

November 17, 2022

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

R E S O L U T I O N

WHEREAS, the Berrien County Public Defender’s Office was established in October of 2016 via Resolution #C1610291; 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 space at 511 Renaissance Dr, Suite 120E, and on January 28, 2021, via resolution #A2191146, authorized a lease of an additional 5,035 sq. ft. of space, consisting of Suite 120W at the same location, to consolidate all St. Joseph-based Public Defender staff at one location; and

WHEREAS, given a desire for continuity for staff, and considering the infrastructure investments made to the location to provide staff with the necessary county network access and security, it would be in the best interest of the Public Defender’s Office to exercise the renewal option in one consolidated lease agreement; and

WHEREAS, the Public Defender’s Office has negotiated with lessor Fiskars Properties, Inc. to allow for a more gradual increase in the rent figure than contemplated by the Terms of Renewal contained within the lease to allow for the State of Michigan grant cycle; and

WHEREAS, Fiskars Properties, Inc. has proposed to lease to Berrien County the combined Suite 120, approximately 8,540 sq. ft. of space at \$15.75/sq. ft./year from February 1, 2023 through September 30, 2023; then from October 1, 2023 to January 31, 2026 at \$17.22/sq. ft./year plus natural gas and electricity, along with a CAM of \$4.25/sq. ft./year (adjustable annually); and

WHEREAS, this 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 120 beginning on or about February 1, 2023, for approximately 8,540 sq. ft. of space in the amount of \$113,866.64 for the period of February 1, 2023 through September 30, 2023, and thereafter at the annual rate of \$183,363.87 through January 31, 2026, and thereafter if renewed, subject to adjustment, and authorizes the Chairperson of the Board to execute the Lease Agreement on behalf of the Board.

**RESPECTFULLY SUBMITTED
BERRIEN COUNTY ADMINISTRATION COMMITTEE**

Jim Curran, Chairperson

David Vollrath, Vice-Chairperson

Julie Wuerfel

James R. Martin

RESOLUTION APPROVED AS TO FORM	
Administrative _____	Date 11-7-22
Comments Attached _____	
Corporate Counsel TH _____	Date 11/7/22
Comments Attached _____	