

**RESOLUTION NO. \_\_\_\_\_**

**BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA**

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**RESOLUTION AUTHORIZING THE SHERIFF TO APPLY FOR LOCAL JAIL  
CONSTRUCTION FUNDING FROM THE STATE OF CALIFORNIA BOARD OF STATE  
AND COMMUNITY CORRECTIONS PURSUANT TO THE PROVISIONS OF SB 1022**

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**RESOLVED**, by the Board of Supervisors of the County of San Mateo, State of California, that

**WHEREAS**, on June 27, 2012, SB 1022 became law authorizing state lease-revenue bond financing for the construction of local criminal justice facilities; and

**WHEREAS**, The Board of State and Community Corrections (BSCC) issued a Request for Proposals (RFP) to every county in the State on July 23, 2013 requesting responses from counties by October 24, 2013 ; and

**WHEREAS**, the County is desirous of applying for \$80 million dollars of the local construction funds available in SB 1022; and

**WHEREAS**, the County of San Mateo (the "County") is seeking funding preference for its proposed project within the Adult Local Criminal Justice Facilities Construction Financing Program (the "SB 1022 Financing Program"). As such, the Board of Supervisors of San Mateo 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 1022 Financing Program Proposal Form, have been derived exclusively from lawfully available funds of the County. 2) 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; and (iii) have been duly authorized by all necessary and appropriate action on the part of the governing body of the County. 3) 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. 4) Authorization to Proceed with the Project. The Project proposed in the County’s SB 1022 Financing Program proposal is authorized to proceed in its entirety when and if state financing is

awarded for the Project within the SB 1022 Financing Program. ; and

**WHEREAS**, the County is seeking funding preference for submittal of the complete initial real estate due diligence package ; and

**WHEREAS**, 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.; and

**WHEREAS**, the County is seeking funding preference associated with review of and authorization to execute the project documents required within the SB 1022 Financing Program. As such, the Board of Supervisors of San Mateo 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. Each of the Chairman of the Board of Supervisors Don Horsley, the Chief Executive Officer of the County John Maltbie and the Chief Operations Officer of the County Dave Holland, or their designees (collectively, the "Authorized Officers"), acting alone, is 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 BSCC or the State Public Works Board to effectuate the SB 1022 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 1022 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 ; and

**WHEREAS**, The Board of Supervisors appoints Project Manager Sam Lin the County Construction Administrator, County Manager John Maltbie the Project Financial Officer, Lieutenant Deborah Bazan the Project Contact Person and authorizes Sheriff Greg Munks to sign and submit the County's Agreement and application pursuant to the RFP; and

**WHEREAS**, San Mateo County 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; and

**WHEREAS**, San Mateo County assures that 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; and

**WHEREAS**, San Mateo County County certifies that it is not and will not be leasing housing capacity in this SB 1022 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; and

**WHEREAS**, San Mateo County has project site control through fee simple ownership and has 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. The county paid \$17.8 million dollars for the project site, including tenant relocation costs, in December of 2010;

**NOW THEREFORE, IT IS HEREBY DETERMINED AND ORDERED** that the Board of Supervisors:

1. Authorizes and directs the Sheriff to apply for local criminal justice construction funding pursuant to the provisions of SB 1022 in the amount of \$80 million dollars.