

TO THE HONORABLE BOARD OF COMMISSIONERS OF BERRIEN COUNTY, MICHIGAN:
Your County Administration Committee respectfully recommends the adoption of the following:

RESOLUTION

WHEREAS, the Berrien County Public Defender's Office was established in October of 2016 via Resolution #C1610291 and the staff was housed at the County facility at 100 Church St., St. Joseph; and

WHEREAS, consistent growth in this office with regard to the number of employees and the number of clients being served, has created the need for additional office space; and

WHEREAS, on December 12, 2019, the Berrien County Board of Commissioners, via Resolution #A1912364, authorized a lease with Fiskars Properties, Inc. for 3,505 sq. ft. of additional space at 511 Renaissance Dr, Suite 120E, in St. Joseph and moved some staff to that location and since then, the staff is divided between the two locations; and

WHEREAS, the office division was intended to satisfy the department's space needs, however, it has been found that it hinders staff efficiency at both locations, and that staff attorneys at 100 Church St. continue to struggle with the lack of space to meet privately with clients; and

WHEREAS, the Berrien County Board of Commissioners approved resolution #A2010357 on October 8, 2020, accepting and ratifying Grant #2021-107 between Berrien County and MIDC maintaining existing staffing levels for fiscal year 2021 and included funding and for adequate facilities; and

WHEREAS, the Public Defender's Office, with concurrence from their parent committee, has developed a plan to consolidate the St. Joseph offices, allowing all St. Joseph staff to be at one location at 511 Renaissance Drive, Suite 120, to support staff collaboration, mentoring, and retention; and

WHEREAS, the Public Defender's Office has negotiated with lessor Fiskars Properties, Inc. for a significant reduction in rent for the eight month period from February 1, 2021 to September 30, 2021, which coupled with cost savings from vacating the county-owned 100 Church St. location, would allow the move to occur within the Public Defender's existing Fiscal Year 2021 budget; and

WHEREAS, Fiskars Properties, Inc. has proposed to lease to Berrien County Suite 120W, approximately 5035 sq. ft. of additional space at the reduced rate of \$2727.50 per month, including Common Area Maintenance (CAM) from February 1, 2021 to September 30, 2021; then from October 1, 2021 to January 31, 2023 at \$15.00/sq. ft./year plus natural gas and electricity, along with a CAM of \$3.90/sq. ft./year (adjustable annually); and

WHEREAS, this agreement includes a First Addendum to Lease Agreement modifying the lease applicable to 120E to consolidate the premises, clarify utilities, parking, and janitorial services, and to include language as requested by Corporate Counsel following his review; and

WHEREAS, this combined agreement for Suite 120 shall have two options to renew for three years each; and

WHEREAS, this Lease Agreement may be terminated if the Public Defender's Office ceases to exist or the funding by the State is no longer adequate for the Office.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Berrien County Board of Commissioners approves the Lease Agreement for Suite 120W and First Addendum to Lease Agreement (for Suite 120E) with Fiskars Properties, Inc., beginning on or about February 1, 2021, for approximately 5035 sq. ft. of space in the amount of \$45,610 for the remainder of 2021, \$95,161.50 for 2022 and thereafter if renewed, subject to adjustment, and authorizes the Chairperson of the Board to execute the Lease Agreement and First Addendum to Lease Agreement on behalf of the Board.

**RESPECTFULLY SUBMITTED
BERRIEN COUNTY ADMINISTRATION COMMITTEE**

Jim Curran, Chairperson

Don Meeks, Vice Chairperson

David Vollrath

Julie Wuerfel

RESOLUTION APPROVED AS TO FORM	
Administrator.....	Date
Comments Attached	
Corporate Counsel.....	Date
Comments Attached	