



Legislation Details (With Board Report)

**File #:** A 23-133      **Name:** Termination Agreements for JHA State Funding  
**Type:** BoS Agreement      **Status:** Passed  
**File created:** 4/12/2023      **In control:** Board of Supervisors  
**On agenda:** 5/2/2023      **Final action:** 5/2/2023

**Title:** Authorize the County Administrative Officer to execute Termination Agreements for Project 8819, Jail Housing Addition, with such additions thereto and changes therein as are required by the California Board of State and Community Corrections (BSCC), California Department of Corrections and Rehabilitation (CDCR) or the State Public Works Board (SPWB) in a form substantially similar to the attached Termination Agreements described below:  
1. Termination of the Project Delivery and Construction Agreement (PDCA) between the SPWB, CDCR, BSCC and the County of Monterey;  
2. Termination of the Ground Lease and Easement Agreement (Ground Lease) between the CDCR and the County of Monterey.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Board Report, 2. Attachment A - Prop. PDCA Termination Agreement, 3. Attachment B - Prop. Ground Lease Termination, 4. Completed Board Order Item No. 28

Date	Ver.	Action By	Action	Result
5/2/2023	1	Board of Supervisors		

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**RECOMMENDATION:**

It is recommended that the Board of Supervisors authorize the County Administrative Officer to execute Termination Agreements for Project 8819, Jail Housing Addition, with such additions thereto and changes therein as are required by the California Board of State and Community Corrections (BSCC), California Department of Corrections and Rehabilitation (CDCR) or the State Public Works Board (SPWB) in a form substantially similar to the attached Termination Agreements described below:

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**SUMMARY/DISCUSSION:**

The Monterey County Jail Housing Addition AB 900 Phase II Project 8811 (hereafter, "Project") is 133,673 gross square feet and provides 576 new beds in eight (8) housing units distributed on two (2) floors, program

spaces for inmates, administration and staff support spaces, and a public entrance with video visitation.

Due to time required to meet California State Fire Marshall construction requirements and delays experienced due to COVID-19, the State Public Works Board (SPWB) determined that the Project was no longer suitable for bond financing through the AB900 Jail Financing Program. State matching funds were instead provided through the 2022 State budget. This action did not impact the County's project budget or the amount of State matching funds.

As a result of this change in the State financing source, the Project Delivery and Construction Agreement (PDCA) and the Ground Lease and Easement Agreement (Ground Lease) between the County and State agencies are no longer needed. On January 20, 2023 the California Department of Corrections and Rehabilitation (CDCR) received approval from the SPWB to terminate the PDCA and Ground Lease. This Board action will authorize the County Administrative Officer to sign and execute the two Termination Agreements on behalf of the County.

OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel-Risk Management has reviewed the proposed Termination Agreements as to form. The Auditor-Controller's Office has reviewed the proposed Termination Agreements as to fiscal provisions. The Monterey County Sheriff's Office concurs with this recommendation.

FINANCING:

There is no financial impact to the County as a result of executing the proposed Termination Agreements.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

The Project provides a larger detention facility which is critically needed as the current high occupancy count exceeds the existing facility's capacity and assists the County with State-mandated milestones. The recommended action supports the Board of Supervisors Strategic Initiatives as indicated below:

- Economic Development
- Administration
- Health & Human Services
- Infrastructure
- Public Safety

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Reviewed by: Lindsay Lerable, Chief of Facilities

Tom Bonigut, PE, Assistant Director of Public Works, Facilities and Parks

Approved by: Randell Ishii, MS, PE, TE, PTOE, Director of Public Works, Facilities and Parks

The following attachments are on file with the Clerk of the Board:

Attachment A - Proposed PDCA Termination Agreement

Attachment B - Proposed Lease Termination Agreement