

RESOLUTION NO. _____

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF YOLO AUTHORIZING THE EXECUTION AND DELIVERY OF A FACILITY SUBLEASE FOR AND RATIFYING ALL PREVIOUS ACTIONS WITH RESPECT TO THE YOLO JAIL PROJECT AND AUTHORIZING CERTAIN ACTIONS IN CONNECTION THEREWITH

WHEREAS, the County of Yolo (the “County”), the State Public Works Board of the State of California (the “Board”), 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 September 18, 2015 (the “Project Agreement”) with respect to the construction of a local jail facility commonly known as the Yolo 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 as of September 28, 2017 by and between the County, as landlord, and the Department, as tenant, and consented to by the Board, and recorded on February 22, 2018 in the Official Records of the County as Document No. 2018-0004052-00 (the “Ground Lease”) on which the Project has been constructed; 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 Yolo 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 County Administrator, the Assistant County Administrator, the Chief Financial Officer 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,

or any duly appointed deputy clerk, 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 and 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 and 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 and the Ground Lease are hereby ratified, approved and confirmed and the County affirms that the Project Agreement and the Ground Lease 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 Yolo Regarding its Cash (Hard) Match for the Yolo County Jail Project and in the Certificate of the County of Yolo Regarding its Other Participating County Funding for the Yolo 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.

ADOPTED, SIGNED AND APPROVED this __ day of _____, 2021.

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Jim Provenza
Chair of the Board of Supervisors
County of Yolo, California

ATTEST:

Julie Dachtler, Senior Deputy Clerk
Yolo County Board of Supervisors

BY: _____
Deputy (Seal)

APPROVED AS TO FORM:

By: _____
Philip J. Pogledich, County Counsel

EXHIBIT A

DESCRIPTION OF PROJECT

Yolo Jail Project: This project includes the construction of a stand-alone building; expansion, renovation, and conversion of the existing jail; and addition of approximately 80 parking spaces for staff and visitors. The new construction consists of an approximately 9,400 square-foot building located adjacent to the existing facility which includes a kitchen, laundry space, and a culinary classroom.

The expansion of an existing facility adds a new housing unit with approximately 15 double-occupancy cells for a total of approximately 30 beds, as well as a dayroom, a recreation yard, and space for programs, support, and storage. The expansion also includes program rooms; a lobby; and office, administration, and interview space for both in-custody and day-reporting inmates.

The renovations to the existing facility will provide a new custody administration area; interview room; attorney visitation room; a vehicle sally port; holding cells; a medical/mental health clinic with approximately 20 beds; exam rooms; offices; a dental area; a nurse's station; a lab; medical record storage; inmate waiting space; and space for offices, staff services, and programs. The project also includes the addition of approximately 1,300 square feet for an in-person visitation area.