



## Legislation Details (With Text)

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

**File created:** 3/6/2019 **In control:** Board of Supervisors

**On agenda:** 4/2/2019 **Final action:** 4/2/2019

**Title:** Sheriff's Office recommending the Board approve and sign a Sixth Amendment to Agreement 198-L1011 (FENIX 3280) with EDH Waterfront LLC for the lease of space housing the El Dorado Hills substation, to extend the term of the lease for an additional three (3) year period from May 1, 2019 to April 30, 2022; and amend the compensation.

**FUNDING:** General Fund.

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. A - Sheriff EDH Substation Amend VI 04-02-19.pdf, 2. B - Sheriff EDH Substation Original Lease 04-02-19.pdf, 3. C - Sheriff EDH Substation Blue Route 04-02-19.pdf, 4. Executed Sheriff EDH Substation Amend VI

| Date     | Ver. | Action By            | Action   | Result |
|----------|------|----------------------|----------|--------|
| 4/2/2019 | 1    | Board of Supervisors | Approved | Pass   |

Sheriff's Office recommending the Board approve and sign a Sixth Amendment to Agreement 198-L1011 (FENIX 3280) with EDH Waterfront LLC for the lease of space housing the El Dorado Hills substation, to extend the term of the lease for an additional three (3) year period from May 1, 2019 to April 30, 2022; and amend the compensation.

**FUNDING:** General Fund.

### DISCUSSION / BACKGROUND

The Sheriff's Office (SO) has been leasing space in El Dorado Hills for a substation since 1997. In May 2010, the SO relocated to the leased location at 4354 Town Center Blvd., Suite 112, saving approximately \$12,000 in monthly rent since there were zero monthly rental costs associated with the lease. The initial Lease was for the period May 1, 2010 through April 30, 2013, Amendment I extended the term to April 30, 2014 and Amendment II extended the term to April 30, 2015.

On March 24, 2015, Amendment III extended the term to April 30, 2017, and kept the rent at zero (\$0) per month but increased operating expenses to a flat rate of \$850 per month from May 1, 2015 through April 30, 2016, and a flat rate of \$875 per month from May 1, 2016 through April 30, 2017.

Amendment IV amended the term of lease for a two year renewal from May 01, 2017 to April 30, 2019 and set rent payments in the amount of zero dollars (\$0) for the term, but increased operating expenses to a flat rate not to exceed \$900 per month from May 1, 2017 through April 30, 2018, and \$930 per month from May 1, 2018 through April 30, 2019.

Effective July 25, 2018, EDH Waterfront assumed all the obligations, covenants, and conditions, and/or liabilities of this lease agreement. Amendment V updated all references to the Lessor from

Town Center East, LP to EDH Waterfront LLC, and updated the Payment and Notices sections to reflect this change in ownership. Additionally, Amendment V also changed the Premise section to reflect the Sheriff's Office vacating Suite 112 and moving to Suite 113, effective September 1, 2018.

This Sixth Amendment will amend the lease to extend the term from May 1, 2019 to April 30, 2022, and set the rent payments at zero dollars (\$0), and increase operating expenses to a flat rate of \$2,083.33 per month from May 1, 2019 through April 30, 2020, a flat rate of \$1,250 per month from May 1, 2020 through April 30, 2021, and a flat rate of \$1,287.50 per month from May 1, 2021 through April 30, 2022. The Sheriff's Office is paying a more expensive operating expenses fee in the first year of the lease to account for space improvement costs paid for by the EDH Waterfront, LLC.

## **ALTERNATIVES**

N/A

## **PRIOR BOARD ACTION**

The Board approved the original lease agreement on April 27, 2010 on Legistar Item 09-1502. Amendments I, II, II, and IV were approved on April 23, 2013, April 29, 2014, March 24, 2015, and April 11, 2017, respectively, on Legistar Item 13-0337. Amendment V was approved on August 28, 2018 on Legistar Item 18-1271.

## **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

County Counsel approved the amendment.

## **CAO RECOMMENDATION / COMMENTS**

Approve as recommended.

## **FINANCIAL IMPACT**

No Change to Net County Cost. These expenses are budgeted in the Sheriff's Office's annual operating budget, and will continue to be requested in following years. The lease contains a provision for termination by the County if no funds are appropriated for this purpose.

## **CLERK OF THE BOARD FOLLOW UP ACTIONS**

Please return two fully executed copies back to Facilities for distribution.

## **STRATEGIC PLAN COMPONENT**

Public Safety

## **CONTACT**

Undersheriff Randy Peshon