



COUNTY OF HUMBOLDT

For the meeting of: 9/15/2020

File #: 20-1165

To: Board of Supervisors

From: Public Works

Agenda Section: Consent

SUBJECT:

Resolution Authorizing the Execution of a Facility Sublease, and Other Necessary Agreements, with the State of California Related to the Humboldt County Juvenile Hall Replacement Facility Construction Project

RECOMMENDATION(S):

That the Board of Supervisors:

1. Adopt the attached resolution which authorizes the Humboldt County Chief Probation Officer, or a designee thereof, to execute a Facility Sublease, and other necessary agreements, with the California Department of Corrections and Rehabilitation regarding the Humboldt County Juvenile Hall Replacement Facility Construction Project; and
2. Direct the Clerk of the Board to return one (1) fully executed certified copy of the attached resolution to the Humboldt County Department of Public Works for submission to the California Department of Corrections and Rehabilitation.

SOURCE OF FUNDING:

Criminal Justice Construction Fund, Board of State and Community Corrections Senate Bill 81, Local Youthful Offender Rehabilitative Facility Construction Funding and Certificates of Participation

DISCUSSION:

The County of Humboldt, the California State Public Works Board (“SPWB”), the California Department of Corrections and Rehabilitation (“CDCR”) and the California Board of State and Community Corrections have previously entered into a Project Delivery and Construction Agreement dated June 13, 2016, with respect to the construction of a local youthful offender rehabilitative facility, commonly known as the Humboldt County Juvenile Hall Replacement Facility Construction Project (“Project”).

The County of Humboldt has leased to CDCR certain real property (“Site”) through a Ground Lease dated June 13, 2016, by and between the County, as landlord, and CDCR, as tenant, and consented to by SPWB, and recorded in the Official Records of the County of Humboldt as Document No. 2016-012012 on June 30, 2016, on which the Project is being constructed. CDCR and the County of Humboldt also entered into an Easement Agreement for Grants of Access, Utilities and Repairs dated

June 13, 2016, and recorded in the Official Records of the County of Humboldt as Document No. 2016-012011 on June 30, 2016, pursuant to which the County of Humboldt granted to CDCR and SPWB certain appurtenant easements in certain property adjacent to the Site.

SPWB intends to provide long-term financing for the Project through the issuance and sale of lease revenue bonds (“Bonds”), as authorized by the State Building Construction Act of 1955, which will be secured, in part, by the base rental payments to be made under a Facility Lease to be entered into by and between CDCR and SPWB. In connection with the issuance of the Bonds, CDCR intends to lease the Site to SPWB pursuant to the terms of a Site Lease between SPWB and CDCR, and SPWB intends to lease the Site and the Project (“Facility”) to CDCR pursuant to the terms of the Facility Lease. Upon the issuance of the Bonds, the County and CDCR intend to enter into a Facility Sublease, in substantially similar form to Attachment 2.

Accordingly, staff recommends that the Board of Supervisors adopt the attached resolution which authorizes the Humboldt County Chief Probation Officer, or a designee thereof, to execute a Facility Sublease, and other necessary agreements, with CDCR regarding the Project.

FINANCIAL IMPACT:

Project costs are currently allocated in the approved fiscal year 2020-2021 budget. Adoption of the attached resolution will not impact to the current Project budget.

STRATEGIC FRAMEWORK:

The recommended actions support the Board of Supervisors’ Strategic Framework by providing for and maintaining infrastructure.

OTHER AGENCY INVOLVEMENT:

The California State Public Works Board, the California Department of Corrections and Rehabilitation and the California Board of State and Community Corrections

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board of Supervisors may choose not to adopt the attached resolution authorizing the Humboldt County Chief Probation Officer, or a designee thereof, to execute a Facility Sublease, and other necessary agreements, with CDCR. However, this alternative is not recommended since it will adversely affect SPWB’s ability to issue Bonds for the Project.

ATTACHMENTS:

1. Resolution Authorizing the Execution of a Facility Sublease, and Other Necessary Agreements, with the State of California Related to the Humboldt County Juvenile Hall Replacement Facility Construction Project
2. Facility Sublease with the California Department of Corrections and Rehabilitation Regarding the Humboldt County Juvenile Hall Replacement Facility Construction Project

PREVIOUS ACTION/REFERRAL:

Board Order No.: G-6; H-3; C-8; C-8; C-17; C-25; C-10; C-18; C-18; H-5; C-19-; C-12; C-15; C-37;

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C-13; C-21

Meeting of: 2/3/11; 4/10/12; 11/27/12; 12/11/12; 5/14/13; 8/13/13; 4/8/14; 7/1/14; 10/6/15; 11/30/15; 5/31/16; 6/7/16; 8/16/16; 6/27/17; 12/11/18; 2/19/19

File No.: 19-153; 20-202; 20-207