

Attachment A

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***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 County Juvenile Project (New Juvenile Hall Project)
8811) 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, and/or)
County Administrative Officer and/or the Assistant County)
Administrative Officers to act as Authorized Signatory(s) 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.)
c. Authorize the Director of the Resource Management Agency)
(RMA) or the RMA Director’s designee to issue a Certificate of)
Substantial Completion for the Phase I portion of the Facility)
currently occupied by Probation, in accordance with the contract)
Plans and Specifications, and other certificates of completion as)
applicable for the remainder of the construction work.)

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 (the “BSCC”) have previously entered into that certain Project Delivery and Construction Agreement dated as of October 9, 2015 (the “Project Agreement”) with respect to the construction of a local youthful offender rehabilitative facility, commonly known as the Monterey County Juvenile 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 as of January 29, 2016 by and between the County, as landlord, and the Department, as tenant, and consented to by the Board, and recorded on February 9, 2016 in the Official Records of the County as Document No. 2016006839 (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 January 29, 2016 and recorded on February 9 2016 in the Official Records of the County as Document No. 2016006838 (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;

WHEREAS, to facilitate the issuance of the Bonds, the Board of Supervisors of the County of Monterey authorizes the Director of the Resource Management Agency (RMA) or the RMA Director’s designee to issue a Certificate of Substantial Completion for the Phase I portion of the Facility currently occupied by Probation, in accordance with the contract Plans and Specifications, and other certificates of completion as applicable for the remainder of the construction work.

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 Juvenile Hall Project and in the Certificate of the County of Monterey Regarding its Other Participating County Funding for the Monterey County Juvenile Hall 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. To facilitate the issuance of said Bonds, the Director of the Resource Management Agency (RMA) or the RMA Director's designee is authorized to issue a Certificate of Substantial Completion for the Phase I portion of the Facility currently occupied by Probation, in accordance with the contract Plans and Specifications, and other certificates of completion as applicable for the remainder of the construction work.

Section 6. This Resolution shall take effect from and after its date of adoption.

PASSED AND ADOPTED on this ____ day of ____, 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

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EXHIBIT A

DESCRIPTION OF PROJECT

Monterey Juvenile Project

The Monterey Juvenile Project consists of the design and construction of an expansion and renovation to the existing juvenile facility on county-owned land in Salinas. This project includes demolition of several existing buildings, renovation to the existing dormitory, construction of two new housing buildings; a new administration, visitation, and medical service building, a modular/portable building for equipment storage, four new school classrooms, gymnasium, and public and staff parking areas.

The housing buildings will consist of two new standard-security housing buildings providing 30 beds each, and the renovation of the 20-bed dormitory area in an existing standard-security housing building, for a total of 80 beds. Each housing building will include a unit security control room, showers, interview/exam rooms, day rooms, and outdoor recreation space. Dining will be provided within the day use areas of the housing units which have enough tables and chairs to provide individual seating for 80 youth. Operationally, kitchen and institutional laundry services will continue to be provided off site through the Monterey County Youth Center or outside vendor. Minimal laundry accommodations will be provided as part of the new administration building intake processing and personal property storage area.

The new administration, visitation, and medical services building will feature various program spaces, including areas for religious and mental health services; contact and non-contact visitation; central control; medical facilities; staff offices; intake processing; release; staff training area; staff locker rooms; and a staff break room. The modular/portable building will provide equipment storage.

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