



# County of El Dorado

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## Legislation Details (With Text)

**File #:** 13-1558      **Version:** 2

**Type:** Agenda Item      **Status:** Approved

**File created:** 12/9/2013      **In control:** Board of Supervisors

**On agenda:** 3/11/2014      **Final action:** 3/11/2014

**Title:** Public Defender recommending the Board approve Amendment I to Lease Agreement No. 279-L1211 with Raymond C. and Patricia Presgrave in the amount of \$5,019.60 per month for the occupancy of leased office space located at 630 Main Street in Placerville effective January 1, 2012 through December 31, 2014.

Funding: General Fund.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 2A - Blue Route 3-11-14, 2. 2B - Amendment I 3-11-14, 3. A - Lease Agmt 279-L1211 12/17/13, 4. Executed Amendment I (BOS 3-11-14)

Date	Ver.	Action By	Action	Result
3/11/2014	2	Board of Supervisors	Approved	Pass
12/17/2013	1	Board of Supervisors	Approved	Pass

Public Defender recommending the Board approve Amendment I to Lease Agreement No. 279-L1211 with Raymond C. and Patricia Presgrave in the amount of \$5,019.60 per month for the occupancy of leased office space located at 630 Main Street in Placerville effective January 1, 2012 through December 31, 2014.

**Funding:** General Fund.

<b>BUDGET SUMMARY:</b>	
Total Estimated Cost.....	\$45,176.40
Budgeted.....	\$44,536.32
New Funding.....	
Savings.....	
Other.....	
Total Funding Available.....	\$45,176.40
Change To Net County Cost.....	\$0

**Fiscal Impact/Change to Net County Cost:**

Funding for continued occupancy of leased space at 630 Main Street, Placerville was included in the Fiscal Year 2013/2014 budget at \$4,806 per month. An increase of \$213.60 per month is expected as a result of an increase in compensation per square foot, which translates into a monthly lease payment amount of \$5,019.60. For Fiscal Year 2013/2014 this will result in an increase of \$640.08

(April 2014 - June 2014) for building rents and leases. Funding will be included in the Fiscal Year 2014/2015 budget to reflect the \$5,019.60 monthly lease payment.

**Background:**

On December 20, 2011, the Board authorized the Chair to sign Lease Agreement #279-L1211 with Raymond C. and Patricia J. Presgrave for leased office space located at 630 Main Street, by the Public Defender's Office for a one year term to expire on December 31, 2012. Article 4 of this Lease Agreement "Option for Additional Terms" allowed for the extension of the lease for an additional one year term. This option was exercised on the same terms and conditions as provided for in the initial term. Subsequently, Lease Agreement #279-L1211 expired on December 31, 2013.

On December 15, 2013, the Board approved Agenda Item #24, which allowed the Public Defenders Office to continue on a month to month tenancy until negotiations were completed for an Amendment to Lease Agreement #279-L1211. Article 27 of Lease Agreement #279-L1211 states "Any holding over after the expiration of this Lease shall be construed as a month-to-month tenancy at the monthly rental amount then in effect. In the event the Lessor wishes to terminate said month to month tenancy, Lessor shall provide Lessee written notice at least ninety (90) days prior to said termination." The monthly lease amount in effect at the expiration of this lease was \$4,806.00.

Negotiations regarding Lease Agreement #279-L1211 and its first Amendment have concluded and the Amendment is now being presented for approval. The lease reflects an increase of \$213.60 per month and tenancy will no longer be month to month. Additional language was also included regarding the servicing of the air-conditioning and heating system, the requirement for a ninety (90) day written termination notice from the Lessor, and updated the County information to reflect Russell Fackrell, Facilities Manager, as the employee with the responsibility for administering this lease agreement.

**Reason for Recommendation:**

CAO - Facility Division has concluded negotiations with Raymond and Patricia Presgrave, for continuation of the existing Public Defender lease space. The Agreement reflects an agreed upon increase in compensation at the rate of roughly .04 per square foot which translates into a \$213.60 increase in payment per month. This is the first lease payment increase since January 2012. The Amendment expires on December 31, 2014. At that time, the term of the lease would be converted to month to month with Lessee notifying Lessor 30 days in advance of cancellation or a new Agreement would be submitted for approval.

**Action to be taken following Board approval:**

- 1) Board Chair sign to Amendment I to Lease Agreement #279-L1211
- 2) Board Clerk to forward one original copy of fully executed Amendment to the Public Defender's Office for further distribution.

**Contact:**

Teri Monterosso, Public Defender

**Concurrences:**

Russ Fackrell, CAO Facilities Manager  
County Counsel  
Risk Management