



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: September 23, 2008
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: Court Facility Tolling Agreement

County Counsel Concurrence

As to form: yes

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence:

Recommended Actions:

That the Board of Supervisors:

Authorize the Chair to execute the attached Tolling Agreement between the County and the Administrative Office of the Courts (AOC), which extends the time in which certain court facilities can be transferred to the State without incurring a penalty.

Summary Text:

In accordance with the original court transfer legislation (SB 1732), all court facilities were to be transferred to the State by June 30, 2007. The majority of court facilities statewide were not transferred by that date and AB 1491 was signed earlier this year extending the ultimate deadline to December 31, 2009. However, the new law also includes language that buildings transferred after September 30, 2008 incur a financial penalty, and buildings transferred after March 31, 2009 incur a second financial penalty. The law also allows that if certain extraordinary circumstances exist that prevent successful transfer by September 30, 2008, the County and AOC can jointly declare an extension through December 31, 2008 without penalty.

The AOC has agreed that all the remaining County facilities that are pending transfer include extraordinary circumstances and they have prepared the attached Joint Declaration Agreement which extends the period for transfer without penalty until December 31, 2008.

Fiscal Analysis:

As stated, if facilities are not transferred by December 31, 2008, a financial penalty will be assessed to the County for all facilities transferred between December 31, 2008 and December 31, 2009. This penalty is estimated to be 2% of the County's Facility Payment (CFP) for each building. If the buildings listed in the Tolling Agreement were all delayed past December 31, 2008 but transferred prior to March 31, 2009, the estimated penalty would be \$10,400 annually, in perpetuity.

Staffing Impacts:

Legal Positions:
0

FTEs:
0

Authored by:

Bob Nisbet, General Services