

RECEIVED

2008 JUN 25 PM 3:43

CLERK OF THE BOARD
ORANGE COUNTY
BOARD OF SUPERVISORS

DATE: June 24, 2008



Agenda Item No. 9
July 2, 2008 Meeting

TO: Children and Families Commission of Orange County

FROM: Michael M. Ruane, Executive Director

SUBJECT: **YMCA Santa Ana Project Update for July 2008**

SUMMARY:

In November 2007 the Children and Families Commission of Orange County approved an \$8 million funding partnership with the YMCA of Orange County for the construction of a new facility in Santa Ana and long-term services to support the health and physical fitness of young children and families in the adjacent communities. The following is the monthly update on the YMCA Santa Ana project and recommendations to approve a construction monitoring services agreement and the temporary redirection of funds designated to the Health and Nutrition Fund to the YMCA construction project.

Construction Agreement Status

The Commission is in the process of developing the \$5 million funding agreement with the YMCA of Orange County for the construction of the new Santa Ana facility that will include building space for the Children's Health and Wellness Center and an aquatics facility for pool safety and fitness programs. The agreement will include the updated terms and conditions approved by the Commission in May 2008 that requires joint use with the Santa Ana Unified School District, building space for auxiliary programs to support Commission initiatives, recognition of the Commission's financial support, and reimbursement of funds through a secured loan agreement or similarly secured financial instrument.

Staff requests the Commission to authorize the Finance Subcommittee to approve the final agreement with the YMCA of Orange County for the construction of an aquatics center and related facilities in Santa Ana for the provision of health and fitness services to children 0-5 in the community. The terms and conditions of the funding agreement and Commission loan agreement or other similarly secured financial instrument will be consistent with prior Commission actions and shall include leased space for Commission approved services, including Dr. Riba's clinic, and may include repayment provisions based upon leased space.

Construction Monitoring Services

The Commission has used construction monitoring services for major capital projects and to protect the investment of Proposition 10 funds. RBF Consulting, formerly Robert Bein, William Frost & Associates, is recommended to provide construction monitoring services for the YMCA Santa Ana project and the \$5 million capital investment. RBF Consulting is a full service firm

with over 60 years of experience providing cost effective planning, design and construction services to both public and private sector clients, and is on the county-approved vendor list. The Vice President of Construction Management for RBF Consulting will monitor the project through regular site visits, attend progress meetings, and submit monthly status reports. Commission approval is recommended to retain RBF Consulting for the duration of the YMCA construction project for a total, two-year amount of \$90,000.

Temporary Redirection of the Health & Nutrition Fund

The Commission established a \$2 million *Health and Nutrition Fund* with the YMCA to fund long-term services. The fund started with an initial \$1 million allocation to draw interest and leverage donations in advance of building the facility, and the second \$1 million was planned to be added at a later date. The YMCA of Orange County has requested using the \$2 million for the YMCA Santa Ana construction project. The YMCA is proposing to continue raising funds during the construction and, after the opening of the new facility, will rebuild the *Health and Nutrition Fund* for on-going services to children 0-5. Reallocation of the \$2 million will allow the YMCA to begin construction as planned. Commission authorization is requested to redirect the allocation of the \$2 million from the *Health and Nutrition Fund* to the YMCA construction project, and modify the funding action approved in March 2008 to allow the YMCA to use these funds for the construction project and repay the *Health and Nutrition Fund* with interest within a specified time.

STRATEGIC PLAN & FISCAL SUMMARY:

This program has been specifically reviewed in relation to the Strategic Plan and is consistent with the Healthy Children outcome goal. The \$90,000 funding request for construction monitoring services for the term July 1, 2008 to June 30, 2010, and \$2 million for the Health and Nutrition Fund is included in the FY2008-2009 Budget within the Fitness/Nutrition budget category.

PRIOR COMMISSION ACTIONS:

1. Approved the YMCA Santa Ana Fund Distribution Plan and two-year agreement with the YMCA of Orange County to construct the new facility.
2. April 2008 – Approved updated YMCA Santa Ana Terms & Conditions, Facilities Funding Plan, and YMCA Planning Agreement
3. March 2008 – Authorized agreements with the Orange County Community Foundation to establish two funds to support Health and Nutrition program services in an initial amount not to exceed \$1,000,000, and Health and Fitness program services in an initial amount not to exceed \$1,000,000.
4. February 2008 – YMCA Update/Executive Officer's Report
5. January 2008 – Approved establishing two endowment funds to support health, nutrition and fitness programs at the YMCA facility.
6. November 2007 – Approved a funding partnership with the YMCA and the Santa Ana Unified School District for one-time funding support for a joint use aquatics complex, and health and fitness programs.

7. October 2007 – YMCA project was presented as an emerging opportunity at the Commission's *Childhood Obesity Prevention & Nutrition* workshop.

RECOMMENDED ACTIONS:

1. Authorize the Finance Subcommittee to approve the final agreement with the YMCA of Orange County for the construction of an aquatics center and related facilities in Santa Ana for the provision of health and fitness services to children 0-5 in the community.
2. Adopt resolution (Attachment 1) authorizing the Executive Director or designee to prepare and negotiate Agreement PS-60 with RBF Consulting in an amount not to exceed \$90,000 for the period June 1, 2008 to July 31, 2010 to provide construction monitoring services for the YMCA Santa Ana project.
3. Approve redirecting \$2,000,000 authorized in May 2008 for the YMCA of Orange County Health and Nutrition Fund to the YMCA construction project, thereby increasing the Commission's commitment and potential loan amount to \$7,000,000.

