

BEFORE THE BOARD OF SUPERVISORS  
OF THE  
COUNTY OF FRESNO, STATE OF CALIFORNIA

IN THE MATTER OF DECREASING THE FY 2016-17 )  
APPROPRIATIONS IN THE DISTRICT ATTORNEY )  
BUILDING ORG 8854 IN THE AMOUNT OF \$2,209,569 ) RESOLUTION  
AND PRELIMINARILY EARMARKING \$2,177,556.13 )  
OF 2006 TOBACCO SECURITIZATION BOND )  
PROCEEDS AND \$32,012.87 OF 2002 TOBACCO )  
TOBACCO SECURITIZATION BOND PROCEEDS FOR )  
A PORTION OF THE COSTS OF THE WEST ANNEX )  
JAIL PROJECT )

WHEREAS, on June 7, 2016, the Board of Supervisors of the County of Fresno authorized the use of \$2,177,556.13 of 2006 Tobacco Securitization Bond proceeds (Board Resolution No. 16-264) and \$32,012.87 (Board Resolution No. 16-265) of 2002 Tobacco Securitization Bond proceeds, subject to determination by the Auditor-Controller/Treasurer-Tax Collector as to eligibility, for use of the District Attorney Building, and increased the FY 2015-16 adopted appropriations in the amount of \$2,209,569; and

WHEREAS, it has since been determined that the use of the 2006 Tobacco Securitization Bond proceeds and 2002 Tobacco Securitization Bond proceeds may not be best suited for the District Attorney Building; and

WHEREAS, the West Annex Jail (WAJ) total project budget is currently \$87,993,000, consisting of Senate Bill 1022 funds of \$79,194,000 and Fresno County's 10% matching funds and in-kind contributions of \$8,799,000; and

WHEREAS, recent construction cost estimates for the West Annex Jail Project are over budget by \$8,400,000; and

WHEREAS, the California State Board of Community Corrections (BSCC) requires that counties demonstrate sufficient funding is available to cover construction estimates/costs; and

WHEREAS, in a separate resolution before the Board, today, it is recommended that \$6,190,431 of FY 2015-16 Net County Cost savings carryover be set aside for the potential WAJ project budget shortfall leaving a balance of \$2,209,569 still required to address the \$8,400,000 potential WAJ project budget shortfall; and

WHEREAS, it is in the County's interest that the appropriations of the \$2,177,556.13 of 2006 Tobacco Securitization Bond proceeds and the \$32,012.87 of 2002 Tobacco Securitization Bond proceeds totaling \$2,209,569.00 be decreased, and that such amounts be canceled with respect to the District Attorney Building; and

WHEREAS, said monies were encumbered at FY 2015-16 year end and are included in the FY 2016-17 adopted appropriations of the District Attorney Building Org 8854; and

WHEREAS, Section 29126.1 of the Government Code authorizes the Board of Supervisors to cancel any unused appropriations; and

WHEREAS, it is in the County's interest that the \$2,177,556.13 of 2006 Tobacco Securitization Bond proceeds and the \$32,012.87 of 2002 Tobacco Securitization Bond proceeds be preliminarily earmarked, if and when needed, for use on a portion of the cost of the West Annex Jail project: and

WHEREAS, the Auditor-Controller/Treasurer-Tax Collector will determine the portion of the cost of the WAJ project that is eligible for the use of the \$2,177,556.13 of 2006 Tobacco Securitization Bond proceeds, which is in the Endowment Fund, and the \$32,012.87 of 2002 Tobacco Securitization Bond proceeds, which is in County Fund 0400, Subclass 10200.

NOW THEREFORE, IT IS ORDERED that the Auditor-Controller/Treasurer-Tax Collector be authorized to decrease the FY 2016-17 appropriations in the District Attorney Building Org 8854 as follows:

FUND	0400	Capital Projects
SUBCLASS	10054	
ORGANIZATION	8854	District Attorney Building
BUDGET YEAR	2016	

8150 BUILDINGS AND IMPROVEMENTS

ACCOUNT	8150	Buildings & Improvements	
PROGRAM	91286	District Attorney Building	(\$2,209,569.00)
TOTAL BUILDINGS AND IMPROVEMENTS			<u>(\$2,209,569.00)</u>
TOTAL APPROPRIATIONS			<u>(\$2,209,569.00)</u>

BE IT FURTHER RESOLVED that the \$2,177,556.13 of 2006 Tobacco Securitization Bond proceeds, which is in the Endowment Fund, and the \$32,012.87 of 2002 Tobacco Securitization Bond proceeds, which is in County Fund 0400, Subclass 10200, shall be preliminarily earmarked, if and when needed, for use on a portion of the cost of the West Annex Jail project.

BE IT FURTHER RESOLVED, that, subject to the determination by Auditor-Controller/Treasurer-Tax Collector of the portion of the cost of the WAJ project that is eligible for the use of the foregoing preliminarily earmarked funds, all the foregoing preliminarily earmarked funds shall remain in the Endowment Fund with respect to the 2006 Tobacco Securitization Bond proceeds, and in County Fund 0400, Subclass 10200 with respect to the 2002 Tobacco Securitization Bond proceeds unless and until such funds are appropriated by the Board and spent for their purposes provided hereinabove.

BE IT FURTHER RESOLVED, that the Auditor-Controller/Treasurer-Tax Collector is authorized to make such determination of the portion of the cost of the WAJ projects that is eligible for the use of the foregoing 2006 Tobacco Securitization Bond proceeds, and 2002 Tobacco Securitization Bond proceeds.

Approved as to Accounting Form:

Vicki Crow, C.P.A.

Auditor-Controller/Treasurer-Tax Collector

By



1 THE FOREGOING was passed and adopted by the following vote of the  
2 Board of Supervisors of the County of Fresno this 27<sup>th</sup> day of September, 2016, to-wit:

3 AYES: Supervisors Borgeas, Mendes, Pacheco, Perea, Poochigian

4 NOES: None


5 ABSENT: None

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8 CHAIRMAN, Board of Supervisors

9 ATTEST:

10 BERNICE E. SEIDEL  
11 Clerk, Board of Supervisors

12 By   
13 Deputy

14 Agenda Item No. 8  
15 Resolution No. 16-387  
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