

MARIN TELECOMMUNICATIONS AGENCY

371 Bel Marin Keys Blvd, Suite 100 Novato, CA 94949

PHONE: (415) 883-9100 FAX: (415) 9155

MEMORANDUM

DATE: February 28, 2009

TO: MTA Board of Directors

FROM: Barbara Thornton, Executive Officer

SUBJECT: AGENDA ITEM: **D1**: APPROVAL OF LEASE OF OFFICE SPACE,
555 NORTHGATE SAN RAFAEL

Recommendation: Authorize the Executive Officer to execute a lease agreement for MTA for shared office space at 555 Northgate, San Rafael.

Background:

The MTA office staff, files and records and meeting space is currently at the County's IT office in Novato. Last fall, the County told us that we needed to vacate the space we use as soon as possible. The individual doing the work for MTA, Elizabeth Lopez, works part-time for MTA, with the remainder of her work time devoted to MERA and MGSA, two JPA's whose files and records are located in the same space. Since we only have one full-time employee and the MERA and MGSA Executive Officers need the space only for occasional on-site work and meetings, our space needs are relatively small. On November 12, 2008, the MTA Board authorized the Executive Officer to execute a lease for shared space at 555 Northgate, San Rafael.

Since the Board's action on this matter in November, MERA has decided to end its joint tenancy and use of shared staff by the end of June 2009. As such, MTA and MGSA have been seeking another public agency with which to share space, and possibly staff hours. Marin County LAFCO's current lease for space expires June 30, 2009, and its Executive Officer has recommended to the LAFCO Board that they share space with us, taking the place of MERA at 555 Northgate. The LAFCO Board is scheduled to act on this recommendation on March 12, 2009.

Since we need to move prior to June 30, 2009, a revised lease has been prepared by MCF Property Holdings, Inc., the landlord at 555 Northgate, and Jim Karpiak, a real estate specialist and a co-worker of Greg Stepanicich's at Richards, Watson, Gershon, calling for the "Tenant" to be defined as the three JPA's, with each JPA identified as a "Tenant Party." The lease identifies MERA as a tenant party but acknowledges that it will terminate its tenancy as of June 30, 2009.

It also acknowledges that MTA and MGSA will seek to replace MERA with another similar entity. LAFCO would serve as that replacement and take over MERA's responsibilities.

The lease terms are the same as presented in November. Rent is to be \$1982 per month, with MTA responsible for 40%. Rent does not include communications costs, which are also shared. The lease is for one year, with a commencement date of March 1, 2009, and March rent will be pro-rated from the day of occupancy. The FY2008-09 budget covers these costs.

Under the joint and several liability clause in the lease, MTA and MGSA will be responsible for the obligations of the "tenant," including rent, after MERA leaves on June 30, 2009. The risk of moving ahead with the knowledge of MERA leaving is that LAFCO would not execute the lease. LAFCO's staff has stated that the Board has indicated they should move forward in planning to share space with the two JPA's as a joint tenant at 555 Northgate, and bring it to the Board for approval at their March 12, 2009 meeting. Given that LAFCO's current lease ends June 30, 2009; that they are in need of smaller space than they currently occupy; that sharing the space at 555 Northgate serves their needs exceedingly well; that the LAFCO Board is scheduled to approve the plan on March 12th; and that LAFCO, MTA and MGSA serve the same constituencies, namely the County of Marin and the eleven town and cities; the Executive Officers of MTA and MGSA see little risk in executing the lease prior to the LAFCO Board's official approval. This revised lease is on MGSA's March 5th meeting agenda for approval.