

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**

*Certified copy of portion of proceeding, meeting on September 15, 2020*

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

**A RESOLUTION AUTHORIZING THE LEASING OF THE COUNTY JAIL AND THE PREPAYMENT OF THE COUNTY'S 2012 FACILITIES SUBLEASE IN ORDER TO FINANCE VARIOUS CAPITAL IMPROVEMENT PROJECTS**

WHEREAS, on July 28, 2020, the Board of Supervisors adopted Resolution No. 20-68 authorizing the County to enter into the lease transaction described in Resolution No. 20-68 in order to finance capital improvements to and furniture and equipment for various County buildings (collectively, the "Project") by leasing the County Courthouse; and

WHEREAS, due to certain limitations on the ability of the County to lease the County Courthouse, it will be more beneficial to the County to finance the Project by simultaneously refinancing the County's obligation to make lease payments under the Facility Sublease dated as of June 1, 2012 (the "2012 Lease") and leasing Phase One and Phase Two of the County Jail Facility located at 826 4<sup>th</sup> Street, Eureka, California (the "County Jail") in accordance with the terms of financing approved under Resolution No. 20-68; and

WHEREAS, the plan to finance the Project and to refinance the 2012 Lease as described herein has been presented to the County Debt Advisory Committee (the "DAC") in accordance the Humboldt County Debt Management Policy dated June 27, 2017 (the "Debt Policy") and the DAC has reviewed the proposed transaction in accordance with the provisions of the Debt Policy and has recommended to the Board of Supervisors that it proceed with the refinancing of the 2012 Lease and the use of the County Jail in accordance with the terms of financing approved by Resolution No. 20-68; and

WHEREAS, through the adoption of Resolution No. 20-68 and the adoption of this Resolution the County has taken all of the actions required to lease the County Jail to complete the financing of the Project and the refinancing of the 2012 Lease in accordance with the terms of such resolutions;

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

The Board of Supervisors hereby:

1. Finds that each of the foregoing recitals is true and correct.
2. Approves using the County Jail as the leased premises under the Site Lease, the Lease and the Assignment Agreement approved by Resolution No. 20-68 and further approves the refinancing of the 2012 Lease so that the County Jail may be used as the leased premises under the Site Lease and the Lease. Each of the Chair, Vice Chair and Clerk of the Board of Supervisors and the Chief Administrative Officer of the County or their designees (collectively, the “Authorized Officers”), acting alone, is hereby authorized for and in the name of the County to execute, acknowledge and deliver any and all documents required to consummate the transactions contemplated by the Site Lease, the Lease, the Assignment Agreement and to effectuate the refinancing and termination of the 2012 Lease. In the event that the Assignee requires that real property in addition to or in substitution of the County Jail be leased under the Site Lease and the Lease, any one of the Authorized Officers is authorized to select such property of the County to include as a part of the property leased thereunder.
3. Declares that the Lease Payments to be made by the County under the Lease shall not exceed \$3,435,000 in any year and hereby determines that the maximum annual Lease Payments due under the Lease in each year do not exceed the annual fair rental value of the County Jail. The foregoing determination is based on costs of the acquisition, construction and renovation of and improvements to the County Jail, the replacement cost of the County Jail, the essential nature of the County Jail to the County’s operations, other obligations of the parties under the Lease Agreement (including but not limited to costs of maintenance, taxes and insurance) and the uses and purposes that are being served by the County Jail and the benefits therefrom that are and will continue to accrue to the County and the general public throughout the term of the Lease. The DAC has determined and the Board of Supervisors now determines that the useful life of the County Jail extends beyond August 1, 2055, which is the maximum term of the Lease. The foregoing determination is based on the age and current condition of the County Jail, the essential nature of the County Jail to the County’s operations, and the improvements made to the County Jail since initial construction.
5. Declares that the provisions of Resolution No. 20-68 remain in full force and effect except as expressly modified herein.

6. All actions heretofore taken by any officer of the County with respect to the execution and delivery of the Site Lease and the Lease, and the financing of the Project and the refinancing of the 2012 Lease, are hereby approved, confirmed and ratified.
7. This Resolution shall take effect from and after its date of adoption.

Dated: September 15, 2020

\_\_\_\_\_  
 Estelle Fennell, Chair of the Board of Supervisors

Adopted on motion by Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_ and the following vote:

AYES: SUPERVISORS  
 NOES: SUPERVISORS  
 ABSENT: SUPERVISORS  
 ABSTAIN: SUPERVISORS

STATE OF CALIFORNIA )  
 County of Humboldt )

I, \_\_\_\_\_, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be a full, true and correct copy of the original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my office.

IN WITNESS WHEREOF, I  
 have hereunto set my hand and  
 affixed the Seal of said Board of  
 Supervisors.

\_\_\_\_\_  
 \_\_\_\_\_

Clerk of the Board of  
 Supervisors of the County of  
 Humboldt, State of California.

( Seal )

By\_\_\_\_\_