



COUNTY OF HUMBOLDT

Legislation Text

File #: 22-1112, **Version:** 1

To: Board of Supervisors

From: Public Works

Agenda Section: Consent

SUBJECT:

Second Amendment to the Lease Agreement with Christopher J. Rohrs Regarding Operation of the Smoke House Cafe Within the Humboldt County Courthouse

RECOMMENDATION(S):

That the Board of Supervisors:

1. Approve, and authorize the Chair of the Board to execute, the attached second amendment to the lease agreement with Christopher J. Rohrs regarding operation of the Smoke House Cafe within the Humboldt County Courthouse;
2. Authorize the Humboldt County Department of Public Works to rescind the temporary waiver of the monthly rental payments required pursuant to the terms and conditions of the lease agreement with Christopher J. Rohrs that was granted on Sept. 14, 2021; and
3. Direct the Clerk of the Board to return one fully executed original copy of the attached second amendment to the lease agreement with Christopher J. Rohrs to the Humboldt County Department of Public Works for further processing.

SOURCE OF FUNDING:

General Fund 1100888

DISCUSSION:

On June 5, 2018, the Humboldt County Board of Supervisors (Board) approved the current lease agreement with Christopher J. Rohrs regarding operation of the Smoke House Cafe within the Humboldt County Courthouse for the period of June 5, 2018 through Sept. 30, 2019, with options to extend on a year-to-year basis until Sept. 23, 2023. The Board subsequently approved the first amendment to the lease agreement, which increased the monthly rental payments due thereunder and modified the maintenance requirements set forth therein, on May 7, 2019.

After extensions of the lease agreement in 2019 and 2020, the Board on July 13, 2021 approved the latest extension of the term of the lease agreement to Sept. 30, 2022.

On April 28, 2020, the Board approved a temporary waiver of the monthly rental payments required pursuant to the terms and conditions of the lease agreement, until further notice, due to complications

caused by the COVID-19 pandemic. The Board rescinded the temporary waiver on July 13, 2021, then on Sept. 14, 2021, approved another temporary waiver of the monthly rental payments, until further notice, due to complications caused by the COVID-19 pandemic.

The attached second amendment to the lease agreement will allow the term to be extended on a month-to-month basis effective Oct. 1, 2022. The month-to-month lease term will allow Mr. Rohrs to address staffing issues, gauge current market demand and plan for continued operation of the Smoke House Café within the Humboldt County Courthouse. If, within 6 months of the commencement of this month-to-month tenancy, Mr. Rohrs determines that continued operation of the Smoke House Café is not viable, a 30-day notice to terminate the lease agreement will be submitted and staff will begin replacement efforts through a competitive request for proposals process. If continued operation is viable, a new lease agreement with Mr. Rohrs will be presented to the Board with details pertaining to the continued operation of the Smoke House Café within the Humboldt County Courthouse.

The attached second amendment to the lease agreement also modifies the payment, inventory, operational, inspection and execution requirements set forth therein in order to: allow for payment of rent in arrears; include additional equipment that is used for the operation of the Smoke House Cafe; reduce the hours of operation to Monday through Friday, 7:30 a.m. to 2 p.m.; clarify that the premises has undergone an Americans with Disabilities Act Access Compliance Assessment by a Certified Access Specialist; and allow for counterpart execution.

Pursuant to the terms and conditions of the lease agreement, a certificate of insurance ensuring workers compensation coverage must be provided prior to the reopening of the Smoke House Café.

Accordingly, the Humboldt County Department of Public Works recommends that the Board approve the attached second amendment to the lease agreement with Mr. Rohrs regarding operation of the Smoke House Café within the Humboldt County Courthouse. Staff also recommends that the Board authorize the Humboldt County Department of Public Works to rescind the temporary waiver of monthly rental payments required pursuant to the terms and conditions of the lease agreement with Mr. Rohrs that was granted on Sept. 14, 2021, in order to allow for the continued operation of the Smoke House Café within the Humboldt County Courthouse.

FINANCIAL IMPACT:

The current lease agreement with Christopher J. Rohrs requires monthly rental payments in the amount of \$445. This funding is deposited into the General Fun (1100-888), then drawn upon for certain maintenance within the space being leased. The attached second amendment to the lease agreement will not increase the amount of the monthly rental payments required thereunder.

STRATEGIC FRAMEWORK:

The recommended actions support the Board of Supervisors' Strategic Framework by providing for and maintaining infrastructure.

OTHER AGENCY INVOLVEMENT:

None

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board may choose not to approve the attached second amendment to the lease agreement with Christopher J. Rohrs regarding operation of the Smoke House Café within the Humboldt County Courthouse, or authorize the Humboldt County Department of Public Works to rescind the temporary waiver of monthly rental payments required pursuant to the terms and conditions of the lease agreement with Christopher J. Rohrs that was granted on September 14, 2021. However, this alternative is not recommended as it will not allow for the Smoke House Café to be operated within the Humboldt County Courthouse at this time.

ATTACHMENTS:

1. Second Amendment to the Lease Agreement with Christopher J. Rohrs Regarding Operation of the Smoke House Café Within the Humboldt County Courthouse dated June 5, 2018
2. First Amendment to the Lease Agreement with Christopher J. Rohrs Regarding Operation of the Smoke House Café Within the Humboldt County Courthouse dated June 5, 2018
3. Lease Agreement with Christopher J. Rohrs Regarding Operation of the Smoke House Café Within the Humboldt County Courthouse dated June 5, 2018
4. Term Extension to September 30, 2020
5. Temporary Waiver of Monthly Rent
6. Term Extension to September 30, 2021
7. Term Extension to September 30, 2022
8. Temporary Waiver of Monthly Rent

PREVIOUS ACTION/REFERRAL:

Board Order No.: C-30, C-38, C-10, C-19, C-13, D-18, D-19

Meeting of: 6/05/18, 5/07/19, 10/08/19, 4/28/20, 10/27/20, 7/13/21, 9/14/21

File No.: 19-519, 19-1428, 20-436, 20-1294, 21-864