

RESOLUTION NO. 2023-164

**RESOLUTION OF THE BOARD OF SUPERVISORS OF
SAN BERNARDINO COUNTY AUTHORIZING THE
EXECUTION AND DELIVERY OF AN AMENDMENT TO
FACILITY SUBLEASE FOR THE SAN BERNARDINO
JAIL FACILITY AND AUTHORIZING CERTAIN ACTIONS
IN CONNECTION THEREWITH**

On Tuesday September 12, 2023, on motion of Supervisor Baca, Jr., duly seconded by Supervisor Hagman and carried, the following resolution is adopted by the Board of Supervisors of San Bernardino County, State of California.

September 12, 2023

WHEREAS, San Bernardino County (the "County") has leased to the Department of Corrections and Rehabilitation of the State of California (the "Department") certain real property (the "Site") described in Exhibit B to that certain Ground Lease dated as of September 20, 2010, as amended by the First Amendment to Ground Lease dated as of September 24, 2013 (as amended, the "Ground Lease") by and between the County, as landlord, and the Department, as tenant, and consented to by the State Public Works Board of the State of California (the "Board"); and

WHEREAS, the Department and the County also entered into that certain Easement Agreement for Grants of Access, Utilities and Repairs dated as of September 20, 2010, as amended by the First Amendment to Grants of Access, Utilities and Repairs dated as of September 24, 2013 (as amended, the "Easement Agreement") pursuant to which the County granted to the Department and the Board certain appurtenant easements in certain property adjacent to the Site; and

WHEREAS, a local jail facility, commonly known as the San Bernardino Jail Facility described in Exhibit A hereto (the "Project") has been constructed on the Site; and

WHEREAS, the Board issued its Lease Revenue Bonds (Department of Corrections and Rehabilitation) 2013 Series F (Various Correctional Facilities) (the "2013 Bonds") to finance and refinance a portion of the costs of the Project, 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); and

WHEREAS, in connection with the issuance of the 2013 Bonds, the Department leased the Site to the Board pursuant to the terms of a Site Lease between the Board and the Department and the Board leased the Site and the Project (together, the "Facility") to the Department pursuant to the terms of a Facility Lease entered into by and between the Department and the Board; and

WHEREAS, upon the issuance of the 2013 Bonds, the County and the Department entered into a Facility Sublease (the "Facility Sublease"), pursuant to which the Department leased the Facility to the County for the County to operate and maintain the Facility; and

WHEREAS, the Board intends to issue refunding bonds (the "Bonds") to refund the 2013 Bonds, and to facilitate the issuance of the Bonds the County and the Department intend to enter into an amendment to the Facility Sublease (the "Amendment to 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 SAN BERNARDINO COUNTY 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 Amendment to Facility Sublease presented at this meeting is hereby approved. Each of the Chair of the Board of Supervisors, the Chief Executive Officer and the County Chief Financial Officer, or their designees (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 Amendment to 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 Amendment to Facility Sublease.

SECTION 3. The County affirms that the Ground Lease and the Easement Agreement remain 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), opinions and agreements which they may deem necessary and advisable in order to consummate the execution and delivery of the Amendment to 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 by the Board of Supervisors of San Bernardino County, State of California, by the following vote:

AYES: SUPERVISORS: Col. Paul Cook (Ret.), Jesse Armendarez, Dawn Rowe,
Curt Hagman, Joe Baca, Jr.

NOES: SUPERVISORS: None

ABSENT: SUPERVISORS: None

* * * * *

STATE OF CALIFORNIA)
)
SAN BERNARDINO COUNTY) ss.

I, **LYNNA MONELL**, Clerk of the Board of Supervisors of San Bernardino County, State of California, hereby certify the foregoing to be a full, true and correct copy of the record of the action taken by the Board of Supervisors, by vote of the members present, as the same appears in the Official Minutes of said Board at its meeting of September 12, 2023. #20 CCM

LYNNA MONELL
Clerk of the Board of Supervisors

By _____
Deputy

EXHIBIT A DESCRIPTION OF PROJECT

San Bernardino Jail Facility: The San Bernardino Jail (the "San Bernardino Project") is located within the City of Adelanto in San Bernardino County on approximately 8 acres of county-owned land. The San Bernardino Project consisted of the design and construction of a new, two-story adult commitment center adjacent to an existing adult detention center. The San Bernardino Project is approximately 281,000 square feet and includes three housing units, contained in a single housing building, a one-story support building, and all necessary associated administration, security, health care treatment, program, and support services space. This project included, but was not limited to, electrical; plumbing; mechanical; computerized heating, ventilation, and air conditioning; security; and fire protection systems. The San Bernardino Project also includes recreation areas within secured areas in the new, two-story housing units to provide direct access from the housing units. Approximately 100 parking spaces are also provided for both staff and visitor parking as part of this project. The staff parking area includes security fencing and a gate with access control and security cameras.

The San Bernardino Project includes a single, two-story housing building divided into three reinforced concrete units and a single one-story support building built with reinforced masonry, with all structures interconnected by an enclosed inmate movement corridor. The buildings are equipped with fire alarm, public address, intercom, radio, telephone, door control and personal duress systems and also include emergency power backup system to accommodate fire and life safety, security, and operational functions in the event primary power goes out. Construction of the San Bernardino Project was completed January 2014.