FREQUENCY

1. The COAB shall meet at least quarterly, at a time and place determined by the Board chair in consultation with the Board members.
2. The COAB may meet more frequently as requested by the Board chair and/or members and approved by the chair.
3. Subcommittees of the COAB may be formed, as necessary, by agreement of both the Board chair and the subcommittee members. Subcommittee meetings may be conducted in person or via conference call.
4. All Board meetings are subject to budget considerations, available funding and workload considerations.

V. DECISION MAKING

Formal recommendations require the presence of a quorum and will be decided upon by a simple majority vote of the Board members present.

VI. MEETING ORDER OF BUSINESS

The order of business at each COAB meeting shall generally be as

follows:

- Call to Order and Welcome
- Roll Call
- Review of Agenda
- Report of the Chair
- Approval of the Minutes
- Report of Subcommittees of Workgroups
- Information Items
- Action Items
- Board Member Comments
- Future Meeting Schedule
- Adjournment

VII. CONFLICT OF INTEREST AFFECTING A MEMBERS'S PARTICIPATION AT MEETINGS

1. COAB members must disqualify themselves from voting or participating in Board discussions or decisions when a conflict of interest is present.
2. A conflict of interest refers to a situation in which a member may have the opportunity to influence the COAB's recommendations or the Receivers business decisions in ways that could lead to personal gain or give advantage to firms in which the member has an interest.
3. A conflict exists when a Board member is aware, in a particular circumstance, that he/she or someone in his/her family has existing or potential financial interests which might impair or reasonably appear to impair the member's independent judgment as a Board member.
4. If a member determines that a conflict of interest does exist, the member must disqualify and recuse himself/herself from voting or participating in any way in the discussion or decision or using his/her status to influence any other person with respect to the matter in which he/she has a conflict.
5. COAB minute summaries shall reflect a member's recusal from participating or voting due to a conflict of interest.