

RESOLUTION NO. 15-8094

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF PLUMAS TO
AUTHORIZE SUBMISSION OF AN APPLICATION FOR SB 863 ADULT LOCAL
CRIMINAL JUSTICE FACILITIES CONSTRUCTION FINANCING PROGRAM

WHEREAS, the State of California has made a lease revenue bond financing program available to construct and renovate adult local criminal justice facilities through the SB 863 Adult Local Criminal Justice Facilities Construction Financing Program (the "SB 863 Financing Program"); and

WHEREAS, eligible projects may include (1) improved housing with an emphasis on expanding program and treatment space as necessary to manage the adult offender population or (2) custodial housing, reentry, program, mental health, or treatment space necessary to manage the adult offender population under the jurisdiction of the sheriff or county department of corrections; and

WHEREAS, the County of Plumas (the "County") has selected the parcels located at 50 Abernathy Lane and 125 South Redberg Avenue, in Quincy, California, as an appropriate site for a correctional facility;

NOW THEREFORE, the Board of Supervisors of the County of Plumas resolves and orders that:

A. Authorization of Application. The Plumas County Sheriff is authorized to submit an application for state bond financing under the SB 863 Financing Program.

BE IT FURTHER RESOLVED AND ORDERED that:

B. Authorization of County Cash Contribution Funds. The county cash contribution funds, as described in the documentation accompanying the County's SB 863 Financing Program Proposal Form, are hereby authorized to be used to satisfy the County's contribution as identified on the financing program proposal form submitted to the Board of State and Community Corrections. The County hereby assures that the identified matching funds are compatible with the state's lease revenue bond financing, and that the cash match contribution does not supplant (replace) funds otherwise dedicated or appropriated for construction activities.

C. Lawfully Available Funds. The county cash contribution funds, as described in the documentation accompanying the County's SB 863 Financing Program Proposal Form, have been derived exclusively from lawfully available funds of the County.

D. County Cash Contribution Funds Are Legal and Authorized. The payment of the county cash contribution funds for the proposed adult local criminal justice facility project (the "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 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.

E. No Prior Pledge. 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; 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. The 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 trustees for the Bonds.

F. Authorization to Proceed with the Project. The Project proposed in the County's SB 863 Financing Program proposal is authorized to proceed in its entirety when and if state financing is awarded for the Project within the SB 863 Financing Program.

BE IT FURTHER RESOLVED AND ORDERED that the Board of Supervisors of the County of Plumas does hereby represent, warrant and covenant as follows:

G. Names, Titles, and Positions. For the purposes of the SB 863 financing application and any resulting design and construction, or other project phase, the following County staff will serve as key personnel for this project: Robert Perreault, Public Works Director, shall be designated the County Construction Administrator; Roberta Allen, Auditor-Controller, shall be designated the County's Project Financial Officer; and Dean Canalia, Assistant Sheriff, shall be designated as the Project Contact Person.

H. Authorization of Project Documents. The County is seeking funding preference associated with review of and authorization to execute the project documents required within the SB 863 Financing Program. As such, the Board of Supervisors of the County of Plumas does hereby approve the form of the Project Delivery and Construction Agreement (PDCA), the Board of State and Community Corrections (BSCC) Jail Construction Agreement, the Ground Lease, the Right of Entry for Construction and Operation, and the Facility Sublease, which are attached hereto. The Chairman of the Board of Supervisors, the County Administrative Officer (if such position is filled), and the Public Works Director, or their designees (collectively, the "Authorized Officers"), acting alone, are hereby authorized on behalf of the County to execute, and the Clerk of the Board of Supervisors is authorized to attest, the Project Delivery and Construction Agreement, the BSCC 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 are required by the BSCC or the State Public Works Board to effectuate the SB 863 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. Each of the Authorized Officers is authorized to execute these respective agreements at such time and in such manner as is necessary within the SB 863 Financing

