

**FIFTH AMENDMENT
LEASE AGREEMENT
BY AND BETWEEN
COUNTY OF HUMBOLDT
AND
MCKINLEYVILLE COMMUNITY SERVICES DISTRICT
FOR FISCAL YEARS 2014-2015 THROUGH 2024-2025**

This Fifth Amendment to the Lease Agreement dated February 25, 2015, as amended on February 7, 2018, February 23, 2021, February 15, 2022 and February 28, 2023, by and between the County of Humboldt, a political subdivision of the State of California, hereinafter referred to as "LESSEE," and the McKinleyville Community Services District, a special district of the County of Humboldt, State of California, hereinafter referred to as "LESSOR," is entered into on this 21st day of February, 2024.

WHEREAS, on February 25, 2015, LESSEE and LESSOR entered into a Lease Agreement for the premises located at 1608 Pickett Road, McKinleyville, California for the purpose of LESSEE operating a law enforcement facility; and

WHEREAS, on February 7, 2018, LESSEE and LESSOR agreed to amend the Lease Agreement in order to extend the term thereof and increase the monthly rental payments required thereunder; and

WHEREAS, on February 23, 2021, LESSEE and LESSOR agreed to amend the Lease Agreement in order to extend the term thereof and increase the monthly rental payments required thereunder; and

WHEREAS, on February 15, 2022, LESSEE and LESSOR agreed to amend the Lease Agreement in order to extend the term thereof and increase the monthly rental payments required thereunder; and

WHEREAS, on February 28, 2023, LESSEE and LESSOR agreed to amend the Lease Agreement in order to extend the term thereof and increase the monthly rental payments required thereunder; and

WHEREAS, LESSEE and LESSOR now desire to once again amend the Lease Agreement in order to further extend the term thereof and increase the monthly rental payments required thereunder.

NOW, THEREFORE, the parties hereto mutually agree as follows:

1. Section 3.1 – Term of the Lease Agreement is hereby amended to read as follows:

3.1 Term.

This Lease shall begin on March 1, 2015 ("Commencement Date") and shall remain in full force and effect until midnight on June 30, 2025 ("Termination Date"), unless extended by a valid amendment hereto or sooner terminated as set forth herein.

2. Section 4.1 – Rent of the Lease Agreement is hereby amended to read as follows:

4.1 Rent.

LESSEE shall pay rent to the LESSOR in the amount of Two Hundred Twenty-Two Dollars and Ninety-One Cents (\$222.91) per month after approval of this Fifth Amendment for the remainder of this Lease. This amount is due and payable on the Tenth (10th) day of each month of occupancy. This amount is based on the Consumer Price Index (CPI) for all items (1982-84 =100), U.S. City Average, West Cities B-C,

as published by the United States Department of Labor, Bureau of Labor Statistics (called "the Index" in this Lease) for the prior calendar year. In calculating this percentage increase, the most current index available on the date of the commencement of the prior term and the most current Index available immediately preceding the date of annual adjustment during the extended term shall be used. November shall be the base month for this adjustment. For purposes of clarity, the rent is calculated as follows:

West-Size Class B/C, Nov. 2023, All Urban CPI = 190.409
West-Size Class B/C, Nov. 2022, All Urban CPI = 184.626
Difference = 190.409 - 184.626 = 5.783
% Difference = 5.783/184.626 x 100 = 3.13%
Increase = \$216.14 (previous years rent) x .0313 (3.13%) = \$6.77
New Rent = \$216.14 (previous years rent) + \$6.77 = \$222.91

3. Except as modified herein, the Lease Agreement dated February 25, 2015, as amended on February 7, 2018, February 23, 2021, February 15, 2022, and February 28, 2023, shall remain in full force and effect. In the event of a conflict between the provisions of this Fifth Amendment and the original Lease Agreement, or any prior amendments thereto, the provisions of this Fifth Amendment shall govern.

IN WITNESS WHEREOF, the parties hereto have entered into this Fifth Amendment as of the first date written above.

MCKINLEYVILLE COMMUNITY SERVICES DISTRICT:

By:  _____

Date: 8 Feb 24

Name: Scott Binder

Title: Board President

COUNTY OF HUMBOLDT:

By:  _____

Date: 2-27-2024

Chair
Humboldt County Board of Supervisors

INSURANCE AND INDEMNIFICATION REQUIREMENTS APPROVED:

By: Phillips, Amanda Digitally signed by Phillips, Amanda
Date: 2024.02.21 09:20:22 -0800 _____
Risk Management

Date: 02/21/2024