RECOMMENDATION AND JUSTIFICATION:
Adopt a Resolution of Assurances including but not limited to funding available and compatible with State's Lease Revenue Bond financing language for Senate Bill 844, Adult Local Criminal Justice Facilities Construction Funding Program.

In addition to pending Board Item 6587, a requested Resolution for Exemption of California Environmental Quality Act (CEQA), an additional Resolution is necessary to support the application for Senate Bill 844 State Lease-Revenue Bond funding. A draft proposal of the requested Resolution is attached outlining the additional requirements and assurances needed to submit the application by February 28, 2017.

The construction phase is estimated to begin May of 2019, three year maximum to complete. Of major importance and mentioned in the requested Draft Resolution, Mariposa County Board of Supervisors is being asked to make assurances that reimbursable funds are available throughout the duration of the construction timeline. Thorough correspondence with the Auditor and Interim CAO has determined that a Capital Improvement Fund could be established to track the expenses and reimbursable monies for this project.

As noted on page 5, item 7 of the SB844 Proposal Instructions - MPA attachment, a non-reimbursable $25,000 cost exists for this project for an outside audit once the project is completed. Funds to support this expense has already been identified within the CCP Fund 432 but should be budgeted within the appropriate Fiscal Year.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
On January 10, 2017 the Mariposa County Board of Supervisors adopted Res.# 2017-12 which approved a Professional Service Agreement with Vanir Construction to pursue the application for SB844 State lease-revenue bond funding for a Jail improvement construction project. On February 14, 2017 a
requested Resolution will be heard and hopefully adopted by the Board of Supervisors, exempting this project from the CEQA guidelines. Having Board approval of both Resolutions will allow Vanir Construction to submit the application for the Jail construction project on behalf of Mariposa County.

**ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:**
Do not seek a Resolution regarding language for SB844, Adult Local Criminal Justice Construction Funding Program and forgo the State Lease-Revenue Bond application process and funding opportunity.

**FINANCIAL IMPACT:**
No impact for this Fiscal Year. With the exception of $25,000 the expenditures are reimbursable and a new Capital Improvement Fund should be established. The $25,000 expense can be paid from Fund 432 and budgeted in FY 2020/2021 or 2021/2022.

**ATTACHMENTS:**
Resolution of Assurances (DOC)
SB 844 - 2016 Request for Proposals (PDF)
SB 844 - Proposal Instructions-MPA (DOCX)
Mariposa Budget Summary Table Worksheet (PDF)
Project Delivery and Construction Agreement (PDF)
BSCC Jail Construction Agreement (PDF)
Ground Lease (PDF)
Right of Entry (PDF)
Facility Sublease (PDF)

**CAO RECOMMENDATION**
Requested Action Recommended

*Dallin Kimble*
Dallin Kimble, Interim CAO 2/16/2017

**RESULT:** ADOPTED BY CONSENT VOTE [UNANIMOUS]
**MOVER:** Kevin Cann, District IV Supervisor
**SECONDER:** Rosemarie Smallcombe, District I Supervisor
**AYES:** Menetrey, Smallcombe, Jones, Long, Cann
STATE OF CALIFORNIA
COUNTY OF MARIPosa
BOARD OF SUPERVISORS

Resolution
No. 2017- 82 Resolution of Assurances Including But Not Limited to Funding Available and Compatible
with State's Lease Revenue Bond Financing Language for Senate Bill 844, Adult Local
Criminal Justice Facilities Construction Funding Program.

WHEREAS, the Mariposa County Board of Supervisors is the approving body to receive the Board
of State and Community Corrections (BSCC) funding administered by the State of California; and

WHEREAS, the County of Mariposa has a critical need to expand its jail, including inmate
programs, and is ready to seek competitive bidding; and

WHEREAS, there is a significant cost to the County of Mariposa to provide a detention facility for
those detained by County law enforcement entities; and

WHEREAS, Senate Bill 844 appropriates state lease-revenue bond financing authority for
acquisition, design and construction, including expansion or renovation, of adult local criminal
justice facilities in California; and

WHEREAS, the BSCC, pursuant to the provisions of SB 844, issued a Request for Proposals related
to the Construction of Adult Local Criminal Justice Facilities on December 30, 2016; and

WHEREAS, the County of Mariposa will be submitting their Response to the BSCC's Request for Proposals for Construction of Adult Local Criminal Justice Facilities by February 28, 2017; and

