

RESOLUTION NO. 22-

**RESOLUTION OF THE NAPA COUNTY BOARD OF SUPERVISORS
AUTHORIZING CONFIRMATION OF COUNTY CASH
CONTRIBUTIONS IN CONNECTION WITH SB 844 FUNDING FOR
BUILDING A CRIMINAL JUSTICE FACILITY**

WHEREAS, the State of California (“State”) is providing lease-revenue bond financing for the acquisition, design and construction of adult local criminal justice facilities pursuant to the Adult Local Criminal Justice Facilities Construction legislation (“SB 844”); and

WHEREAS, Napa County is planning to build a criminal justice facility (the “Project”) on real property it owns in fee simple located at 2300 Napa Vallejo Highway (Assessor Parcel Number 046-370-021); and

WHEREAS, the Napa County Board of Supervisors (“Board”) adopted Resolution 2017-61 on April 4, 2017, which authorized applying for SB 844 funding and authorized specified officers to approve and execute all documents related to receiving that funding; and

WHEREAS, the County subsequently received a conditional award of \$20,000,000 in SB 844 funding from the State; and

WHEREAS, the County implemented a scope change with the State of California in connection with that SB 844 funding and affirmed those commitments made in Resolution 2017-61, including, but not limited to, its financial commitment to the Project with its revised scope; and

WHEREAS, the Board of Supervisors also affirmed that the authority previously authorized by Resolution 2017-61 includes the authority to effectuate those currently proposed and any future scope changes, alter funding boundaries as necessary on Assessor Parcel Number 046-370-021, and execute any documents and changes necessary or appropriate in connection with receiving the SB 844 funding; and

WHEREAS, the Board of Supervisors would like to affirm the County’s cash contribution to the project as specified in Exhibit “A”, attached hereto; and

WHEREAS, the County’s cash contribution funds have been derived exclusively from lawfully available funds; and

WHEREAS, the County’s cash contribution funds are legal and authorized for the Project; and

WHEREAS, the County’s cash contribution funds are not subject to any prior pledge that would prohibit, impede, or in any way encumber their use for the Project;

NOW, THEREFORE, BE IT RESOLVED by the Napa County Board of Supervisors as follows:

1. The County hereby assures that (1) it has authorized an adequate amount of County cash contribution, as indicated in Exhibit “A” attached hereto, identified by the County on the Cash Match Review Form for SB 844 submitted to the State, and (2) the funding is compatible with the State’s lease revenue bond financing.

2. Lawfully Available Funds: The County cash contribution funds have been derived exclusively from lawfully available funds of Napa County.

3. County Cash Contribution Funds Are Legal and Authorized: The payment of the county cash contribution funds for the proposed adult local criminal justice facility project (i) is within the power, legal right, and authority of the County; (ii) is legal and will not conflict with or constitute on the part of the County a material violation of, a material breach of, a material default under, or result in the creation or imposition of any lien, charge, restriction, or encumbrance upon any property of the County under the provisions of any charter instrument, bylaw, indenture, mortgage, deed of trust, pledge, note, lease, loan, installment sale agreement, contract, or other material agreement or instrument to which the County is a party or by which the County or its properties or funds are otherwise subject or bound, decree, or demand of any court or governmental agency or body having jurisdiction over the County or any of its activities, properties or funds; and (iii) have been duly authorized by all necessary and appropriate action on the part of the governing body of the County.

4. No Prior Pledge: The county cash contribution funds and the Project are not and will not be mortgaged, pledged, or hypothecated by the County in any manner or for any purpose and have not been and will not be the subject of a grant of a security interest by the County. In addition, the county cash contribution funds and the Project are not and will not be mortgaged, pledged, or hypothecated for the benefit of the County or its creditors in any manner or for any purpose and have not been and will not be the subject of a grant of a security interest in favor of the County or its creditors. The County shall not in any manner impair, impede or challenge the security, rights and benefits of the owners of any lease-revenue bonds sold by the State Public Works Board for the Project (the “Bonds”) or the trustee for the Bonds.

BE IT FURTHER RESOLVED that those delegations of authority previously provided for by Resolution 2017-61 were delegated to the positions enumerated therein (collectively, “Authorized Officers”) and that County staff is directed to provide updates to the State to the extent the individuals that hold those positions have changed since its adoption or change in the future.

BE IT FURTHER RESOLVED the authority previously delegated by Resolution 2017-61 includes the authority to effectuate those currently proposed and any future scope changes, alter funding boundaries as necessary on Assessor Parcel Number 046-370-021, and execute any other documents and changes necessary or appropriate in connection with receiving the SB 844 funding.

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THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED
by the Napa County Board of Supervisors, State of California, at a regular meeting of the Board
held on the 3rd day of May, 2022, by the following vote:

AYES: SUPERVISORS

NOES: SUPERVISORS

ABSTAIN: SUPERVISORS

ABSENT: SUPERVISORS

NAPA COUNTY, a political subdivision of the
State of California

By: _____
RYAN GREGORY, Chair of the
Board of Supervisors

<p>APPROVED AS TO FORM Office of County Counsel</p> <p>By: <u>John L. Myers (e-sign)</u> Deputy County Counsel</p> <p>Date: <u>April 25, 2022</u></p>	<p>APPROVED BY THE NAPA COUNTY BOARD OF SUPERVISORS</p> <p>Date: May 3, 2022 Processed By: _____ Deputy Clerk of the Board</p>	<p>ATTEST: NEHA HOSKINS Clerk of the Board of Supervisors</p> <p>By: _____</p>
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EXHIBIT “A”
County Cash Match

Total Project Cost: \$72,000,000

State Funding: \$20,000,000

County Cash Match: \$52,000,000

County Cash Match Funding Sources: Accumulated Capital Outlay Fund