



**Contra
Costa
County**

To: Board of Supervisors
From: David Twa, County Administrator
Date: April 21, 2015

Subject: Amendment to Purchase and Sale Agreement and Library Lease and Service Agreement, both between the County and the City of Lafayette

RECOMMENDATION(S):

1. APPROVE and AUTHORIZE the County Administrator or designee to execute, on behalf of the County, an amendment to the Purchase and Sale Agreement dated November 25, 2013, between the County and the City of Lafayette that modifies the use of proceeds from the sale of real property located at 952 Moraga Road in Lafayette.

2. APPROVE and AUTHORIZE the Public Works Director or designee to execute, on behalf of the County, a Library Lease and Service Agreement for the library located at 3491 Mt. Diablo Blvd, Lafayette.

FISCAL IMPACT:

No impact on the County General Fund.

BACKGROUND:

The County sold the old Lafayette library building to the City of Lafayette under a Purchase and Sale Agreement dated November 25, 2013 (the PSA). Under the PSA, the County was required to use the net proceeds of the sale of the property to the City only for Lafayette library purposes. The agreement also stated that, if the City sold the property before 2023,

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **04/21/2015** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I
Supervisor
Candace Andersen, District II
Supervisor
Mary N. Piepho, District III
Supervisor
Karen Mitchoff, District IV
Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: April 21, 2015

, County Administrator and Clerk of the Board of Supervisors

ABSENT: Federal D. Glover, District V
Supervisor

By: Stephanie L. Mello, Deputy

Contact:

cc:

the City had to use the proceeds of the sale only for Lafayette library purposes. Because the City would like to sell the property to the local school district and to use the net proceeds of the sale for a purpose other than supporting the Lafayette library, it is necessary to amend the PSA.

BACKGROUND: (CONT'D)

Under the proposed amendment to the PSA, there are no restrictions on the City's use of the sale proceeds. The County's use of the net proceeds of the 2013 property sale to the City is still restricted, but less so. Under the proposed amendment, the County Librarian will have the obligation to use the funds, which have been set aside in a special account, for Lafayette library purposes. The proposed amendment expands the use of the set-aside proceeds to include items that the City would normally pay for, like furniture and other furnishings and equipment. Finally, if the property is sold by the City to another public entity, the proposed amendment requires the City to make sure that the public entity agrees to restrict its use of the sale proceeds to mutually-agreeable Lafayette library purposes.

The proposed amendment to the PSA does not impose any new burden on the County and is intended to simplify the Librarian's use of funds that have been set aside for the Lafayette library.

This Board Order also authorizes the Public Works Director to execute a Library Lease and Service Agreement with the City of Lafayette that will govern the County's operation of the City's new library. The form of the Library Lease and Service Agreement was approved by the Board on October 18, 2010, and is consistent with agreements the County has signed with other cities.

CONSEQUENCE OF NEGATIVE ACTION:

Both the City and the County will be required to use the sale proceeds of the old library for the original, specified Lafayette library purposes and the City would not be able to use its sale proceeds for general City purposes.

ATTACHMENTS

Lafayette PSA Amendment