



County of Monterey

Item No.

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: A 22-581

November 22, 2022

Introduced: 11/8/2022

Current Status: Public Works, Facilities &
Parks - Consent

Version: 1

Matter Type: BoS Agreement

- a. Approve and authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute a Lease Agreement, effective on or about December 1, 2022 or as mutually agreeable by and between the Parties and expiring on January 2, 2023, with Jimmy Panetta, 20th District Congressman, a Member of the United States House of Representatives for the 117th Congress for approximately 2,000 square feet of general office space located at 1200 Aquajito Road, Suite 3, Monterey, California for \$2,880 per month, in a form substantially similar to the proposed Lease Agreement set forth in Attachment A;
- b. Approve and authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute a Lease Agreement, effective on or about January 3, 2023 or as mutually agreeable by and between the Parties and expiring on January 2, 2025, with Jimmy Panetta, 20th District Congressman, a Member of the United States House of Representatives for the 118th Congress for approximately 2,000 square feet of general office space located at 1200 Aquajito Road, Suite 3, Monterey, California for \$2,880 per month, in a form substantially similar to the proposed Lease Agreement set forth in Attachment B;
- c. Approve and authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute the United States House of Representatives District Office Lease Attachment for the 117th Congress and 118th Congress under similar terms, conditions, and format as Attachment C;
- d. Authorize the Contracts/Purchasing Officer of Contracts/Purchasing Supervisor to execute future amendments and congressional lease attachments under similar terms, condition, and format for the 117th Congress and 118th Congress, if deemed by the Contracts/Purchasing Officer to be in the best interest of the County, subject to review and approval by the Office of the County Counsel-Risk Management; and
- e. Find that the proposed Lease Agreements are in the public interest and that said Lease Agreements will not substantially conflict or interfere with the use of the property by the County.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Approve and authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute a Lease Agreement, effective on or about December 1, 2022 or as mutually agreeable by and between the Parties and expiring on January 2, 2023, with Jimmy Panetta, 20th District Congressman, a Member of the United States House of Representatives for the 117th Congress for approximately 2,000 square feet of general office space located at 1200 Aquajito Road, Suite 3, Monterey, California for \$2,880 per month, in a form substantially similar to the proposed Lease Agreement set forth in Attachment A;

- b. Approve and authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute a Lease Agreement, effective on or about January 3, 2023 or as mutually agreeable by and between the Parties and expiring on January 2, 2025, with Jimmy Panetta, 20th District Congressman, a Member of the United States House of Representatives for the 118th Congress for approximately 2,000 square feet of general office space located at 1200 Aquajito Road, Suite 3, Monterey, California for \$2,880 per month, in a form substantially similar to the proposed Lease Agreement set forth in Attachment B;
- c. Approve and authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute the United States House of Representatives District Office Lease Attachment for the 117th Congress and 118th Congress under similar terms, conditions, and format as Attachment C;
- d. Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute future amendments and congressional lease attachments under similar terms, condition, and format for the 117th Congress and 118th Congress, if deemed by the Contracts/Purchasing Officer to be in the best interest of the County, subject to review and approval by the Office of the County Counsel-Risk Management; and
- e. Find that the proposed Lease Agreements are in the public interest and that said Lease Agreements will not substantially conflict or interfere with the use of the property by the County.

SUMMARY/DISCUSSION:

Congressman Jimmy Panetta serves the needs of the constituents of the 20th Congressional District of the United States House of Representatives (20th Congressional District) including portions of Monterey, San Benito, Santa Clara, and Santa Cruz Counties.

Approval of the 117th Congress Lease Agreement and the 118th Congress Lease Agreement (the Lease Agreements) will provide Congressman Panetta with the exclusive use of approximately 2,000 square feet of administrative office space, at 1200 Aquajito Road, Suite 3, Monterey, California (the premises), to effectively serve the constituents of the 20th Congressional District of the United States House of Representatives. The leased space will serve as the flagship (primary) District Office of Congressman Panetta. Congressman Panetta's presence within the Monterey County owned facility at 1200 Aquajito Road, will serve a valuable public purpose which will benefit the constituency of the County of Monterey.

