

Central Services
Joan Araujo, Director

Engineering Services
Brian D'Anna, Acting Director

Roads & Transportation
Anitha Balan, Director

Water & Sanitation
Joseph Pope, Director

Watershed Protection
Glenn Shephard, Director

June 27, 2023

Board of Supervisors
County of Ventura
800 South Victoria Avenue
Ventura, California 93009

Subject: **Approval of, and Authorization for the Director of the Public Works Agency or Designee to Sign, the Specialty License Agreement (Agreement) with Macerich Oaks LP, a Delaware Limited Partnership, for the Ventura County Sheriff, Police Department Training Center located at the Oaks Mall in the City of Thousand Oaks, for a License Fee of \$500 Per Month for the Period July 1, 2023 Through June 30, 2024; Waiver of Board's Policy Prohibiting Inclusion of Indemnification and Attorney's Fees Provisions in the Agreement; Finding that the Proposed License is Categorically Exempt from the California Environmental Quality Act; Authorization for Auditor Controller to Process the Necessary Accounting Transactions. Supervisorial District No. 2 (RECOMMENDATION NO. 4 REQUIRES 4/5THS VOTE).**

Recommendations:

1. Approve and authorize the Director of the Public Works Agency or designee to sign the Specialty License Agreement (Agreement) with Macerich Oaks LP, a Delaware limited partnership, for the Ventura County Sheriff, Police Department Training Center at the Oaks Mall located at 350 W Hillcrest Drive in the city of Thousand Oaks, California, with a monthly License Fee of \$500 per month for July 1, 2023, through June 30, 2024.
2. Waive Board's policy prohibiting inclusion of indemnification and attorney's fees provisions in the Agreement.
3. Find that your Board's approval of the proposed license is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15301 as an action solely to lease existing facilities.



4. Authorize the Auditor-Controller to process the necessary Fiscal Year 2023-24 budgetary adjustments to increase appropriations and unanticipated revenues (requires 4/5th vote):

INCREASE 2500-2503 Intergovernmental Revenues	\$6,000
INCREASE 2500-2503 Services and Supplies	\$6,000

Fiscal/Mandates Impact:

Mandatory:	No
Source of Funding:	VCCCD Training Reserves Trust N952-811V
Funding Match Required:	None
Impact on Other Departments:	None

License fee payments will be made from SHF Budget Unit 2503

Summary of Revenue and Total Costs:

	<u>FY 2022-23</u>	<u>FY 2023-24</u>
Revenue:	\$	\$ 6,000
Costs:		
Direct	\$	\$ 6,000
Indirect – Agency/Dept.		
Indirect – County CAP		
Total Costs	\$	\$ 6,000
Net Costs	\$	\$ 0
Recovered Indirect Costs	\$	\$

Discussion:

Your Board is asked to approve the proposed Specialty License Agreement (Agreement) (Exhibit 1) with Macerich Oaks LP, a Delaware limited partnership (Licensor), for space at the Oaks Mall, Thousand Oaks, California (Site) to use as a Police Department Training Center.

This space will be utilized as an extension of the Sheriff's Regional Training Center also known as The Ventura County Criminal Justice Training Center (Facility). This Facility currently houses the Sheriff's Academy program, which provides basic law enforcement academy training to law enforcement agencies within the region. Each academy program is roughly 24 weeks in length and there are typically two per year with a two week break between classes. These programs account for roughly 50% of the demand for the



Facility. This typically leaves one large and one small classroom available for additional required and optional in-service training. Should an additional academy program be added annually, the demand for the space increases to roughly 75%, with very limited availability of the large classroom. The addition of the space at the Oaks Mall will provide an instructional space for in-service training and meeting that will not adversely impact any current or future academy programs or training demands that would otherwise be held at the Sheriff's Regional Training Center. This space provides plenty of parking, houses two restrooms within the space, is near restaurants, and local accommodations are nearby for attendees or instructors who may have traveled from outside the area.

Funding for the Site would be provided out of the Academy Trust N952-811V. This is a trust that was set up in agreement with the Ventura County Community College District and the Sheriff's Office on behalf of the County. The Agreement fits within the conditions of the trust as the trust funds would be utilized to offset costs associated with Sheriff's training programs.

The salient terms of the Agreement are as follows:

<u>LICENSOR:</u>	Macerich Oaks LP, a Delaware limited partnership
<u>LICENSED AREA:</u>	Approximately 2,963 square feet of area located on the northeast corner of the first level of the parking structure at the Oaks Mall, Thousand Oaks, California.
<u>LICENSE FEE:</u>	The License Fee shall be \$500 per month during the term of the Agreement.
<u>TERM:</u>	The term of the Agreement shall be twelve (12) months. The term shall commence on July 1, 2023 and terminate on June 30, 2024.



Licensors are not willing to revise the Agreement which contains two provisions that conflict with the County's Administrative Policy Manual, Chapter VI-1 for County contracts. The two provisions in the Agreement prohibited by Board policy are (1) payment of attorney's fees by one party to the other party, and (2) indemnification that is not limited to third-party claims. However, since a waiver of the Board's policy prohibiting these provisions would result in minimal risk to the County, your Board is asked to waive its policy and approve and authorize the signing of the Agreement.

Your Board's approval of the proposed license is categorically exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15301 as an action to lease existing facilities. Staff has also determined that no unusual circumstances or other facts set forth in CEQA Guidelines section 15300.2(c) preclude use of this categorical exemption.

This letter and the Agreement have been reviewed by Ventura County Sheriff, the County Executive Office, the Auditor-Controller's Office, and County Counsel.

If you have any questions regarding fiscal or discussion portions of this letter, please contact Assistant Sheriff Andrew Salinas, at (805) 654-3926. If you have questions regarding the Agreement, please contact George Andrade, Manager of the Real Estate Services Division, at (805) 654-2402.

Thank you,



Joan Araujo
Director, Central Services

Attachments:

- Exhibit 1 – Vicinity Map
- Exhibit 2 – Location Map
- Exhibit 3 – Specialty License Agreement

