

ORDINANCE NO. 8978 (NEW SERIES)

COUNTY OF SAN DIEGO, CALIFORNIA

**AN ORDINANCE AUTHORIZING A CONTRACT AGREEMENT FOR
THE LEASING OF THE FORMER CENTRAL DETENTION FACILITY**

WHEREAS, the County of San Diego (the "County") currently owns the former Central Detention Building located in Downtown San Diego within the block surrounded by Front, B, C, and Union Streets;

WHEREAS, the County Sheriff intends to continue to jointly occupy a portion of the former Central Detention Facility to transport prisoners from the new Central Jail to the County Courthouse.

WHEREAS, the County vacated the jail following completion of the new Central Jail in May 1998;

WHEREAS, pursuant to Article 7.5, the County is authorized to undertake the lease of the former Central Detention Facility pursuant to applicable law of the State of California, including Article 7.5 of Chapter 5 of Part 2 of Division 2 of Title 3 of the Government Code, consisting of Section 25515 through 25515.5 ("Article 7.5");

WHEREAS, the County released a Request for Information and Statement of Qualifications (RFISQ) to private detention operators throughout the County;

WHEREAS, the County received qualifications and a statement of interest from two firms, Corrections Corporation of America and Wackenhut Corrections Corporation. Both met the minimum qualifications;

WHEREAS, the Board of Supervisors authorized the Director, Department of General Services, to release a Request for Proposals to lease the former Central Detention Facility to the two prequalified proposers and the Federal Bureau of Prisons during its July 21, 1998 meeting;

WHEREAS, the Board adopted Resolution No. 98-188 at its regular open meeting on July 21, 1998 declaring its intention to consider proposals to lease the former Central Detention Facility, authorizing the proposal process, and setting a time for a public meeting;

WHEREAS, the former Central Detention Facility would revert to the County at the end of the lease;

WHEREAS, the lease will be for a period of 15 years, with extensions subject to County approval;

WHEREAS, the Board reserves the right to reject any and all proposals;

WHEREAS, the County received proposals from the two prequalified proposers, Corrections Corporation of America and Wackenhut Corrections Corporation;

WHEREAS, the County, through the Chief Administrative Officer and his evaluation team, evaluated the proposals based on five criteria: revenue; an operating plan, including an emergency plan; an exterior improvement plan; a co-tenancy agreement with the County Sheriff; and a joint utilities plan;

WHEREAS, Government Code Section 25515.2(a) requires that the Board adopt an ordinance authorizing any sale, lease, development, or Contract agreement entered into pursuant to Article 7.5;

WHEREAS, pursuant to Government Code Section 25515.2(b) notice of the time and place of a public hearing concerning the adoption of an ordinance authorizing a contract agreement was published in the San Diego Commerce on September 29, 1998, October 6, 1998, and October 13, 1998;

WHEREAS, pursuant to Government Code Section 25515.2(b), the Board held a public hearing regarding the Lease Agreement on November 10, 1998, prior to adopting this ordinance.

NOW THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO ORDAINS AS FOLLOWS:

Section 1. The Board finds and determines that the foregoing recitals are true and correct.

Section 2. The Board hereby finds and reconfirms its determination that leasing the former Central Detention Facility will result in economic benefits to the County.

Section 3. The Board hereby declares its determination that the Lease Agreement with Wackenhut Corrections Corporation will result in the highest net return to the County.

Section 4. The Board hereby declares its determination that leasing the premises has more public benefit than the sale of the property due to the uncertainty of the future use and development of the Downtown block.

Section 5. The Lease Agreement will not interfere with the operations of the new Central Jail or the attached County Courthouse building.

Section 6. The Board hereby authorizes the Clerk of the Board to enter into, execute and deliver the Lease Agreement between the County and Wackenhut in substantially the form presented to the Board.

Section 7. The members of the Board and their authorized representatives, including the Chief Administrative Officer or his designated deputies and assistants, are individually and collectively authorized to execute any and all documents and agreements and, from time to time, to do and perform any and all acts and things consistent with this Ordinance and necessary or appropriate to carry the same into effect and to carry out its purposes.

Section 8. This Ordinance shall become effective in accordance with Government Code Section 25123.

PASSED, APPROVED AND ADOPTED this 10th day of November, 1998.