

*Before the Board of Supervisors in and for the
County of Monterey, State of California*

RESOLUTION NO. _____

- Adopt a resolution to:)
- a. Authorize the execution and delivery of a Facility)
- Sublease and ratification of all previous actions with respect)
- to the Monterey Jail Project in a form substantially similar)
- to the attached with such additions thereto and changes)
- therein as are required by the Department of Corrections)
- and Rehabilitation of the State of California (“Department”))
- or the State Public Works Board of the State of California)
- (“Board”) as conditions to the issuance of the Bonds, and)
- certain actions in connection therewith; and)
- b. Authorize the Chair of the Board of Supervisors, County)
- Administrative Officer and/or the Assistant County)
- Administrative Officers to act as Authorized Signatories to)
- execute the Facility Sublease in a form substantially similar)
- to the attached and with such additions thereto and changes)
- therein as are required by the Department or the Board as)
- conditions to the issuance of the Bonds and execute)
- necessary documents, certificates, and related actions.)

WHEREAS, the County of Monterey (the “County”), the State Public Works Board of the State of California (the “Board”), and the Department of Corrections and Rehabilitation of the State of California (the “Department”) and the Board of State and Community Corrections of the State of California have previously entered into that certain Project Delivery and Construction Agreement dated as of October 31, 2014 (the “Project Agreement”) with respect to the construction of a local jail facility, commonly known as the Monterey Jail Project described in Exhibit A hereto (the “Project”); and

WHEREAS, the County has leased to the Department certain real property (the “Site”) described in Exhibit B to that certain Ground Lease dated March 14, 2017 by and between the County, as landlord, and the Department, as tenant, and consented to by the Board, and recorded on September 13, 2017 in the Official Records of the County as Document No. 2017049349 (the “Ground Lease”) on which the Project is being constructed; and

WHEREAS, the Department and the County also entered into that certain Easement Agreement for Grants of Access, Utilities and Repairs dated as of March 14, 2017 and recorded on September 13, 2017 in the Official Records of the County as Document No. 2017049348 (the “Easement Agreement”) pursuant to which the County granted to the Department and the Board certain appurtenant easements in certain property adjacent to the Site; and

WHEREAS, the Board intends to provide long-term financing for the Project through the issuance and sale of lease revenue bonds of the Board (the “Bonds”) as authorized by the State Building Construction Act of 1955 (being Part 10b of Division 3 of Title 2 of the California Government Code commencing at Section 15800) (the “Act”), which Bonds will be secured, in part, by the Base Rental

payments to be made under a Facility Lease to be entered into by and between the Department and the Board (the “Facility Lease”); and

WHEREAS, in connection with the issuance of the Bonds, the Department intends to lease the Site to the Board pursuant to the terms of a Site Lease between the Board and the Department (the “Site Lease”) and the Board intends to lease the Site and the Project (together, the “Facility”) to the Department pursuant to the terms of the Facility Lease; and

WHEREAS, upon the issuance of the Bonds, the County and the Department intend to enter into a Facility Sublease (the “Facility Sublease”), the form of which has been presented to the Board of Supervisors for approval at the meeting at which this resolution is being adopted.

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

Section 1. Each of the foregoing recitals is true and correct.

Section 2. The form of the Facility Sublease presented at this meeting is hereby approved. Each of the Chair of the Board of Supervisors, County Administrative Officer and/or the Assistant Administrative Officer(s), or their designees (collectively, the “Authorized Officers”), acting alone, is hereby authorized for and in the name of the County to execute, and the Clerk of the Board of Supervisors is authorized to attest, the Facility Sublease, in substantially the form hereby approved, with such additions thereto and changes therein as are required by the Department or the Board as conditions to the issuance of the Bonds. Approval of such changes shall be conclusively evidenced by the execution and delivery thereof by any one of the Authorized Officers each of whom, acting alone, is authorized to approve such changes. Each of the Authorized Officers is further authorized to execute, acknowledge and deliver any and all documents required to consummate the transactions contemplated by the Facility Sublease. The County hereby consents to the terms of the Site Lease and the Facility Lease and acknowledges that the County’s right to occupy the Facility pursuant to the Facility Sublease may be terminated in accordance with Section 10 of the Facility Sublease, including (i) in the event of a default under the Facility Lease, as a result of the Board exercising its rights to re-enter and re-let the Facility in accordance with the Facility Lease, and (ii) in the event of a default under the Facility Sublease as a result of the Department exercising its rights to re-enter and re-let the Facility in accordance with the Facility Sublease.

Section 3. All actions heretofore taken by any officer of the County with respect to the execution and delivery of the Project Agreement, the Ground Lease and the Easement Agreement are hereby ratified, approved and confirmed and the County affirms that the Project Agreement, the Ground Lease and the Easement Agreement remain in full force and effect and enforceable against the County in accordance with their terms. The County reaffirms that each of the representations made by the County in the Certificate of the County of Monterey Regarding its Cash (Hard) Match for the Monterey County Jail Project and in the Certificate of the County of Monterey Regarding its Other Participating County Funding for the Monterey County Jail Project attached as Exhibit E to the Project Agreement is true and accurate as of the date hereof and remain valid and binding on the County.

Section 4. Each of the Authorized Officers and the other officers of the County, acting alone, is hereby authorized to do any and all things and to execute and deliver any and all documents, certificates (including tax certificates) and agreements which they may deem necessary and advisable

in order to consummate the execution and delivery of the Facility Sublease and the issuance of the Bonds and otherwise effectuate the purposes of this Resolution. In the event that the Clerk of the Board of Supervisors is unavailable or unable to execute and deliver any of the above-referenced documents, any deputy clerk may validly execute and deliver such document.

Section 5. This Resolution shall take effect from and after its date of adoption.

PASSED AND ADOPTED on this 9th day of March, 2021 upon motion of Supervisor _____, seconded by Supervisor _____, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original resolution of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book _____ for the meeting on _____.

Valerie Ralph, Clerk of the Board of Supervisors
County of Monterey, State of California

Dated: _____

By: _____, Deputy

EXHIBIT A

DESCRIPTION OF PROJECT

Monterey Jail Project:

1410 Natividad Road, Salinas, CA 93906

This project includes the design and construction of a new, approximately 135,000 square foot addition to the existing jail on approximately 2.6 acres of a greater approximately 9 acres county-owned land located in the city of Salinas. The expansion includes housing and program space and provides approximately 570 beds.

The project consists of 1 building comprised of a concrete and steel structure and includes a single-story administration and public entrance area and a two-story housing building, each story with 4 dayrooms. Each dayroom has approximately 70 beds on two levels. The building has a connection to the existing jail for intake and discharge, face-to-face visitation, and kitchen. The structure includes precast concrete cells, columns, beams, and hollow core pre-cast planks with some load bearing concrete masonry units, metal decking, and reinforced concrete slabs. The single-story portion is a steel frame structure. The exterior is precast concrete walls, concrete masonry units, and insulated metal panels with an integral window system, metal studs, and cement plaster.

The housing area also includes day rooms; control rooms; recreation yards; and program, treatment, interview, and storage space. This building includes a support area, which provides visitation space; a central control room; a sally port; interview rooms; and training, storage, and staff support and administrative space.

This project includes, but is not limited to, electrical; plumbing; mechanical; computerized heating, ventilation, and air conditioning; security and fire protection systems; emergency generator; security fencing area of refuge; pathways; and all necessary appurtenances.