Program. 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 Project Delivery and Construction Agreement, the BSCC Jail Construction Agreement, the Ground Lease, the Right of Entry for Construction and Operation, and the Facility Sublease. The SB 863 application procedures established by the BSCC require that the Resolution by the Board of Supervisors contain the Project Documents authorized above, and, therefore, these documents are attached as exhibits and incorporated herein, as:

- Project Delivery and Construction Agreement (PDCA)
- BSCC Jail Construction Agreement
- BSCC Ground Lease
- BSCC Right of Entry for Construction and Operation
- BSCC Facility Sublease

I. Authorization To Sign. Greg Hagwood, Plumas County Sheriff, is authorized to sign the SB 863 Adult Local Criminal Justice Facilities Construction Financing Program “Applicant’s Agreement,” and to submit the proposal for funding.

J. Adherence To State Requirements. The County hereby assures that 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.

K. Funding Assurance. The County hereby assures that (1) it has authorized an adequate amount of available matching funds to satisfy the County’s contribution as identified on the financing program proposal form submitted to the Board of State and Community Corrections; (2) the identified matching funds are compatible with the state’s lease revenue bond financing; and (3) the cash match contribution does not supplant (replace) funds otherwise dedicated or appropriated for construction activities.

L. Staffing Assurance. The County certifies that it will safely staff and operate the facility being constructed (consistent with Title 15, Chapter 1, Subchapter 6, section 1756(j)(5) of the California Code of Regulations) within ninety (90) days after project completion. The County further agrees to operate, maintain and repair the facility until the State bonds are fully repaid.

M. Site Assurance. The County certifies that the following site assurance for the County facility will be provided at the time of proposal or no later than 90 days following the Board of State and Community Corrections’ Notice of Intent to Award: (1) The County 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 (2) will not dispose of, modify the use of, or change the terms of the real property title, or other interest in the site of the 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 for so long as the SPWB lease-revenue bonds secured by the financed project remain outstanding.

N. Appraised Value. The County attests that the current fair market land value of the County-owned property for the proposed correctional facility is One Hundred Ninety Thousand Five Hundred Dollars and No/100 (\$190,500.00).

BE IT FURTHER RESOLVED AND ORDERED that the County is seeking funding preference for its proposed project within the SB 863 Financing Program, and, therefore, makes the certifications and assurances that the funding preference criteria are satisfied as follows:

O. Funding Preference. The state will give preference to those counties that are most prepared to proceed successfully with this financing in a timely manner. The two preferences that have been met by the County are as follows: (A.) The County has provided a board resolution (1) authorizing an adequate amount of available matching funds to satisfy the county's contribution, and the matching funds mentioned in the resolution shall be compatible with the state's lease revenue bond financing (2) approving the forms of the project documents deemed necessary, as identified by the board (SPBW) to the BSCC, to effectuate the financing authorized by the legislation, and (3) authorizing the appropriate signatory or signatories to execute those documents at the appropriate times; and (B.) the County has provided documentation evidencing that CEQA compliance has been completed.

P. CEQA Compliance. The County is seeking funding preference for submittal of documentation evidencing that compliance with CEQA has been fully completed for the proposed project, and further is certifying that all related statutes of limitation have expired without challenge.

PASSED AND ADOPTED by the Board of Supervisors of the County of Plumas, State of California, this 11th day of August, 2015, by the following vote:

AYES: SUPERVISORS THRALL, ENGEL, SIMPSON, SWOFFORD, GOSS

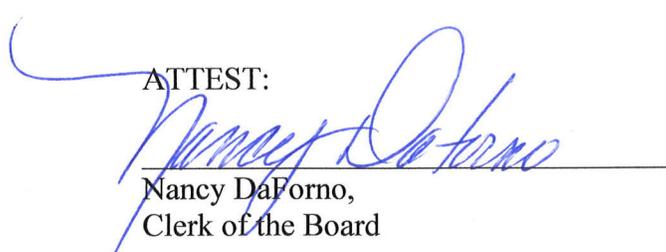
NOES: NONE

ABSENT: NONE



Kevin Goss, Chair
Board of Supervisors

ATTEST:



Nancy DaForno,
Clerk of the Board