



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

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

Department Name: General Service
Department No.: 063
For Agenda Of: June 26, 2007
Placement: Administrative
Estimated Tme: N/A
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: General Services Robert Nisbet, Director (560-1011)

**SUBJECT: Transfer Agreement for Santa Barbara Jury Assembly building and
Santa Barbara Juvenile Court**

County Counsel Concurrence

As to form: Yes

Other Concurrence:

Auditor-Controller Concurrence

As to form: Yes

Recommended Actions:

That the Board of Supervisors take the following actions:

- a) Approve and authorize the Chair to execute the attached facility Transfer Agreements between Santa Barbara County and the Judicial Council of California, Administrative Office of the Courts (AOC) for the Santa Barbara Jury Assembly Building and the Santa Barbara Juvenile Court;
- b) Approve and authorize the Chair to execute the attached Grant Deed for the Jury Assembly Building (Exhibit B to the Transfer Agreement);
- c) Approve and Authorize the Chair to execute the attached Bill of Sale for the Juvenile Court (Exhibit B to the Transfer Agreement) and the Ground Lease for the Santa Barbara Juvenile Court (Exhibit C to the Transfer Agreement).

Summary Text:

The Lockyer-Isenberg Trial Court Funding Act of 1997, AB 233 (Escutia and Pringle) provides for transfer of the primary obligation for funding of court operations from the counties to the State. The restructuring of funding for trial court operations accomplished by the Lockyer-Isenberg Trial Court Funding Act of 1997 ended a dual system of county and State funding of, and created a more stable and consistent funding source for, trial court operations. The Trial Court Facilities Act of 2002 was adopted to provide for the transfer of responsibility for funding and operation of trial court facilities from the counties to the AOC. The County has 18 separate court facilities and 2 leases that must be transferred to the AOC. Attached for the Board's consideration are Transfer Agreements and associated documents for two of the 18 buildings.

Background:

County staff has been negotiating with staff from the AOC for 2 and ½ years now to transfer the 18 buildings and two leases. The buildings were divided by region (i.e. Santa Barbara, Santa Maria, Lompoc and Solvang), and by complexity of transaction (less complicated transactions are considered those facilities that are solely occupied by the court, have no debt associated with them, and are seismically not deficient; more complicated transactions are considered those facilities that are mixed use with County functions, may be demised premises, or have debt associated with them, and are considered seismically deficient by the AOC). After categorizing the facilities, it was decided to negotiate the two leases, the Santa Barbara Historic Courthouse, the Santa Barbara Jury Assembly Building, and the Santa Barbara Juvenile Court first. The two leases have been completed. Attached are Transfer Agreements and associated documents for the Santa Barbara Jury Assembly Building, and the Santa Barbara Juvenile Court. The Santa Barbara Historic Courthouse will not transfer to the AOC and is the subject of a separate Board Letter.

The agreements are complex and comprehensive. What follows is a summary of the highlights:

Jury Assembly

- The County is transferring title to this facility (Under the "Act" there is a provision in which title is retained by the county and only "Transfer of Responsibility" is made to the state. This provision is for mixed use buildings, or buildings with other complications.)
- A lot line adjustment was performed so that the area between the Jury Assembly Building and District Attorney Building stays with the County.
- 35 dedicated juror parking spaces and 46 non-dedicated employee parking spaces are being transferred along with this building.
- After closing, the County will have no further obligation for the maintenance and operation of this facility. However, the County will still be responsible for maintaining the parking lot where the jurors and court employees will park.

- The County will pay the AOC a facility payment (CFP) of \$35,358 annually in perpetuity to account for the operating and maintenance costs of the facility.
- Following Board approval of this agreement, it must be approved by the State Public Works Board (PWB) prior to recordation of the Grant Deed. Based on this step, it is reasonable to expect that closing will not occur for approximately 90 days after the Board authorizes execution of the agreement.

Juvenile Court

- The Santa Barbara Juvenile Court is a modular building, which is legally regarded as a vehicle rather than a building. The transfer of this facility is consummated by a “Bill of Sale” that allows the AOC to obtain from the State of California Department of Housing and Community Development new certificates of title and registration cards for the facility in the name of the AOC.
- 3 dedicated parking spaces are being transferred along with this building.
- The County will retain 291 square feet of space in the modular building for offices for the DA and Public Defender.
- The County and AOC will also enter into a ground lease at no cost to the AOC through June 31, 2030 in accordance with Exhibit F. This allows the AOC the right to the ground underneath the modular, and access to the facility and parking lot. This Ground lease will continue so long as the AOC continues to operate a modular court facility on this site.
- The AOC does not have the right to replace the modular with a “fixed” building. No land is being transferred from the County to the AOC.
- After closing, the County will have no further obligation for the maintenance and operation of this facility. However, the County will still be responsible for the utilities serving this building. The approximate cost of the utilities has been deducted from the County’s CFP.
- The County will pay the AOC a CFP of \$6,935 annually in perpetuity to account for the operating and maintenance costs of the facility.
- This transfer does not require approval of the PWB. If the Board executes the Transfer Agreement today, Closing is scheduled for August 1, 2007.

Performance Measure:

N/A

Fiscal and Facilities Impacts:

The fiscal and facility impacts are as discussed above: The County will pay the State \$42,293 annually for both facilities to account for the operation and maintenance costs; and in return, the County will be relieved of the responsibility for these facilities.

Additionally, as the other court facilities are transferred, the County will be relieved of remodeling existing court facilities and/or providing replacement court facilities in the future. Until all buildings transfer, the law currently requires the County to provide “necessary and suitable space” for court operations.

Budgeted:

The expenditure of Quarterly CFP payments was not budgeted for Fiscal Year 2007-08. However, the initial payments for these two buildings can be accommodated out of the General Services Facilities Division budget.

Staffing Impacts:

Legal Positions:
N/A

FTEs:
N/A

Eventually, the transfer of court facilities will have an impact on maintenance worker staffing levels. As the AOC assumes maintenance responsibilities for additional facilities, the same work will no longer be required of County maintenance workers. These two facilities potentially represent 0.25 of an FTE, but we are not recommending any reductions in maintenance worker staffing levels at this point.

Special Instructions: The Board Chair should execute three originals that should be sent to Bob Nisbet, General Services Director, for further processing by the AOC.

Attachments:

- 1) Transfer Agreement for Santa Barbara Jury Assembly Building including Exhibits A through E
- 2) Transfer Agreement for Santa Barbara Juvenile Court including Exhibits A through H