



BOARD OF SUPERVISORS **Agenda Number:**
AGENDA LETTER

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: General Services
Department No.: 063
For Agenda Of: December 11, 2018
Placement: Administrative
Estimated Tme: NA
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: General Services Janette D. Pell, Director (805) 560-1011
 Contact Info: Skip Grey, Assistant Director (805) 568-3083
SUBJECT: **Memorandum of Understanding with Judicial Council of California for the
 Historic Santa Barbara Courthouse, 1st District**

County Counsel Concurrence

As to form:

Other Concurrence:

As to form: NA

Auditor-Controller Concurrence

As to form: NA

Recommended Actions:

That the Board of Supervisors:

- a) Approve and authorize the Chair of the Board to execute a Memorandum of Understanding (Historic MOU) between the Judicial Council of California, the County of Santa Barbara, and the Superior Court of California, County of Santa Barbara, for the continued use of the historic Santa Barbara County courthouse pursuant to California Government Code Section 70329; and
- b) Find that the proposed actions are not a project under the California Environmental Quality Act (CEQA) pursuant to sections 15378(b) (4) and 15378(b) (5) of the CEQA Guidelines, because they consist of administrative and fiscal activities of government that will not result in direct or indirect physical changes in the environment.

Summary Text:

This item is on the agenda for approval of a memorandum of understanding (Historic MOU) between the County and the Judicial Council of California and the Superior Court of California, County of Santa Barbara, that outlines an agreement consistent with the Lockyer-Isenberg Trial Court Funding Act of 1997, and Trial Court Facilities Act of 2002. Through the Historic MOU, the County will continue to make the Court Facility in the Historic Courthouse available to the Judicial Council and the Court. By entering into this Historic MOU, the parties will have satisfied their obligations under the Acts with respect to the Court Facility in the Historic Courthouse.

Background:

The Lockyer-Isenberg Trial Court Funding Act of 1997 (Stats. 1997, ch. 850 (Assem. Bill 233)) provided for the transfer of the primary obligation for funding of trial court operations from the counties to the State of California. The Trial Court Facilities Act of 2002 (SB 1732) (Escutia), codified at Government Code Section 70301 et seq., was adopted to provide for the transfer of responsibility for funding and operation of trial court facilities from the counties to the Judicial Council of California. As part of Government Code section 70329, historical buildings containing court facilities are an exception to the terms of the Act providing for transfer of responsibility for court facilities. A key provision of SB 1732 was that ownership of historical buildings, such as the Santa Barbara Courthouse, need not be transferred to the State, based on their historical designation. No transfer of responsibility or title occurred for the Historic Courthouse and the courts were allowed to continue to use the building, and issues related to shared-use with the courts were to be negotiated.

Within the Historic Santa Barbara County Courthouse, approximately 64,704 square feet are dedicated as exclusive use of the court facility. This includes, among other things, six courtrooms, six chambers for judges of the Court, and other rooms and areas required or used exclusively for Court functions.

On September 11, 2007, the Board sent a letter to the Administrative Director of the Courts, William Vickrey stating the County’s desire to retain ownership and responsibility for the Santa Barbara Historic Courthouse. This was due to a stalemate between the County and the State where agreement on details of an MOU could not be met. The parties decided to try to establish the Historic MOU to clarify the parties’ relationship and responsibilities for the facilities.

This MOU seeks to preserve the significant legal legacy of the County, Court, and State by providing for the Court’s continued use of the Historic Courthouse by acknowledging and agreeing that the Judicial Council and Court shall have the right to exclusively occupy and use the Court Facility and the right to non-exclusively occupy and use those areas of the Historic Courthouse used in common by the Court, the County, public, and other tenants. The County will not be required to make a County Facilities Payment to the State but will instead continue to bear responsibility for operation and maintenance.

CEQA:

The proposed administrative actions do not constitute a project within the meaning of the California Environmental Quality Act (CEQA) pursuant to 14 CCR 15378(b) (4), (b) (5).

Fiscal and Facilities Impacts:

Budgeted: N/A

Fiscal Analysis:

Narrative: There is no fiscal impact with respect to the Historic MOU since no Court Facility Payment (CFP) is required to be made by the County to the State unless the Court vacates the Historic Courthouse. That is not expected in the near future.

Staffing Impacts:

None

Attachments

1. Memorandum of Understanding – Continued Use of the Historic Santa Barbara Courthouse

Authored by:

Skip Grey, Assistant Director, General Services Department