The 117th Congress Lease Agreement lease term will commence on or about December 1, 2022, or as mutually agreeable by and between the Parties and expire on January 2, 2023. The 118th Congress Lease Agreement lease term will commence on or about January 3, 2023, or as mutually agreeable by and between the Parties and expire on January 2, 2025. The Lease Agreements provide for a month-to-month occupancy after the expiration date, and either party may terminate the lease upon thirty (30) days written notification. Monthly rent is \$2,880 per month and includes utilities and janitorial services.

Due to limitations in the amount U.S. House of Representative Members may pay for rent and utilities, the 20th Congressional District is proposing to pay \$2,880 per month rent. Congressional leases are limited and can only provide for a term which corresponds to the current Congress Member's term. Therefore, both proposed Lease Agreements provide state that, "...LESSEE will continue renting the Premises from LESSOR conditioned upon LESSEE's reelection to Congress."

The proposed Lease Agreements provide for tenant improvements to be funded by the LESSEE, as indicated in Exhibit A.1 - TENANT IMPROVEMENTS - LESSEE COSTS, to the Lease Agreements, and tenant improvements to be funded by the County, as indicated in Exhibit A.2 - TENANT IMPROVEMENTS - LESSOR'S COST, to the Lease Agreements. Anticipated County tenant improvements may include surplus office furniture in-kind donation. The 20th Congressional Office will be responsible for engaging their own consultants for space and furniture lay-out and will fund and coordinate any other required tenant improvements which may include directional signage, new furniture purchases, moving of existing furniture, data and electrical connections for workstations, and additional security measures such as controlled access card reader systems and panic buttons. Any tenant improvements as requested by the 20th Congressional District will require review and approval by the County prior to the commencement of any tenant improvements.

Congressman Panetta's presence within the Monterey County Courthouse Suite 3, located at 1200 Aquajito Road will serve the constituents of the 20th Congressional District which includes Monterey County. The proposed Lease Agreements will not substantially conflict or interfere with the use of the building by the County. Government Code Section 25526.6 provides that the Board may authorize a County officer to convey an interest in real property to a public agency upon a finding that the conveyance of said interest is in the public interest and will not substantially conflict or interfere with the use of the property by the County. Therefore, it is recommended that the Board find that the proposed Lease Agreements are in the public interest and that the Lease Agreements will not substantially conflict or interfere with the use of the property by the County (Government Code Section 25526.6).

OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel-Risk Management has reviewed and approved the Lease Agreements as to form and as to insurance and indemnity provisions.

FINANCING:

The Board Report and Lease Agreements were developed by the PWWP Department staff and funded as part of the FY2022-23 PWWP Adopted Budget, General Fund 001, Facilities Appropriation Unit PFP054. The anticipated monthly rent of \$2,880 received from the 20th Congressional District will be deposited as revenue in General Fund, Fund 001, Facilities Appropriation Unit PFP054.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

This action supports the Board of Supervisors strategic initiative for Administration that promotes efficient and effective government operations by bringing the 20th Congressional District into the County's governmental campus within the Monterey Courthouse building for improved constituent access.

- Economic Development
- Administration
- Health & Human Services
- Infrastructure
- Public Safety

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Reviewed by: Lindsay Lerable, Chief of Facilities

Approved by: Randell Ishii, MS, PE, TE, PTOE, Director of Public Works, Facilities, and Parks

DocuSigned by:
Randell Ishii
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Attachments:

Attachment A - Proposed Lease Agreement for the 117th Congress

Attachment B - Proposed Lease Agreement for the 118th Congress

Attachment C - United States House of Representatives District Office Lease Attachment

Attachment D - Location Map

(Attachments on File with the Clerk of the Board)