

Attachment 3 – First of two options to extend the lease term



COUNTY OF HUMBOLDT

AGENDA ITEM NO.
C-16

For the meeting of: September 25, 2012

Date: August 31, 2012
 To: Board of Supervisors
 From: William Damiano, Chief Probation Officer
 Subject: Approval of option to extend Lease Agreement with Elaine Joyce Foote Revocable Trust at 404 H Street, Eureka

RECOMMENDATIONS:

That the Board of Supervisors:

1. Approve option to extend the lease with Elaine Joyce Foote Revocable Trust for office space at 404 H Street, in Eureka, for the period beginning December 1, 2012 through November 30, 2015;
2. Direct the Clerk of the Board to return one copy of the executed agenda item to Public Works-Real Property Division; and
3. Authorize the Public Works-Real Property Division to send a letter to Elaine Joyce Foote Revocable Trust that the County is exercising the option to extend the lease for three (3) additional years.

SOURCE OF FUNDING:

State of California, Department of Corrections and Rehabilitation.

Prepared by Mark Magladry

CAO Approval

Cheryl Dillingham

REVIEW

Auditor

MM

County Counsel

Personnel

Risk Manager

Other

TYPE OF ITEM

Consent

Departmental

Public Hearing

Other

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT

Upon motion of Supervisor *Sandberg* Seconded by Supervisor *Lovell*

Ayes *Sandberg, Lovell, Bass, Behn, Cenderson*

Nays

Abstain

Absent

PREVIOUS ACTION/REFERRAL

Board Order No. H-1 & C-20

Meeting of 1/10/12 & 12/6/11

and carried by those members present, the Board hereby approves the recommended action contained in this Board report.

Dated

By

Kathy Hayes, Clerk of the Board

September 25, 2012
Kathy Hayes

DISCUSSION:

The 2011 Public Safety Realignment included in the passage of Assembly Bill (AB) 109, and as subsequently amended by AB 117, specified new local responsibilities for the management of certain adult criminal offenders. As part of the legislation, the Community Corrections Partnership (CCP) prepared a local public safety realignment plan. On January 10, 2012, the Board of Supervisors approved the County's Public Safety Realignment Plan.

As part of the County's Public Safety Realignment Plan, an office was needed to house a day reporting center to provide Post-Release Community Supervision (PRCS) services. On December 6, 2011, the Board of Supervisors approved a one-year lease with Elaine Joyce Foote Revocable Trust for office space located at 404 H Street, in Eureka. This office is currently being used by Probation Department and Department of Health and Human Services staff to provide case management, supervision, counseling, education, vocational and cognitive behavior treatment services to AB 109 adult offenders.

Establishing these offices was necessary. The County had a lack of adequate space in existing County buildings to accommodate the proposed co-located corrections services identified in our Public Safety Realignment Plan. If this site were to be lost, it would effectively cancel out a year's worth of work establishing much-needed services and would dismantle the productive collaboration that has been built between participating agencies. Such disruption and re-compartmentalizing of services would likely decrease our effectiveness with these very high risk offenders and could potentially have significant impacts on public safety. It is also very unlikely that another site so appropriately situated near the courthouse and public transportation could be arranged.

The lease with Elaine Joyce Foote Revocable Trust ends November 30, 2012. Under the terms of the lease, the County is required to provide a 90-day written notice to the Lessor of its intent to extend the lease for three additional years. This deadline has now passed; however, the Lessor has agreed in writing to waive the 90-day requirement, and to allow the County to exercise the option to extend the lease. At this time, the Probation Department seeks Board of Supervisors' approval for the extension of the lease with Elaine Joyce Foote Revocable Trust for three years, for the period beginning December 1, 2012 through November 30, 2015.

With the extension of this lease, the Probation Department and the Department of Health and Human Services will maintain appropriate levels of service to the AB109 offender population and plan to continue to manage resources to ensure the sustainability of the services outlined in the County's Public Safety Realignment Plan.

FINANCIAL IMPACT:

Funding for the implementation of the County's Public Safety Realignment Plan, and the cost of this lease with Elaine Joyce Foote Revocable Trust, comes from State 2011 Public Safety Realignment monies authorized under AB117 and related legislation. Beginning in December 2012, the cost of the lease will be \$6,879.90 monthly or \$0.94 per square foot. In each of the last two years of the extended term, the cost will continue to increase by two percent (2%) annually. The lease will be paid from the Probation Department's Public Safety Realignment Budget Unit 294, with no impact to the County General Fund.

Although 2011 Public Safety funding is legislated in perpetuity, the funding is not yet protected by state constitutional amendment to be used solely for those purposes. The Governor's November tax initiative includes language to address that condition. If that initiative fails with the voters, ongoing funding could be

at risk at some future time. The Governor has repeatedly stated he will continue to pursue the state constitutional amendment through every available avenue until he succeeds so long as he is in office.

OTHER AGENCY INVOLVEMENT:

Public Works-Real Property Division has worked with the Lessor to extend this lease. The Auditor has confirmed that there are sufficient funds available to continue the lease.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board can choose not to approve the option to extend the lease with Elaine Joyce Foote Revocable Trust. However, this is not recommended. Currently, the Probation Department and the Department of Health and Human Services staff utilize the office at 404 H Street as a day reporting center to work with Post-Release Community Supervision offenders. Locating and establishing an appropriate and optimal site for this program was difficult and fraught with public concerns. Those concerns have been addressed and the location has proven ideal for these purposes. By failing to approve the option to extend this lease, the necessary relocation and set up new offices would be a waste of public funds, would disrupt the provision of services to these high-needs offenders thereby compromising public safety, and could ultimately lose the beneficial proximity to the courthouse, bus lines and other support services for these offenders.

ATTACHMENTS:

1. Lease with Elaine Joyce Foote Revocable Trust
2. Letter from Elaine Joyce Foote waiving the ninety (90) day notice to extend the term of the lease