

**RESOLUTION NO.**

**Resolution of the Yolo County Board of Supervisors  
Authorizing Acceptance of 2011 Local Jail Construction Financing  
Program AB 900 Phase II**

**WHEREAS**, the County of Yolo has a critical need to expand its jail detention facility and is ready to seek competitive bidding; and

**WHEREAS**, this project is a significant cost to the County of Yolo to provide detention facilities for those detained by Yolo City and County law enforcement entities; and

**WHEREAS**, the State legislature, through AB 900 (“Public Safety and Offender Rehabilitation Services Act of 2007”), has authorized the Department of Corrections, through agreement with participating counties, to acquire land, design, construct, and expand detention facilities; and

**WHEREAS**, the Board of Supervisors on January 10, 2012, approved Board Resolution No. 2012-104 authorizing the County to submit an application for a local adult detention facility AB 900 construction grant in the amount of \$42,225,000, and made other necessary and appropriate findings and declarations supporting the AB 900 construction grant application; and

**WHEREAS**, the application was submitted and found worthy of funding at the Corrections Standards Authority (CSA) Board Meeting on March 8, 2012; and

**WHEREAS**, the State has reallocated unused funds from Phase II conditional awards into medium-size counties, which now allows a partial conditional funding award offer to Yolo County; and

**WHEREAS**, the Board of State and Community Corrections (BSCC), previously known as the CSA until renamed on July 1, 2012, will vote on this additional conditional award on January 16, 2014; and

**WHEREAS**, staff is presently seeking the Board’s approval of the County’s acceptance of the pending conditional funding award offer to allow the County and its Consultants to immediately direct their efforts toward a facility design scaled to fit within the available funds.

**NOW, THEREFORE, IT IS HEREBY RESOLVED**, by the Board of Supervisors of the County of Yolo, State of California that in consideration for significant financial assistance for the County Detention Facility Expansion, the County will or does hereby take the following actions and make the following assurances:

1. Approves the acceptance of additional conditional funding for the County Detention Facility Expansion in the amount of \$36,295,000;
2. Approves the minimum a total cash and in-kind match of \$5,359,000;
3. Authorizes the County Administrator to accept the additional conditional funding award from the Board of State and Community Corrections;
4. Authorizes and directs the Deputy County Administrator, Deputy Director of General

5. Services, and Sheriff to take such other further actions as may be necessary or appropriate to meet the State's milestone requirements for design submissions as defined under the AB 900 Phase II funding program;
6. The County has completed a real estate due diligence package for this Project;
7. The County has completed the CEQA process and further is certifying that all related statutes of limitation have expired without challenge;
8. The County is seeking review of and authorization to execute the project documents required within the AB 900 financing program. As such, the Yolo County Board of Supervisors does hereby approve the form of the Project Delivery and Construction Agreement, the Board of State and Community Corrections Jail Construction Agreement, the Ground Lease, the Right of Entry for Construction and Operation, and the Facility Sublease. Each of the Chair of the Board of Supervisors, County Executive Officer and the Chief Financial Officer of the County, 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 Project Delivery and Construction Agreement, the Board of State and Community Corrections Jail Construction Agreement, the Ground Lease, the Right of Entry for Construction and Operation, and the Facility Sublease, in substantially the form hereby approved, with such additions thereto and changes therein as required by the BSCC or the State Public Works Board to effectuate the AB 900 Financing Program and as condition 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;
9. The County of Yolo assures it will adhere to state requirements and terms of the agreements between the County, the Board of State and Community Corrections and the State Public Works Board in the expenditure of any state financing allocation and county contribution funds.
10. The County of Yolo assures it will safely staff and operate the facility that is being constructed (consistent with Title 15, California Code of Regulations) within (90) days after project completion.
11. The County of Yolo certifies that it is not and will not be leasing housing capacity in this AB 900 financed adult local criminal justice facility to any other public or private entity for a period of 10 years beyond the completion date of the Project.
12. The County of Yolo assures it has project site control through either fee simple ownership of the site or comparable long-term possession of the site, and right of access to the project sufficient to assure undisturbed use and possession of the site, and will not dispose of, or modify the use of, or change the terms of the real property title, or other interest in the site of 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.
13. The County of Yolo attests to \$1,400,000 as the current fair market land value for the proposed new or expanded jail facility as reflected in the independent appraisal acquired by the County.
14. The County of Yolo reaffirms the representations and affirmations made in Resolution 2012-104 adopted by the County of Yolo Board of Supervisors on January 10, 2012.

**PASSED AND ADOPTED** by the Board of Supervisors of the County of Yolo, State of California, this 14<sup>th</sup> day of January, 2014 by the following vote:

AYES:  
NOES:  
ABSTENTIONS:  
ABSENT:

\_\_\_\_\_  
Don Saylor, Chair  
Yolo County Board of Supervisors

Approved As To Form:  
Robyn Truitt Drivon, County Counsel

Attest:  
Julie Dachtler, Deputy Clerk  
Yolo County Board of Supervisors

By: \_\_\_\_\_  
Deputy (Seal)

By: \_\_\_\_\_  
Philip J. Pogledich, Senior Deputy