

Adopt a Resolution authorizing the Sheriff's Office to apply for \$40,000,000 in lease-revenue bonds under SB 863 Adult Local Criminal Justice Facilities Construction to build a facility with new programming/vocational education space and a mental health unit with 22 single cells and program spaces.

- a. Find that the proposed SB 863 project is categorically exempt from CEQA;
- b. Authorize Robert Murdoch, Director of Public Works, as the County's construction administrator; Hye-Weon Kim, Finance Manager, as the County's project financial officer; and James Bass, Sheriff's Commander, as the County's project contact person;
- c. Authorize Sheriff Stephen Bernal to sign and submit a proposal form for a local criminal justice facility with SB 863 construction state lease-revenue bond financing in the amount of \$40 million, and making other necessary and appropriate findings and declarations supporting the SB 863 construction proposal form;
- d. Approve Sheriff's Office SB 863 project and authorize the Sheriff's Office to submit the proposal form and associated documents to the Board of State and Community Corrections for the SB 863 Adult Local Criminal Justice Facilities Construction financing program;
- e. Authorizing the expenditure of \$4.5 million as a total cash and in-kind match for County matching funds to cover design, construction and other related expenses;
- f. Authorize the Chairperson of the Board of Supervisors as the County's authorized person to sign any agreements with State agencies related to this project;
- g. Authorize the County to adhere to state requirements and terms of the agreements between Monterey County, the Board of State and Community Corrections, and the State Public Works Board in the expenditure of state financing allocation and county contribution funds;
- h. Commit the County to expend the amount of County contribution identified on the financing program application form submitted to the Board of State and Community Corrections after notification of conditional award but before any state/county financing agreements are executed and subject to Board of Supervisor identification of appropriation of the source of the County's contribution. The County will identify the source of any other County borne costs and assures the state and cash contributions do not supplant funds otherwise dedicated or appropriated for construction activities;
- i. Authorize the County to safely staff and operate the facility that is being constructed (Consistent with Title 15, California Code of Regulations) within ninety (90) days after project completion;
- j. Approve the dedicated project site, Assessor's Parcel Number 003-851-033, on which the addition to the Monterey County Jail will be constructed. County has fee simple ownership of said site. The County has project site control and right of access to the project sufficient to assure undisturbed use and possession of the site, and will not

dispose of, modify the use of, or change the terms of real property title, or other interest in the site of the facility subject to construction, or lease the facility for operation to other entities, without permission and instructions from the Board of State and Community Corrections for so long as the State Public Works Board lease-revenue bonds secured by the financed project remain outstanding;

- k. Attest to the estimated current minimum fair market value of the proposed project site is \$2,000,000 and the County will commission an independent appraisal to confirm the fair market value of the proposed project site; and
- l. Authorize the County's readiness to proceed and direct the Auditor/Controller, CAO, Resource Management Agency Director, Public Works Director, Sheriff and County Counsel to take such other and further actions necessary or appropriate, consistent with this action, for the SB 863 construction funding.

WHEREAS, on July 28th, 2015 the Sheriff's Office received authorization from the Board of Supervisors to apply for SB 863 Adult Local Criminal Justice Facilities Construction; and

WHEREAS, the Monterey County Jail, in order to continue to adequately house and treat inmates with acute mental illness requires specialized treatment beds; and

WHEREAS, the existing Monterey County Jail requires appropriately sized program spaces to provide a variety of meaningful, evidence-based programs for in-custody inmates; and

WHEREAS, the State Legislature, through SB 863 Adult Local Criminal Justice Facilities Construction, has authorized the Board of State and Community Corrections and the State Public Works Board, through agreement with participating counties to acquire land, construct and expand detention facilities; and

WHEREAS, the procedure for obtaining funds from the State for the construction of these facilities is through lease-revenue bonds; and

WHEREAS, as evidenced by the August 14 2015 Memorandum from EMC Planning Group, Inc., which is attached to the August 25, 2015 staff report to the Board of Supervisors and incorporated herein by reference, the proposed project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guideline section 15332 because the project is in-fill development meeting all of the conditions of section 15332, and no evidence has been presented of cumulative impacts, unusual circumstances, or other grounds that would make the categorical exemption inapplicable.

NOW, THEREFORE BE IT RESOLVED by the Board of Supervisors of the County of Monterey as follows:

- A. The County finds that the proposed SB 863 project is categorically exempt from CEQA.
- B. Robert Murdoch, Director of Public Works, is appointed as the County's construction administrator; Hye-Weon Kim, Finance Manager, is appointed as the County's project financial officer; and James Bass, Sheriff's Commander, is appointed as the County's project contact person.
- C. Sheriff Bernal is authorized to sign the SB 863 proposal form in the amount of \$40 million, and to submit the proposal form for lease-revenue bond funding for the purpose of constructing an additional facility at the Monterey County Jail for program/vocational training and mental health housing and treatment.
- D. The SB 863 project is approved and the Sheriff's Office is authorized to submit the proposal form and associated documents to the Board of State and Community Corrections for the SB 863 Adult Local Criminal Justice Facilities Construction financing program.
- E. The County approves the expenditure of \$4.5 million as a total cash and in-kind match for County matching funds to cover design, construction and other related expenses.
- F. The Chairperson of the Board of Supervisors is the County's authorized person to sign any agreements with State agencies related to this project.
- G. The County will adhere to state requirements and terms of the agreements between Monterey County, the Board of State and Community Corrections, and the State Public Works Board in the expenditure of state financing allocation and county contribution funds.
- H. Commit the County to expend the amount of County contribution identified on the financing program application form submitted to the Board of State and Community Corrections after notification of conditional award but before any state/county financing agreements are executed and subject to Board of Supervisor identification of appropriation of the source of the County's contribution. The County will identify the source of any other County borne costs and assures the state and cash contributions do not supplant funds otherwise dedicated or appropriated for construction activities.
- I. The County will safely staff and operate the facility that is being constructed (Consistent with Title 15, California Code of Regulations) within ninety (90) days after project completion.
- J. The County has fee simple ownership of the project site on which the addition to the Monterey County Jail will be constructed, has project site control and right of access to the project sufficient to assure undisturbed use and possession of the sight, and will not dispose of, modify the use of, or change the terms of real property title, or other interest in the site of the facility subject to construction, or lease the facility for operation to other entities, without permission and instructions from the Board of State and Community Corrections for so long as the State Public Works Board lease-revenue bonds secured by the financed project remain outstanding.

- K. The estimated current fair market value of the proposed project site is \$2,000,000 and the County will commission an independent appraisal to confirm the fair market value of the proposed project site.
- L. The County is ready to proceed and the Auditor/Controller, CAO, Resource Management Agency Director, Public Works Director, Sheriff and County Counsel are hereby authorized to take such other and further actions necessary or appropriate, consistent with this action, for the SB 863 construction funding.