

RESOLUTION NO. 17-019

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AUTHORIZING AN APPLICATION FOR FUNDING UNDER SB 844 TO SUPPORT CONSTRUCTION OF A JAIL PROJECT FOR ADDITIONAL SPECIALTY HOUSING AND EXPANDED PROGRAM, TRAINING, AND MENTAL HEALTH CARE SPACE

WHEREAS SB 844, the Adult Local Criminal Justice Facilities Construction Financing Program, has made available additional funding that would allow Mendocino County to provide an addition to the jail facility and include space for programs, training, and healthcare in support of the overarching objectives of the Mendocino County Community Corrections Partnership to promote rehabilitation and reduce recidivism; and

WHEREAS Mendocino County conducted a needs assessment and has determined a critical need for additional bed space, additional programming and training space, and space for expanded mental health and healthcare services in the jail due to the ongoing and ever increasing pressures from Public Safety Realignment and other factors; and

WHEREAS Mendocino County has developed conceptual plans and prepared an application seeking funding under SB 844 for upgraded facilities to provide space for programs, training, and mental health care (the "Project"); and

WHEREAS on September 11, 2014 the County adopted a Negative Declaration of environmental impacts pursuant to the California Environmental Quality Act, and the comment period passed without comments or challenges, for the jail facilities that would be funded by the SB 844 application; and

WHEREAS a certified appraisal of the property was conducted on December 17, 2014 and determined the land value of the project area was Sixty-six Thousand Dollars (\$66,000); and

WHEREAS The County of Mendocino is seeking funding preference for its proposed project within the Adult Local Criminal Justice Facilities Construction Financing Program known as SB 844; and

WHEREAS the Board of Supervisors has identified in the SB 844 Proposal Form Section 2 Budget Summary Table, on page 4, a total of One Million, Forty Six Thousand Seven Hundred and Forty Dollars (\$1,046,740) of local cash matching funds.

NOW, THEREFORE, BE IT RESOLVED that the Mendocino County Board of Supervisors authorize the Project proposed in the County's SB 844 Financing Program proposal to proceed in its entirety when and if state financing is awarded for the Project within the SB 844 Financing Program.

BE IT FURTHER RESOLVED that the following functions shall be performed by Mendocino County staff:

- a) Construction Administrator: Assistant Chief Executive Officer Alan D. Flora or *his/her* successor in that position
- b) Project Financial Officer: Auditor-Controller Lloyd Weer or *his/her* successor in that position

c) Project Contact Person: Jail Commander/Captain Tim Pearce or *his/her* successor in the position;

BE IT FURTHER RESOLVED that the Mendocino County Board of Supervisors hereby approves the form of the project documents to effectuate the financing authorized by SB 844, as identified by the State Public Works Board (SPWB) to the Board of State and Community Corrections (BSCC); and

BE IT FURTHER RESOLVED that the Chief Executive Officer is hereby authorized to sign the agreements on behalf of the County of Mendocino and to submit a proposal for funding under the SB 844 program; and

BE IT FURTHER RESOLVED that the County of Mendocino will adhere to state requirements and terms of the agreements between the county, the BSCC, and the SPWB in the expenditure of state financing and county match funds, if any; and

BE IT FURTHER RESOLVED that the Mendocino County Board of Supervisors has authorized and included within the Fiscal Years 2015-16 and 2016-17 Adopted Budget, Budget Unit 1712 – Capital Projects, Dollars (\$1,046,740) of local funding for the exclusive use of the SB 844 Mendocino County Jail Proposal, and according to the requirements of the SB 844 program; and

BE IT FURTHER RESOLVED that the payment of the county cash contribution funds for the proposed adult local criminal justice facility project (i) is within the power, legal right, and authority of the County; (ii) is legal and will not conflict with or constitute on the part of the County a material violation of, a material breach of, a material default under, or result in the creation or imposition of any lien, charge, restriction, or encumbrance upon any property of the County under the provisions of any charter instrument, bylaw, indenture, mortgage, deed of trust, pledge, note, lease, loan, installment sale agreement, contract, or other material agreement or instrument to which the County is a party or by which the County or its properties or funds are otherwise subject or bound, decree, or demand of any court or governmental agency or body having jurisdiction over the County or any of its activities, properties or funds; and (iii) have been duly authorized by all necessary and appropriate action on the part of the governing body of the County; and

BE IT FURTHER RESOLVED that the County of Mendocino shall fully and safely staff and operate the jail facility funded by SB 844 within 90 days after construction completion; and

BE IT FURTHER RESOLVED that the County of Mendocino shall provide site assurance following the BSCC's Notice of Intent to Award; and

BE IT FURTHER RESOLVED that the County of Mendocino has established project site control through fee simple ownership; and

BE IT FURTHER RESOLVED that the County of Mendocino will not dispose of, modify the use of, or change the terms of the real property title during the term of any agreement with the BSCC; and

BE IT FURTHER RESOLVED that the county cash contribution funds and the Project are not and will not be mortgaged, pledged, or hypothecated by the County in any manner or for any purpose and have not been and will not be the subject of a grant of a security interest by the County; and

BE IT FURTHER RESOLVED that the County cash contribution funds and the Project are not and will not be mortgaged, pledged, or hypothecated for the benefit of the County or its creditors in any manner or for any purpose and have not been and will not be the subject of a grant of a security interest in favor of the County or its creditors; and

BE IT FURTHER RESOLVED that County shall not in any manner impair, impede or challenge the security, rights and benefits of the owners of any lease-revenue bonds sold by the State Public Works Board for the Project (the "Bonds") or the trustee for the Bonds; and

BE IT FURTHER RESOLVED that the Mendocino County Board of Supervisors hereby attests that the fair market land value for the proposed new facility is Sixty-six Thousand Dollars (\$66,000).

The foregoing Resolution introduced by Supervisor Brown, seconded by Supervisor Hamburg, and carried this 7th day of February, 2017, by the following vote:

AYES: Supervisors Brown, McCowen, Gjerde, and Hamburg
NOES: None
ABSENT: None

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.



ATTEST: CARMEL J. ANGELO
Clerk of the Board

JOHN MCCOWEN, Chair
Mendocino County Board of Supervisors


Deputy

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

APPROVED AS TO FORM:
KATHARINE L. ELLIOTT, County Counsel

BY: CARMEL J. ANGELO
Clerk of the Board


Deputy