



Board Agenda Item 42

DATE: January 8, 2019

TO: Board of Supervisors

SUBMITTED BY: Kelley Worman-Landano, County Librarian
Les Wright, Agricultural Commissioner
Robert W. Bash, Director of Internal Services/Chief Information Officer

SUBJECT: Agreement for Shared Library and Lease Agreement for Agricultural Commissioner
Office Space with West Hills Community College District

RECOMMENDED ACTION(S):

1. **Approve and authorize the Chairman to execute an Agreement for a shared Library with West Hills Community College District for the operation of a County public library to be shared with the West Hill's academic library in the new West Hills North District Center campus located at 1511 Ninth Street, Firebaugh, effective upon execution by both parties for an initial ten year term with the option to renew for successive ten year extensions, not to extend beyond June 30, 2117 (\$0); and**
2. **Approve and authorize the Chairman to execute a Lease Agreement for Agricultural Commissioner office space in the new West Hills North District Center campus located at 1511 Ninth Street, Firebaugh, effective upon execution by both parties for an initial ten year term with the option to renew for successive ten year extensions not to extend beyond June 30, 2117 (\$0).**

There is no additional Net County Cost associated with the recommended actions. Approval of the recommended actions will authorize the Chairman to execute two agreements with West Hills Community College District (WHCCD) for space in the future North District Center Building as follows: the first is an Agreement for shared Library space, and the second is a Lease Agreement for office space for the Agricultural Commissioner. Approval of the recommended actions would allow both the Library and the Agricultural Commissioner to relocate from their current locations in the prior Firebaugh courthouse to the new WHCCD campus, which is scheduled for completion in 2021. The Library will pay its proportional share of janitorial services, maintenance costs, security services, and utilities, which will be incurred at a commercially reasonable rate. The Agricultural Commissioner has opted to provide its own janitorial services, but will pay its proportional share of security services, maintenance costs, and utilities, which will be incurred at a commercially reasonable rate. WHCCD approved these agreements at its December 11, 2018 board meeting. This item affects District One.

ALTERNATIVE ACTION(S):

Should your Board choose not to approve the recommended actions, the Fresno County Public Library and the Agricultural Commissioner may remain in their current building in Firebaugh as long as necessary until alternative locations become available.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. There shall be no rent or lease payments charged for the shared Library Agreement or the Agricultural Commissioner Lease Agreement for the duration of the lease. The Library will pay its proportional share of janitorial services, maintenance costs, security services, and utilities, which will be incurred at a commercially reasonable rate. The Agricultural Commissioner has opted to provide its own janitorial services, but will pay its proportional share of security services, maintenance costs, and utilities, which will be incurred at a commercially reasonable rate. Sufficient appropriations for these services will be included in subsequent budget requests for the Library's Org 7511 and the Agricultural Commissioner's Org 4010 as the projected construction completion date is in late 2021.

DISCUSSION:

The current Library serving the Firebaugh area is co-located with the Office of the Agricultural Commissioner in the former Firebaugh courthouse facility, which ceased to be used for court operations in 2012. This location has drawbacks for the Library in that it has no community room for the Library's educational programs offered to the public. The City of Firebaugh has approached the County and has expressed interest in purchasing the Firebaugh courthouse for use by its police department. The City of Firebaugh has indicated the County departments may remain as long as necessary until an alternative feasible location becomes available. The agreement between the County and the City of Firebaugh is before your Board on this date. The agreement will allow the County to lease the Library's and Agricultural Commissioner's existing space in the courthouse facility from the City of Firebaugh, and terminate the current joint occupancy agreement between the County and the Judicial Council of California for the Firebaugh Courthouse facility. This lease will only last until the Library and the Agricultural Commissioner can move into their new space at the new WHCCD campus. Based on the potential sale of the Firebaugh courthouse facility, and the need for an academic and public library to serve WHCCD college students, faculty, and the public, as well as office space for the Agricultural Commissioner, the Library and the Agricultural Department seek your Board's approval of a shared Library Agreement and a Lease Agreement, respectively, with WHCCD.

WHCCD's funding for the new campus became available through the California Public School Facility Bonds Initiative (Proposition 51) that passed in November 2016. Proposition 51 bond funding allows for Community College facility improvement projects. Funds to expand the WHCCD's North District Center were approved in the Governor's FY 2017-18 budget. The new North District Campus facility will be located southeast of the location of the present campus and will include classrooms, administrative space, a bookstore, lecture hall, laboratory, library, and plaza that will incorporate the existing outdoor seating area. The existing WHCCD structure in Firebaugh will be demolished and replaced with a parking area for the new facility. Construction on the new facility is anticipated to begin in FY 2019-2020 and it is anticipated that construction will be completed in late 2021.

The County's collaboration with WHCCD will allow the Library to expand further in addressing the needs of Firebaugh. As shown in Exhibit A, the site will provide the Library with 4,948 square feet of shared and 439 square feet of exclusive space with WHCCD. The Agricultural Commissioner will be provided with 550 square feet of office space. Both parties will have sufficient parking spaces to meet their needs.

The terms of both the recommended shared Library Agreement and Agricultural Commissioner Lease Agreement are ten years with optional successive ten year extensions upon written agreement of both parties 30 days prior to the end of each ten year term, not to extend beyond June 2117. The recommended shared Library Agreement provides a detailed framework for how the employees of each party will be kept separate yet both serve the WHCCD and County Library patrons, how the collections and contents of each party will be kept, rights of the County to use of a community room for Library programs, a joint decision-making and dispute resolution process, and the process for either party terminating the shared Library Agreement. The recommended Agricultural Commissioner Lease Agreement provides for utility and

security expense allocation, maintenance by WHCCD, and the conditions by which either party may terminate the Lease Agreement.

Other than for cause, the County may only terminate these agreements for non-funding or if the County acquires funds and/or property to make a standalone public library facility in Firebaugh. Additionally the County may terminate the agreements without penalty if the new facility is not completed by December of 2021 and the parties determine that the facility cannot be completed. WHCCD may only terminate the agreements for cause. If WHCCD terminates the agreements within the first 36 months of the terms, WHCCD must find and pay for a similar Public Library space for the Library and a similar office space for the Agricultural Commissioner for a period equivalent to 36 months from the Effective Date.

California Environmental Quality Act:

On May 18, 2010, the West Hills Community College District Board of Trustees, acting as Lead Agency, adopted a Mitigated Negative Declaration prepared pursuant to the California Environmental Quality Act (CEQA) determining that the proposed project (expansion of the Firebaugh campus) would not have a significant effect on the environment. County staff has reviewed the Mitigated Negative Declaration and has determined that no further CEQA review is required for the County to lease a portion of the building for County purposes.

REFERENCE MATERIAL:

BAI # 9, June 12, 2018

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with the Clerk - Library Agreement with WHCCD

On file with the Clerk - Agricultural Commissioner Lease Agreement with WHCCD

CAO ANALYST:

Samantha Buck