

RESOLUTION NO. 2017-

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SHASTA TO REPRESENT, WARRANT, AND CONVENANT TO THE CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION THAT SHASTA COUNTY HAS FULL LEGAL RIGHT, POWER, AND AUTHORITY TO ENTER IN TO THE GROUND LEASE AGREEMENT AS LANDLORD PURSUANT TO THE SENATE BILL (SB) 1022 (CHAPTER 42, STATUTES OF 2012) ADULT LOCAL CRIMINAL JUSTICE FACILITIES CONSTRUCTION FINANCING PROGRAM, TO DESIGNATE SIGNATURE AUTHORITY TO THE COUNTY EXECUTIVE OFFICER TO NEGOTIATE, EXECUTE, AND SIGN ANY AND ALL PROJECT AGREEMENTS, AMENDMENTS (INCLUDING RETROACTIVE), PROJECT DOCUMENTS (INCLUDING RETROACTIVE), PROJECT DOCUMENT AMENDMENTS (INCLUDING RETROACTIVE) ON BEHALF OF THE COUNTY OF SHASTA

WHEREAS, on February 5, 2013, the Board of Supervisors of the County of Shasta (“County”) approved and authorized the Shasta County Sheriff’s Office to submit a SB 1022 funding proposal to build an adult rehabilitation facility (“Facility”), designated signature authority to the County Executive Officer to sign the funding proposal, and any related documents necessary for the submission of the funding proposal, approved a contract with Nichols Melburg and Rossetto to provide programming and architectural services to the County, and approved funding in the amount of \$88,500 for staff and consultant work necessary to prepare the funding proposal.

NOW THEREFORE BE IT RESOLVED, the Board of Supervisors of the County of Shasta hereby represents, warrants, and covenants that the County has full legal right, power, and authority to enter into the Ground Lease as Landlord, to transfer and convey the Leasehold Estate to the State as indicated in the the Ground Lease, and to carry out and consummate all transactions contemplated by the Ground Lease and by proper action has duly authorized the execution and delivery of the Ground Lease and amendments thereto, including retroactive.

NOW THEREFORE BE IT FURTHER RESOLVED, the Board of Supervisors of the County of Shasta hereby designates signature authority to the County Executive Officer, or his designee, and authorizes the County Executive Officer, or his designee, County Counsel, the Sheriff-Coroner, and the County Public Works Director, to negotiate, and the County Executive Officer, or his designee, to execute and sign on behalf of the County in substantially the same form (including retroactive), the Project Delivery and Construction Agreement (PDCA) and related Exhibit documents (including retroactive) to the PDCA: Exhibit A –Project Scope, Cost and Schedule Description; Exhibit B – Form of Ground Lease; Exhibit C – Form of Right of Entry for Construction and Operation; Exhibit D – Form of Facility Sublease; Exhibit E-1 – Description of the Participating County Funding Cash Contribution; and Exhibit E-2 – Description of the Participating County Funding In-kind (Soft) Match; and Exhibit C in the Ground Lease (Form of Easement Agreement for Grants of Access, Utilities and Repairs) as applicable; and

NOW THEREFORE BE IT FURTHER RESOLVED, the Board of Supervisors of the County of Shasta hereby designates signature authority to the County Executive Officer, or his designee, to execute and sign on behalf of the County, any amendments to the PDCA and/or PDCA Exhibits (including retroactive), any amendments to the Board of State and Community Corrections (BSCC) Jail Construction Agreement (including retroactive), any other Project Documents (including retroactive), the Ground Lease (including retroactive) including Exhibit C

to the Ground Lease (the Easement Agreement)(including retroactive) as applicable, and any amendments (including retroactive) to any Project Documents and that any Project Document amendment signed by the County Executive Officer, or his designee, shall be binding on the County only if signed or certified in form reasonably acceptable to the BSCC.

NOW THEREFORE BE IT FURTHER RESOLVED, that this resolution shall take precedence over Resolution No. 2013-112.

DULY PASSED AND ADOPTED this ____ day of _____, 2017, by the Board of Supervisors of the County of Shasta, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSE:

DAVID KEHOE, CHAIRMAN
Board of Supervisors
County of Shasta, State of California

ATTEST:
LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy