



## Legislation Text

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**File #:** 2021-0663, **Version:** 1

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**To:** Sonoma County Board of Supervisors

**Department or Agency Name(s):** General Services / Independent Office of Law Enforcement Review & Outreach (IOLERO)

**Staff Name and Phone Number:** Caroline Judy, General Services, 707-565-8058 / Karlene Navarro, IOLERO, 707-565-1508

**Vote Requirement:** Majority

**Supervisory District(s):** Third

### **Title:**

New Lease for Independent Office of Law Enforcement Review & Outreach, at 3333 Mendocino Avenue, Suite 240, Santa Rosa, California

### **Recommended Action:**

Delegate authority to the Director of General Services to negotiate and execute a lease, in form approved by County Counsel, with SR Stony Point DE LLC, for approximately 2,511 sq. ft. of office space, located at 3333 Mendocino Avenue, Suite 240 in Santa Rosa, for a term of 5 years, with two, 2-year options to extend the term; with rent payments of \$4,896.45 per month (\$1.95 per sq. ft.), subject to increase by 3% annually, and upon such other terms and conditions deemed reasonable and necessary, contingent on availability, if needed, of sufficient funding. (Third District)

### **Executive Summary:**

The Independent Office of Law Enforcement Review & Outreach (IOLERO) is currently utilizing office space within the County Administration Center complex, in the La Plaza A building. Due to the expansion of the IOLERO program services and staffing, their current office space, comprised of approximately 600 sq. ft., is no longer adequate to accommodate the department's space needs, and there is no other available office space within the County Administration Center. This matter seeks delegation of authority to negotiate and enter into a new lease with SR Stony Point DE LLC ("Landlord"), for office space, located at 3333 Mendocino Avenue, Suite 240 in Santa Rosa, a location in close proximity to the County Administration Center.

This lease will provide office space for IOLERO to provide services to community members seeking a safe haven where they may report issues with the Sheriff's Office, inquire about the process for filing a complaint against law enforcement agencies, and/or to check-in regarding ongoing investigations of Sheriff's Office employees.

### **Discussion:**

IOLERO was established in 2016 by County Ordinance No. 6174 to provide objective and independent review and audit of Sheriff's Office investigations of its employees, which include allegations of misconduct. One of the founding purposes of IOLERO is to provide an alternate, safe site for members of the public to file complaints against employees of the Sheriff's Office. Currently, IOLERO is comprised of a Director, a Program's Manager and an Administrative Aide.

During the FY 2020-21 budget hearings in September 2020, your Board approved the IOLERO Director's request for two new attorneys to assist with a significant backlog of audits and the constant influx of new cases. IOLERO's two new attorneys are currently being on-boarded and require workspace. IOLERO's work deals with law enforcement personnel files and citizen complaints which are highly confidential. At this time, telework is not an option for the incoming attorneys because of the sensitive nature of their work and files. The attorneys require private offices with doors that lock where they can keep their attorney work-product and have private conversations about investigations. The IOLERO office located in the La Plaza A building, at the County Administration Center, has a maximum capacity for three FTE's, and cannot accommodate IOLERO's two new employees. There is no other available office space on the County campus.

In addition to the backlog and constant influx of investigations, IOLERO's workload is also increasing substantially. On November 3, 2020, Sonoma County Measure P passed with approximately 65% of the vote. Measure P significantly expands the oversight authority and independence of IOLERO to review and analyze complaints against the Sonoma County Sheriff's Office. The new ordinance, no. 6333, broadens the scope of the complaints that IOLERO reviews, vests IOLERO with, among other things, the authority to directly access and independently review most sources of investigative evidence, conduct independent investigations, independently subpoena testimony and records. Additionally, the new ordinance authorizes IOLERO to audit every incident of force used by a sheriff's deputy regardless of whether a complaint is filed with IOLERO or the Sheriff's Office, provides that IOLERO shall have direct access to all body worn camera videos (BWC's) and be authorized to post every BWC where force was used on IOLERO's website in the interest of transparency, and it requires that IOLERO receive every case for audit where a civil lawsuit is filed against the Sheriffs' Office related to the use of force regardless of whether a complaint is filed with IOLERO or the Sheriffs' Office.

At this time, IOLERO is researching the logistics and costs of its additional duties, but it is likely IOLERO will need additional staff to help carry out its numerous new functions including its greatly expanded complaint base, review of a much greater scope of evidence, conducting independent investigations and establishing a BWC posting program. For example, a BWC posting program similar to IOLERO's impending program requires several full-time staff including a full-time video editor familiar with redacting and maintaining video and audio files. The instant office space would provide room for prospective employees and also enough space to provide for private, confidential spaces where attorneys can work on confidential matters and conduct investigative work such as interviews.

In the meantime, IOLERO's two new attorneys will assist with incorporating these new duties while they conduct audits such as subpoenaing evidence and doing independent investigations. IOLERO also provides administrative support to the Community Advisory Council (CAC) and IOLERO's Sonoma State (SSU) interns who assist the CAC with their work. The proposed office provides enough space where the CAC and interns can meet privately, away from the confidential work being done by IOLERO's attorneys. Currently IOLERO clients travel to the County Administration Center to access services. The Mendocino Avenue location of the proposed space provides members of the public with a central location close to public transportation and the freeway, well-distanced from the Sheriff's Office where they may file complaints, have interviews with IOLERO staff, drop-in for status updates and receive information about the process of filing a complaint against law enforcement.

**New Lease.** General Services Real Estate staff has negotiated a lease with SR Stony Point DE LLC, on the

following terms, and subject to finalization of outstanding terms and conditions:

**Premises:** 2,511 sq. ft. of office space, located at 3333 Mendocino Avenue, Suite 240, in Santa Rosa, as shown on Attachment 1.

**Term:** Five years, with two, 2-year options to extend the term.

**Rent:** \$1.95 per sq. ft., \$4,896.45 per month. Rent will be increased annually by 3% on the anniversary of the commencement date. The \$1.95 per sq. ft. rent rate approximates fair market value for similar-sized, available office space in Santa Rosa, which ranges from \$1.65 to \$2.15 psf. Landlord will pay all expenses for utilities, janitorial and maintenance for the Premises.

**Additional**

**Rent:** Beginning on Year 2 of the Lease term, additional monthly rent will be due, which is IOLERO's share of the increase in the building's common area maintenance and operational expenses over the base year (2021). IOLERO premises comprises 6.57% of the overall building square footage, and the Additional monthly rent would be approximately \$65 per month.

**Improvements:**

The Landlord, at landlord's sole cost and expense, will repaint the Premises, and machine scrub or dry clean the carpet, and install new blinds to exterior facing windows. The department will pay for one-time move expenses of approximately \$57,604 for furniture, move services, and ISD/IT work to install infrastructure needed for County network connectivity, phones and office equipment.

**Lease**

**Concessions:** The lease provides 1 month of rent abatement (\$4,896.45); plus rent abatement for County's fixturation period to install furniture, office equipment and ISD/IT infrastructure.

**Termination:** County may terminate the Lease upon 120 days' notice to the Landlord, for non-appropriation of funds. In addition, County may terminate the lease with 365 days' notice of substantial completion of a future County Government Center, in the event the IOLERO department is to be relocated to a new County Government Center. Early termination fees would apply in any such event.

**Funding.** The lease rent costs and one-time move costs will be paid for by IOLERO's General Fund funding. After the passage of Measure P in November, 2020, the General Fund funding for IOLERO was increased by approximately 25% to expand program services, provide additional staffing, and to fund operational expenses.

**Procedural Authority.** Government Code Section 25350 requires two (2) Board actions, which includes publication of a notice of intent, for an agreement where County is tenant, the lease agreement is valued at more than \$50,000, and the term is greater than five (5) years. The notice of intent for this lease transaction has been published for the required notice period pursuant to the Board's action on June 8, 2021.

**Prior Board Actions:**

06/08/21 - Declared intent to enter into the subject Lease

**FISCAL SUMMARY**

<b>Expenditures</b>	<b>FY 21-22 Adopted</b>	<b>FY22- 23Projected</b>	<b>FY 23-24 Projected</b>
Budgeted Expenses	\$106,569	\$60,373	
Additional Appropriation Requested			
<b>Total Expenditures</b>	<b>\$106,569</b>	<b>\$60,373</b>	
<b>Funding Sources</b>			
General Fund/WA GF	\$106,569	\$60,373	
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
<b>Total Sources</b>	<b>\$106,569</b>	<b>\$60,373</b>	

**Narrative Explanation of Fiscal Impacts:**

If your Board approves the proposed lease, the commencement date will occur on the date the Landlord completes the work required to prepare the Premises for occupancy, on or about July 20, 2021. The County would then fixturize the Premises, and rent would be abated during this time and for the month of August 2021. The first month of rent would be due for September 2021. Rent per month is \$4,896.45 per month (\$58,757.40 per year). The one-time move and rent expenses related to this relocation, incurred during Fiscal Year 21-22, will be covered by IOLERO's General Fund funding. The total for one-time moving expenses and lease rent for the

Fiscal Year 21-22 is calculated as follows:

1-time move expenses	\$ 57,604
Lease rent (Sept 2021-June 2022)	<u>\$ 48,965</u>
<b>Total Fiscal Year 21-22 costs</b>	<b>\$106,569</b>

The above costs for FY22-23 are for lease rent.

<b>Staffing Impacts:</b>			
<b>Position Title (Payroll Classification)</b>	<b>Monthly Salary Range (A-I Step)</b>	<b>Additions (Number)</b>	<b>Deletions (Number)</b>

**Narrative Explanation of Staffing Impacts (If Required):**

None.

**Attachments:**

Attachment 1 - Site Plan

**Related Items “On File” with the Clerk of the Board:**

None.