BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF YUBA

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF YUBA AUTHORIZING THE EXECUTION AND DELIVERY OF A FACILITY SUBLEASE FOR THE YUBA JUVENILE PROJECT AND AUTHORIZING CERTAIN ACTIONS IN CONNECTION THEREWITH	)	**RESOLUTION NO. _____**

WHEREAS, the County of Yuba (the "County"), the State Public Works Board of the State of California (the "Board"), 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 have previously entered into that certain Project Delivery and Construction Agreement dated as of April 23, 2019 with respect to the construction of a local youthful offender rehabilitative facility, commonly known as the Yuba Juvenile Project 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 September 24, 2019 by and between the County, as landlord, and the Department, as tenant, and consented to by the Board, and recorded on November 4, 2019 in the Official Records of the County as Document No. 2019-015099 (the "Ground Lease") on which the Project has been constructed; and

WHEREAS, the Board intends to provide long-term financing for the Project through the issuance and sale of lease revenue bonds of the Board (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

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WHEREAS, in connection with the issuance of the Bonds, the Department intends to lease the Site to the Board pursuant to the terms of a Site Lease between the Board and the Department (the "Site Lease") and the Board 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 that the Yuba County Board of Supervisors hereby finds, determines, resolves, and orders as follows:

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

SECTION 2. The form of the Facility Sublease presented at this meeting is hereby approved. Each of the Chair and the Vice-Chair of the Board of Supervisors (or any acting or interim of such positions) (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. The County affirms that the Ground Lease remains in full force and effect and enforceable against the County in accordance with its 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 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. 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 at a regular meeting of the Board of Supervisors of the County of Yuba, State of California, on the_____ day of 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

Chair

ATTEST: MARY PASILLAS
CLERK OF THE BOARD OF
SUPERVISORS

JANET E. BENDER
YUBA COUNTY COUNSEL
APPROVED AS TO FORM

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF YUBA AUTHORIZING THE EXECUTION AND DELIVERY OF A FACILITY SUBLEASE FOR THE YUBA JUVENILE PROJECT AND AUTHORIZING CERTAIN ACTIONS IN CONNECTION THEREWITH

RESOLUTION NO. _____

WHEREAS, the County of Yuba (the "County"), the State Public Works Board of the State of California (the "Board"), 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 have previously entered into that certain Project Delivery and Construction Agreement dated as of April 23, 2019 with respect to the construction of a local youthful offender rehabilitative facility, commonly known as the Yuba Juvenile Project 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 September 24, 2019 by and between the County, as landlord, and the Department, as tenant, and consented to by the Board, and recorded on November 4, 2019 in the Official Records of the County as Document No. 2019-015099 (the "Ground Lease") on which the Project has been constructed; and

WHEREAS, the Board intends to provide long-term financing for the Project through the issuance and sale of lease revenue bonds of the Board (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 Board pursuant to the terms of a Site Lease between the Board and the Department (the "Site Lease") and the Board 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, THE BOARD OF SUPERVISORS OF THE COUNTY OF YUBA HEREBY FINDS, DETERMINES, RESOLVES, AND ORDERS AS FOLLOWS:

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

SECTION 2. The form of the Facility Sublease presented at this meeting is hereby approved. Each of the Chair and the Vice-Chair of the Board of Supervisors (or any acting or interim of such

positions) (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. The County affirms that the Ground Lease remains in full force and effect and enforceable against the County in accordance with its 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 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. 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.

Upon motion of Supervisor _____, seconded by Supervisor _____ and duly carried, the Board hereby adopts the foregoing on August 27, 2024.

_____
Don Blaser, Chair
Board of Supervisors
County of Yuba

ATTEST: MARY PASILLAS
Clerk of the Board of Supervisors
County of Yuba, State of California

By:_____

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Janet E. Bender, County Counsel
County of Yuba

EXHIBIT A

DESCRIPTION OF PROJECT

Yuba Juvenile Project: The Yuba Juvenile Project (SB 81) was a design-build project, with the state award directed to only construction expenditures, of a new, 32-bed single story fully accessible facility located in the city of Marysville. The facility, which is constructed of concrete masonry with a structural steel roof assembly, contains 17,377 square feet and sits on approximately 3.5 acres of county-owned land. The facility provides housing units, two large recreation yards, a satellite kitchen, laundry, classrooms, and various programming, therapy, and administrative spaces, and will provide critical services to youth from Yuba, Sutter, and Colusa counties through a joint powers agreement (JPA) executed on March 1, 2019, as amended on June 14, 2022. While Yuba County is the sole owner of the property and improvements, the agreement further states that Yuba will act as the lead agency in terms of operation of the facility and will be responsible for managing funding, supplying insurance, and managing all aspects of the facility. The beds within the facility and fixed monthly expenses are split between Yuba, Sutter, and Colusa per the JPA. Flexible costs are allocated on a pro-rata basis.