**RESOLUTION NO. 2015-105**

**RESOLUTION OF THE BOARD OF SUPERVISORS OF NAPA COUNTY, STATE OF CALIFORNIA, AUTHORIZING APPLICATION FOR SB 863 FUNDING TO BUILD A CRIMINAL JUSTICE FACILITY, AND MAKING REQUIRED CERTIFICATIONS**

 **WHEREAS**, pursuant to the Adult Local Criminal Justice Facilities legislation.(“the SB 863 Financing Program”), the State may provide lease-revenue bond financing for the acquisition, design and construction of adult local criminal justice facilities; and

 **WHEREAS**, Napa County has proposed to build a criminal justice facility (“the Project”) on that certain real property having Assessor Parcel Number 046-370-021 and located at 2300 Napa Vallejo Highway, property which Napa County owns in fee simple; and

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of Napa County, that the County shall proceed with submitting an application with the State, for award and allocation of financing as authorized by SB 863 for construction of the Project.

 **BE IT FURTHER RESOLVED** that the County hereby represents, warrants and covenants as follows:

 (1) 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 Napa County.

 (2) Authorization to Proceed with the Project. The Project is authorized to proceed in its entirety when and if State financing is awarded for the Project within the SB 863 Financing Program.

(3) Authorization of Project Documents: The Board of Supervisors of Napa County does hereby approve the form of the Project Delivery and Construction Agreement, the Board of State and Community Corrections Jail Construction Agreement, the Ground Lease, the Right of Entry for Construction and Operation, and the Facility Sublease. The Chair of the Board of Supervisors and the County Executive Officer of the County, the County Auditor, 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 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 Board of State and Community Corrections 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.

(4) Execution of Documents: 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 Board of State and Community Corrections Jail Construction Agreement, the Ground Lease, the Right of Entry for Construction and Operation, and the Facility Sublease.

**BE IT FURTHER RESOLVED**, as required by the SB 863 Financing Program Request for Proposal forms that:

(1) Names, titles and Positions: The names, titles and positions of the County Construction Administrator, Project Financial Officer and Project Contact Person are as follows: County Construction Administrator: Steve Lederer, Public Works Director; Project Financial Officer: Leanne Link, Assistant County Executive Officer; Project Contact Person: Liz Habkirk, Principal Management Analyst.

(2) Authorization to Sign Applicant’s Agreement: The Director of Corrections, Lenard Vare, is hereby authorized to sign the Applicant’s Agreement (Page 2 of the Proposal Form) and submit the proposal for funding.

(3) 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.

(4) Authorization of Adequate County Cash Contribution: The County hereby assures that it has authorized an adequate amount of County cash contribution identified by the County on the financing program proposal form submitted to the Board of State and Community Corrections and assures the funding is compatible with the states’ lease revenue bond financing.

(5) Staffing: The County hereby assures that it will safely staff and operate the facility that is being constructed (consistent with Title 15, California Code of Regulations), including providing inmate behavioral programming and mental health treatment services, within ninety (90) days after project completion.

(6) Site Assurance: The County hereby assures it has site control through fee simple ownership 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, 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.

(7) Fair Market Value: The County hereby attests to Four Million Eight Hundred Twenty Five Thousand Dollars ($4,825,000) as the current fair market land value for the proposed new facility.

**THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED** by the Napa County Board of Supervisors, State of California, at a regular meeting of the Board held on the 11th day of August, 2015, by the following vote:

 AYES: SUPERVISORS WAGENKNECHT, CALDWELL,

 PEDROZA and DILLON

 NOES: SUPERVISORS NONE

 ABSENT: SUPERVISORS LUCE

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 DIANE DILLON, Chair of the

 Board of Supervisors

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| APPROVED AS TO FORMOffice of County CounselBy: *Robert C. Martin* (By E-Sign.) County CounselDate: July 16, 2015  | APPROVED BY THE NAPA COUNTYBOARD OF SUPERVISORSDate: August 11, 2015Processed By:  Deputy Clerk of the Board | ATTEST: GLADYS I. COILClerk of the Board of SupervisorsBy:  |