



OFFICE OF COUNTY COUNSEL
INTER-DEPARTMENT MEMORANDUM

TO: Board of Supervisors
FROM: Louis B. Green, County Counsel *LBG*
DATE: June 22, 2009
RE: Lakeview Commons – MOU for 56 Acre Parcel

Attached is the MOU for construction of Phase I improvements on the 56 acre parcel of land in South Lake Tahoe known as Lakeview Commons. The City Council of the City of South Lake Tahoe approved the MOU at their meeting of June 16, 2009.

The MOU is substantially revised from the initial version which was provided to the Board several weeks ago. Most of the changes are to add detail that is protective of the County's interest in making sure that we are not financially responsible for the project.

We made the change requested by Supervisor Sweeney in Paragraph II.B.1), to change "reconstruction of existing uses" to "reconstruction of existing facilities to meet current building codes." We left the reference to an obligation to enter into a lease extension, but we added an enforcement clause to say that "[i]n the event the parties do not amend the Lease Agreement . . . before award of a construction contract for the Phase 1 Project Improvements, including but not limited to the Lease Extension, this MOU shall be of no further force and effect." That takes care of things if for some reason the lease extension does not get approved. We did it this way largely because the CEQA documentation had not yet been completed at the time the MOU was drafted and the lease extension would be part of the project, requiring CEQA documentation.

We would be pleased to answer any questions the Board might have.

Att.

cc: Chief Administrative Officer

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