

1 **BEFORE THE BOARD OF SUPERVISORS, COUNTY OF SAN BENITO**

2 A RESOLUTION OF THE SAN BENITO COUNTY) Resolution No. 2021-____
3 BOARD OF SUPERVISORS AUTHORIZING THE)
4 EXECUTION AND DELIVERY OF A FACILITY)
5 SUBLEASE FOR AND RATIFYING ALL PREVIOUS)
6 ACTIONS WITH RESPECT TO THE SAN BENITO)
7 COUNTY JAIL PROJECT AND AUTHORIZING)
8 CERTAIN ACTIONS IN CONNECTION)
9 THEREWITH)

10 WHEREAS, the County of San Benito (the "County"), the State Public Works Board of
11 the State of California (the "Board"), and the Department of Corrections and
12 Rehabilitation of the State of California (the "Department") and the Board of State and
13 Community Corrections of the State of California have previously entered into that
14 certain Project Delivery and Construction Agreement dated as of June 5, 2015 (the
15 "Project Agreement") with respect to the construction of a local jail facility, commonly
16 known as the San Benito Jail Project described in Exhibit A hereto (the "Project"); and

17 WHEREAS, the County has leased to the Department certain real property (the "Site")
18 described in Exhibit B to that certain Ground Lease dated as of February 1, 2016 by and
19 between the County, as landlord, and the Department, as tenant, and consented to by
20 the Board, and recorded on April 19, 2016 in the Official Records of the County as
21 Document No. 2016-0003839 (the "Ground Lease") on which the Project is being
22 constructed; and

23 WHEREAS, the Department and the County also entered into that certain Easement
24 Agreement for Grants of Access, Utilities and Repairs dated as of February 1, 2016 and
25 recorded on April 19, 2016 in the Official Records of the County as Document No. 2016-
26 0003840 (the "Easement Agreement") pursuant to which the County granted to the
27 Department and the Board certain appurtenant easements in certain property adjacent
28 to the Site; and

29 WHEREAS, the State Public Works Board intends to provide long-term financing for
30 the Project through the issuance and sale of lease revenue bonds of the Board (the
31 "Bonds") as authorized by the State Building Construction Act of 1955 (being Part 10b
32 of Division 3 of Title 2 of the California Government Code commencing at Section
33 15800) (the "Act"), which Bonds will be secured, in part, by the Base Rental payments to
34 be made under a Facility Lease to be entered into by and between the Department and
35 the Board (the "Facility Lease"); and

36 WHEREAS, in connection with the issuance of the Bonds, the Department intends to
37 lease the Site to the Board pursuant to the terms of a Site Lease between the Board and

1 the Department (the "Site Lease") and the Board intends to lease the Site and the Project
2 (together, the "Facility") to the Department pursuant to the terms of the Facility Lease;
3 and

4 WHEREAS, upon the issuance of the Bonds, the County and the Department intend to
5 enter into a Facility Sublease (the "Facility Sublease"), the form of which has been
6 presented to the Board of Supervisors for approval at the meeting at which this
7 resolution is being adopted.

8 NOW, THEREFORE BE IT RESOLVED, by the Board of Supervisors of the County of
9 San Benito that:

10 Section 1. Each of the foregoing recitals is true and correct.

11 Section 2. The form of the Facility Sublease presented at this meeting is hereby
12 approved. Each of the County Administrative Officer, Deputy County Administrative
13 Officer, County Clerk, Auditor-Controller, or their designees (collectively, the
14 "Authorized Officers"), acting alone, is hereby authorized for and in the name of the
15 County to execute, and the Clerk of the Board of Supervisors is authorized to attest, the
16 Facility Sublease, in substantially the form hereby approved, with such additions
17 thereto and changes therein as are required by the Department or the Board as
18 conditions to the issuance of the Bonds. Approval of such changes shall be conclusively
19 evidenced by the execution and delivery thereof by any one of the Authorized Officers
20 each of whom, acting alone, is authorized to approve such changes. Each of the
21 Authorized Officers is further authorized to execute, acknowledge and deliver any and
22 all documents required to consummate the transactions contemplated by the Facility
23 Sublease. The County hereby consents to the terms of the Site Lease and the Facility
24 Lease and acknowledges that the County's right to occupy the Facility pursuant to the
25 Facility Sublease may be terminated in accordance with Section 10 of the Facility
26 Sublease, including (i) in the event of a default under the Facility Lease, as a result of
27 the Board exercising its rights to re-enter and re-let the Facility in accordance with the
28 Facility Lease, and (ii) in the event of a default under the Facility Sublease as a result of
the Department exercising its rights to re-enter and re-let the Facility in accordance with
the Facility Sublease.

