



Board Agenda Item 29

DATE: June 2, 2026

TO: Board of Supervisors

SUBMITTED BY: Edward Hill, Chief Operating Officer/Interim Director of General Services
Kirk Haynes, Chief Probation Officer

SUBJECT: Retroactive Lease Agreement with Robert Berry Holdings, LLC

RECOMMENDED ACTION(S):

- 1. Approve and authorize the Chairman to execute a retroactive Lease Agreement with Robert Berry Holdings, LLC for approximately 21,235 square feet of office space located at 2212 North Winery Avenue, Suites 101 and 122, Fresno, California 93703 for continued use by the Probation Department, effective January 1, 2026, which includes a one-year base term and one optional one-year extension, total base rent not to exceed \$611,568;**
- 2. Authorize the Director of the General Services Department, or their designee, to approve and execute, upon review and approval as to legal form by County Counsel, an Estoppel Certificate, and Subordination and Non-Disturbance Agreement relating to the recommended Lease Agreement, if requested by Lessor to sign such documents; and**
- 3. Authorize the Director of the General Services Department, or their designee, to approve and execute (or accept, as applicable), upon review and approval as to legal form by County Counsel, (a) a Memorandum of Lease, and any notices, instruments, certificates, and documents, relating to the consummation of the recommended Lease Agreement, and (b) any notices and documents relating to the County's administration of the leased premises under the recommended Lease Agreement.**

There is no additional Net County Cost (NCC) associated with the recommended actions, which will allow the Probation Department to continue leasing approximately 21,235 square feet of office space located at 2212 North Winery Avenue, Suites 101 and 122, Fresno, California 93703 (Premises). The recommended Lease Agreement is necessary to house staff and provide services while renovations continue at 200 West Pontiac Way, Clovis, California 93612. This item pertains to a location in District 3, but services are provided countywide.

ALTERNATIVE ACTION(S):

Your Board may direct staff to find an alternative temporary location for the Probation Department and only authorize a Lease Agreement with Robert Berry Holdings, LLC (Lessor) for the duration necessary to secure a new temporary location.

RETROACTIVE AGREEMENT:

The recommended Lease Agreement is retroactive due to extended contract negotiations.

FISCAL IMPACT:

There is no additional NCC associated with the recommended actions. Rent is approximately \$25,057 per month for the base term and will increase approximately 3% to \$25,907 per month if the one-year renewal option is exercised. The total base rent for the potential two-year term shall not exceed \$611,568. In addition to the base rent, the County will be responsible for natural gas, electricity, and one-third of the costs associated with water, garbage, and sewer services. The lease costs are funded with Public Safety Realignment Act of 2011 (Assembly Bill 109) funds, Community Corrections Performance Incentive (SB 678) funds, Department of Behavioral Health funds, and budgeted NCC. Sufficient appropriations and estimated revenues are included in the Probation Org 3430 FY 2025-26 Adopted Budget and will be included in subsequent Recommended Budget requests for the duration of the Agreement term.

DISCUSSION:

On December 15, 2020, the Board approved Lease Agreements A-20-505 and A-20-506 for the Probation Department to lease the Premises from January 1, 2021 through December 31, 2023, including two optional one-year extensions not to extend beyond December 31, 2025, with a total maximum compensation of approximately \$114,628.

On April 8, 2025, your Board authorized the award of a County-funded capital project for facility improvements at 200 West Pontiac Way. Improvements will be completed in phases. Phase 1 will modify existing office areas to address code compliance and to support the needs of the Probation Department, including new flooring, painting and ceilings throughout the building. Lighting and restrooms will be replaced and renovated, and the parking lot will also get resealed and restriped with accessibility upgrades leading to the building. Then, Phase 2 will convert warehouse space to office space and will include plumbing, mechanical, and electrical upgrades. Phase 1 is anticipated to be completed in Spring of 2026 with Phase 2 commencing shortly after.

As a result, the Probation Department must continue leasing space and recommends entering into the recommended Lease Agreement to remain at the Premises until the 200 West Pontiac Way space is ready for occupancy. The recommended Lease Agreement structure provides a term sufficient to support the planned transition and includes an option to extend in the event construction is delayed.

The recommended Lease Agreement also deviates from the County's standard agreement language in that the Lessor has requested mutual indemnification. The Human Resources Department - Risk Management Division reviewed these provisions and stated that it is a business decision to provide the mutual indemnification. The Probation Department and General Services Department believe this is an acceptable business risk.

REFERENCE MATERIAL:

BAI #34, April 8, 2025
BAI #68, December 15, 2020

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Lease Agreement with Robert Berry Holdings, LLC

CAO ANALYST:

Amy Ryals