ATTACHMENT:

1. Resolution authorizing agreement with RBF Consulting

Contact: Kelly Pijl

CHILDREN AND FAMILIES COMMISSION OF ORANGE COUNTY

RESOLUTION NO. ___-08-C&FC

July 2, 2008

A RESOLUTION OF THE CHILDREN AND FAMILIES COMMISSION OF ORANGE COUNTY DIRECTING THE EXECUTIVE DIRECTOR OR DESIGNEE TO PREPARE AND NEGOTIATE AGREEMENT NO. PS-60 WITH RBF CONSULTING; AND MAKING CERTAIN FINDINGS IN CONNECTION THEREWITH

WHEREAS, in order to facilitate the creation and implementation of an integrated, comprehensive, and collaborative system of information and services to enhance optimal early childhood development, the legislature adopted legislation set forth in the California Children and Families Act of 1998, Health and Safety Code Section 130100, *et seq.* (as amended, the "Act") implementing the Children and Families First Initiative passed by the California electorate in November, 1998 and establishing the California Children and Families Commission and County Children and Families Commissions, including this Children and Families Commission of Orange County ("Commission"); and

WHEREAS, Commission adopted its Strategic Plan to define how funds authorized under the Act and allocated to the Commission should best be used to meet the critical needs of Orange County's children prenatal to five years of age as codified in the Act; and

WHEREAS, the Executive Director and Commission Counsel have prepared a standard Master Agreement for Consulting/Professional Services ("Master Agreement"), which was approved by the Commission; and

WHEREAS, the Commission desires to authorize the Executive Director or designee to prepare and negotiate Agreement No. PS-60 with RBF Consulting, in an amount not to exceed \$90,000 for the term of July 1, 2008 through June 30, 2010 to provide Construction Monitoring services for the YMCA Santa Ana project as specified in the July 2, 2008 staff report for this Agenda Item; and

WHEREAS, Commission has reviewed the staff report relating to the Scope of Services to be provided and hereby finds and determines that the proposed Agreement is in furtherance of and consistent with the Commission's Strategic Plan; and

NOW, THEREFORE BE IT RESOLVED BY THE COMMISSIONERS OF THE CHILDREN AND FAMILIES COMMISSION OF ORANGE COUNTY AS FOLLOWS:

Section 1 Commission finds and determines the foregoing Recitals are true and correct and are a substantive part of this Resolution.

Section 2 Commission hereby authorizes the Executive Director or designee to prepare and negotiate the terms, conditions and final form of Agreement PS-60 with RBF Consulting, in an amount not to exceed \$90,000 for the term of July 1, 2008 through June 30, 2010 to provide

Construction Monitoring services for the YMCA Santa Ana project consistent with the July 2, 2008 staff report and scope of services referenced therein; and

Section 3 The form of Agreement PS-60 with RBF Consulting shall be substantially similar to the form of the standard Master Agreement, subject to minor, non-substantive revisions as reviewed and approved by the Executive Director or designee. The approval by the Executive Director of Agreement PS-60 shall be conclusively evidenced by the execution and delivery of the Agreement by the Commission Chair to the Commission Clerk.

Section 4 Commission hereby approves Agreement No. PS-60 with RBF Consulting to provide Construction Monitoring services for the YMCA Santa Ana project as specified in the July 2, 2008 staff report for this Agenda Item.

Section 5 The Commission Chair and the Clerk of the Commission are hereby authorized to execute and attest, respectively, Agreement PS-60 on behalf of the Commission.

Section 6 A copy of the final Agreement PS-60 with RBF Consulting, when executed by the Commission Chair and attested by the Clerk of the Commission shall be appended hereto as a part of Exhibit A to this Resolution. Exhibit A is hereby fully incorporated as a part of this Resolution by this reference and made a part hereof. The final executed Agreement shall be placed on file in the office of the Clerk of the Commission.

Section 7 In addition to the authorization of Section 2 above, the Executive Director (or his designee) is hereby authorized, on behalf of the Commission, (i) to sign all documents necessary and appropriate to carry out and implement the Service Agreement, (ii) to cause the issuance of warrants, (iii) to administer the Commission's obligations, responsibilities, and duties to be performed under such agreement, and (iv) during the term thereof to provide waivers, administrative interpretations, and minor modifications of the provisions of such agreement in the furtherance thereof.

Section 8 The Clerk of the Commission shall certify to the adoption of this Resolution.

The foregoing resolution was passed and adopted by the following vote of the Children and Families Commission of Orange County on July 2, 2008 to wit:

AYES: Commissioners: _____

NOES: Commissioner(s): _____

EXCUSED: Commissioner(s): _____

ABSTAINED: Commissioner(s) _____

CHAIR

STATE OF CALIFORNIA)
)
COUNTY OF ORANGE)

I, DARLENE J. BLOOM, Clerk of the Commission of Orange County, California, hereby certify that a copy of this document has been delivered to the Chair of the Commission and that the above and foregoing Resolution was duly and regularly adopted by the Children and Families Commission of Orange County.

IN WITNESS WHEREOF, I have hereto set my hand and seal.

DARLENE J. BLOOM
Clerk of the Commission, Children and Families Commission of
Orange County, County of Orange, State of California

Resolution No: __-08-C&FC

Agenda Date: July 2, 2008

Item No. ____



I certify that the foregoing is a true and correct copy of the Resolution adopted by the

DARLENE J. BLOOM, Clerk of the Commission

By: _____
Deputy

EXHIBIT A TO RESOLUTION OF COMMISSION

(Attach copy of final executed Agreement No. PS-60 with RBF Consulting)