24 Section 3. All actions heretofore taken by any officer of the County with respect to
25 the execution and delivery of the Project Agreement, the Ground Lease and the
26 Easement Agreement are hereby ratified, approved and confirmed and the County
27 affirms that the Project Agreement, the Ground Lease and the Easement Agreement
28 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 San Benito Regarding its Cash (Hard) Match for the
San Benito County Jail Project and in the Certificate of the County of San Benito

1 Regarding its Other Participating County Funding for the San Benito County Jail Project
2 attached as Exhibit E to the Project Agreement is true and accurate as of the date hereof
3 and remain valid and binding on the County.

4 Section 4. Each of the Authorized Officers and the other officers of the County,
5 acting alone, is hereby authorized to do any and all things and to execute and deliver
6 any and all documents, certificates (including tax certificates) and agreements which
7 they may deem necessary and advisable in order to consummate the execution and
8 delivery of the Facility Sublease and the issuance of the Bonds and otherwise effectuate
9 the purposes of this Resolution. In the event that the Clerk of the Board of Supervisors
10 is unavailable or unable to execute and deliver any of the above-referenced documents,
11 any deputy clerk may validly execute and deliver such document.

12 Section 5. This Resolution shall take effect from and after its date of adoption.

13 PASSED AND ADOPTED by the San Benito County Board of Supervisors at the regular
14 meeting of said Board held on the 9th day of March 2021, by the following vote:

15 AYES: Supervisor(s)
16 NOES: Supervisor(s)
17 ABSENT: Supervisor(s)
18 ABSTAIN: Supervisor(s)

19 By: _____
20 Mark Medina, Chair

21 ATTEST:

22 APPROVED AS TO LEGAL FORM

23 Jennifer Frechette, Clerk of the Board

24 San Benito County Counsel's Office

25 By: _____

26 By: Shirley L. Murphy
27 Shirley L. Murphy, Deputy County Counsel

28 Date: _____

Date: March 5, 2021

Exhibit A

Project Description

San Benito Jail Project

710 Flynn Road, Hollister, CA 95023

This project consists of the design and construction of an approximately 26,000 square foot multi-level medium security jail facility on approximately 2.6 acres of a greater approximately 21 acres of county-owned property located in the city of Hollister. This facility provides approximately 70 beds and includes housing, program, medical, custody, and administrative space. The new building is dependent on the existing detention facility for several core operational components, including food and laundry services.

The housing area is comprised of 2 housing units. Each unit is comprised of a two-story living area with a dayroom in the center, one multipurpose classroom downstairs, 1 twelve-person dorm downstairs, and 2 twelve person dorms upstairs. Each dayroom contains video visitation and phone stations and is attached to a fully enclosed 712 Square foot exercise patio. Combined, the dayrooms contain 6 video visitation stations and 2 phones. The housing area includes a control room located between the two housing units. The total square footage for the housing area is approximately 7,300 square feet.

The single-story construction includes the major components of healthcare services space, intake and release space, interview rooms, a multipurpose room, public reception, video visitation and administrative space. The healthcare services space is approximately 1,600 square feet and includes office space, an inmate waiting area with restrooms and showers, an examination room, a dental suite, a medical supply/records room, a medical cell with respiratory isolation capability, a medical treatment ward with one negative air respiratory isolation room, a nurse's station, a clean room, a biohazard room, and storage space. The intake and release space is approximately 4,300 square feet and includes a staff lobby, office space, and restrooms; a pre-booking multi-purpose room screening and inventory area ; officer report writing and interview room; booking processing space; a medical exam/interview room; holding and safety cells; a two transfer cells; dress-out stations; inmate property storage area and support services space. This area includes a secure exterior vehicle sally port parking area and vehicular turnaround drive through driveway. The co-located public reception and administrative space is approximately 3,700 square feet and includes an enclosed reception cubicle, office space, briefing and training rooms, a conference room, a staff break room, support services space, and a public lobby with video visitation space.

The building's structure is primarily constructed of steel reinforced masonry walls, steel reinforced concrete foundation slab on grade, steel roof joists and a steel roof deck accompanied by membrane roof construction. Included in this construction are the following: state of the art electrical, plumbing, mechanical, BAS computerized cooling, heating and ventilation; programmable logic-controlled security electronics; fire protection systems; emergency response radio coverage system; solar power

connection and water conditioning. Site improvements include but are not limited to perimeter detention grade fencing and gates; new loop road extension; a new security fenced vehicle intake sally port; walkways; fenced evacuation areas; utilities connections, access roads and parking striping.