

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA**

**IN THE MATTER OF AUTHORIZING THE) RESOLUTION NO. _____
EXECUTION AND DELIVERY OF A)
FACILITY SUBLEASE FOR AND)
RATIFYING ALL PREVIOUS ACTIONS)
WITH RESPECT TO THE AB900 PHASE)
II NORTHERN BRANCH JAIL AND)
AUTHORIZING CERTAIN ACTIONS IN)
CONNECTION THEREWITH)**

WHEREAS, the County of Santa Barbara (the “County”), the State Public Works Board of the State of California (the “SPWB”), the Department of Corrections and Rehabilitation of the State of California (the “Department”), and the Board of State and Community Corrections of the State of California (the “BSCC”) have previously entered into that certain Project Delivery and Construction Agreement dated as of February 11, 2013, and as amended on August 15, 2016 and March 8, 2019, with respect to the construction of a secure detention facility, commonly known as the Northern Branch Jail, described in Exhibit A hereto (the “Project”); and

WHEREAS, the County has leased to the Department certain real property (the “Site”) described in Exhibit B to that certain Ground Lease dated as of July 17, 2015, by and between the County, as landlord, and the Department, as tenant, and consented to by the Board, and recorded on August 4, 2015 in the Official Records of the County as Document No. 2015-0041634 (the “Ground Lease”) on which the Project is being constructed; and

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

WHEREAS, in connection with the issuance of the Bonds, the Department intends to lease the Site to the SPWB pursuant to the terms of a Site Lease between the SPWB and the Department (the “Site Lease”) and the SPWB intends to lease the Site and the Project (together, the “Facility”) to the Department pursuant to the terms of the Facility Lease; and

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

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Santa Barbara that:

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

Section 2. The form of the Facility Sublease presented to the Board of Supervisors on September 10, 2019 is hereby approved. Each of the Chair, the County Executive Officer, 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 of the Board of Supervisors is authorized to attest, the Facility Sublease, in substantially the form hereby approved, with such additions thereto and changes therein as are required by the Department or the Board as conditions 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 further authorized to execute, acknowledge and deliver any and all documents required to consummate the transactions contemplated by the Facility Sublease. The County hereby consents to the terms of the Site Lease and the Facility Lease and acknowledges that the County’s right to occupy the Facility pursuant to the Facility Sublease may be terminated in accordance with Section 10 of the Facility Sublease, including (i) in the event of a default under the Facility Lease, as a result of the Board exercising its rights to re-enter and re-let the Facility in accordance with the 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.

Section 3. All actions heretofore taken by any officer of the County with respect to the execution and delivery of the Ground Lease are hereby ratified, approved and confirmed and the County affirms that the Ground Lease remains in full force and effect and enforceable against the County in accordance with their terms.

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

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

PASSED AND ADOPTED by the Santa Barbara County Board of Supervisors at its regular meeting on September 10, 2019, by the following vote:

AYES: SUPERVISORS _____

NOES: SUPERVISORS _____

ABSENT: SUPERVISORS _____

ABSTAIN: SUPERVISORS _____

STEVE LAVAGNINO
Chair, Santa Barbara County Board of Supervisors

ATTEST:

MONA MIYASATO,
Clerk of the Board of Supervisors
Santa Barbara County Board of Supervisors

By: _____

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
County Counsel

By: _____
Johannah Hartley, Deputy

APPROVED AS TO FORM:

BETSY SCHAFFER
Auditor-Controller

By: _____

EXHIBIT A

PROJECT DESCRIPTION SANTA BARBARA JAIL PROJECT 2301 BLACK ROAD, SANTA MARIA, CA 93455

The Santa Barbara Jail Project (“Santa Barbara Project”) includes the design and construction of an approximately 134,000 square feet (sf) building in the City of Santa Maria on approximately 6 acres of the greater 50 acres of county-owned land. For long term durability the new building is constructed of steel reinforced masonry walls, steel reinforced concrete slabs, steel roof joists, a steel roof deck, and steel detention cells in the housing units.

This building includes approximately 350 beds to house a mix of medium and maximum security male and female inmates and includes 32 special-use beds for mental health and medical purposes. Approximately 270 beds are located in the direct and indirect supervision housing units. The direct supervision unit and general population unit includes space for an officer's station, storage, multipurpose room, recreation yard, dayroom, interview area, laundry, dental, exam area, and staff restroom. The indirect supervision unit is rated for medium or maximum security and includes a multipurpose room, an exercise yard, and a central control area. The building also includes space for treatment, program, support services, and all core operational functions.

The Santa Barbara Project includes, but is not limited to, electrical, plumbing, mechanical, heating, ventilation, and air conditioning, security, fire protection systems, and approximately 150 parking spaces for staff and visitors. In addition, there will be secure fencing surrounding the facility to provide grounds security.

The Santa Barbara Project is expected to be complete and available for occupancy in December 2019. The total cost of the Santa Barbara Project is approximately \$106.4 million, of which approximately \$80 million will be financed with the proceeds from the 2019C Bonds, with the balance funded from other sources. Other sources are paid in cash with County Funds and include \$8.9 million in County Match and \$17.5 million in Other County Costs. (The County paid an additional \$4.5 million for the acquisition of the land which is not included in the total \$106.4 total cost.)

The issuance of the 2019C for the Santa Barbara Project has been authorized by sections 15820.91 through 15820.917 of the California Government Code.