WHEREAS, the BSCC's Request for Proposals requires confirmation via a Resolution of the
Mariposa County Board of Supervisors of the County's commitment to and provision for taking
certain actions and preparations as part of the County's Proposal; and

WHEREAS, the County of Mariposa is willing and able to take the following actions and
preparations as part of its Proposal in response to the BSCC's Request for Proposals for
Construction of Adult Local Criminal Justice Facilities; and

WHEREAS, receipt of the funding will enhance the ability of Mariposa County to protect the lives
and property of the citizens of the County of Mariposa.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the
County of Mariposa, State of California that in consideration for significant financial assistance
for the Mariposa Adult Detention Facility, the County will or does hereby take the following
actions and make the following assurances:

A. The County of Mariposa is seeking funding for its proposed project within the Adult Local
Criminal Justice Facilities Construction Financing Program (SB 844). As such, the Board of
Supervisors of Mariposa County does hereby represent, warrant and covenant as follows:
1. Lawfully Available Funds. The county cash contribution funds, as described in the documentation accompanying the County's SB 844 Financing Program Proposal Form, have been derived exclusively from lawfully available funds of the County.

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 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; (iii) and have been duly authorized by all necessary and appropriate action on the part of the governing body of the County. The County ensures the funds are compatible with lease revenue bond financing.

2. 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. In addition, 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 trustee for the Bonds.

3. Authorization to Proceed with the Project. The Project proposed in the County's SB 844 Financing Program proposal is authorized to proceed in its entirety when and if state financing is awarded for the Project within the SB 844 Financing Program.

B. The County provides assurance that the 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.

C. The Board of Supervisors of Mariposa County does hereby approve the forms of the project documents deemed necessary, as identified by the State Public Works Board to the BSCC to effectuate the financing authorized by the SB 844 legislation including, but not limited to, Project Delivery and Construction Agreement, the Board of State and Community Corrections Agreement, the Ground Lease, the Right of Entry for Construction and Operation, and the Facility Sublease. Both the Chair of the Board of Supervisors and the County Administrative Officer, or their designees (collectively, the
"Authorized Officers"), acting alone, are hereby authorized for and in the name of the County to execute, and the Clerk to the Board of Supervisors is authorized to attest, the Project Delivery and Construction Agreement, the Board of State and Community Corrections 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 SB 844 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 844 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 Board of State and Community Corrections Agreement, the Ground Lease, the Right of Entry for Construction and Operation, and the Facility Sublease.

D. The contact people for the SB 844 Adult Local Criminal Facilities Construction Project shall be as follows:

- County Construction Administrator – Gary Brown, Mariposa County Public Works Civil Engineer.
- Project Financial Officer- Undersheriff Byron Robles and County Auditor Debbie Isaacs
- Project Contact – Captain Sterling Cramer and Lieutenant Codie Hart, Mariposa County Sheriff’s Office.

The Mariposa County Sheriff, or his designee, is hereby authorized to create and submit a proposal for SB 844 Adult Local Criminal Facilities Construction Project, on behalf of the County of Mariposa, a political subdivision of the State of California, and to do and perform everything necessary to carry out the purpose of this Resolution including any necessary non-monetary changes, modifications, or amendments.

E. The Mariposa County Board of Supervisors has reviewed the SB 844 Adult Local Criminal Facilities Construction Financing Program Proposal requirements issued through the BSCC and provides the following Assurances for the Proposal.

1. The County of Mariposa 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.
2. The County of Mariposa assures it will safely staff and operate the facility that is being constructed (consistent with Title 15, California Code of Regulations) within ninety (90) days after project completion.
3. The County of Mariposa certifies that it is not and will not be leasing housing capacity in this SB 844 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 adult local criminal justice facility.

4. The County of Mariposa 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.

5. The County of Mariposa attests to $250,000 as the current fair market land value for the proposed new or expanded jail facility as reflected by the Mariposa County Assessor’s Office.

ON MOTION BY Supervisor Cann seconded by Supervisor Smallcombe, this resolution is duly passed and adopted this 21st day of February, 2017 by the following vote:

AYES: SMALLCOMBE, JONES, LONG, CANN, MENETREY

NOES: NONE

EXCUSED: NONE

ABSTAIN: NONE

[Signature]
Marshall Long, Board Chair, Mariposa County Board of Supervisors

Attest:

[Signature]
René LaRoche, Clerk of the Board

Approved as to Form:

[Signature]
Steven W. Dahlem, County Counsel