



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: December 9, 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)

CONTACT: Paddy Langlands, Assistant Director (568-3096)

SUBJECT: Transfer of North County Court Facilities to the State of California, Pursuant to the Trial Court Facilities Act of 2002 (SB 1732)

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Recommended Actions:

That the Board of Supervisors:

- a) Approve the following Court Facility Transfer Agreements and Joint Occupancy Agreements between Santa Barbara County and the Judicial Council of California, Administrative Office of the Courts (AOC):
 1. Solvang Superior Court, 1745 Mission Drive, Solvang (Attachments A and B)
 2. Lompoc Superior Court, 115 Civic Center Plaza, Lompoc (Attachments C and D)
 3. Santa Maria Juvenile Court, 4285 California Blvd, Santa Maria (Attachments E and F)
 4. Santa Maria Superior Court, 312 East Cook Street, Santa Maria (Attachments G and H)
 5. Santa Maria Family Mediation Services Lease, 201 S. Miller Street, Santa Maria (Attachment I);
- b) Authorize the Board Chair to execute the attached documents and,
- c) Authorize and direct the Director, Department of General Services, to execute any other documents that may be necessary to accomplish the approved transfers, as long as they are consistent with the Board's actions to approve those transfers and to perform all necessary actions under the Transfer Agreements and Joint Occupancy Agreements, including the transfer of services, on behalf of the County.

Summary Text:

The Trial Court Facilities Act of 2002 (Act) was adopted to provide for the transfer of responsibility of trial court facilities from counties to the AOC. The Act contemplates transfer of title of the properties; but also allows for only *transfer of responsibility* when transfer of title is not feasible due to joint (county and state) occupancy of a facility, existing debt issues, or other complexities.

Previously, the Board approved the transfer of title to various **South County** court facilities including the Figueroa Courthouse, Jury Assembly Building, and Juvenile Court Building. Each of these buildings was 100% occupied by the Court (holding facilities and bailiff offices are defined under the Act as court facilities). The Santa Barbara Courthouse, as an historic facility, will not be transferred.

In the **North County**, however, individual Court buildings are either shared court/county facilities or are on a campus with some shared buildings. For each of these locations, the county will retain title but the **responsibility for the Court facilities, a total of 79,282 square feet of building space, will transfer to the State** via the proposed Joint Occupancy Agreements (JOAs).

For each of these facilities, the county is required to pay the State an historic level (based on 1996-2000 costs) of operations and maintenance costs called County Facilities Payments (CFPs). Annual CFP payments are estimated at \$529,000. Savings from not having to provide and pay for building maintenance and utilities on the transferred facilities should offset these costs in FY 2009-10. Because the CFP payments will not increase, over time, savings should be greater than CFP costs.

In addition to these county-owned facilities, the county leases space for Court family mediation services in Santa Maria. The county will continue to pay the lease cost, \$50,870 for the current fiscal year, until such time as space is available for this function at the Cook and Miller Street campus.

The Tolling Agreement approved by the Board on September 23, 2008 extended the time that these Court facilities can be transferred to the State without incurring an ongoing penalty payment to December 31, 2008. All facilities, including facilities leased for State use, are to be transferred by December 31, 2009.

Background:

The Lockyer-Isenberg Trial Court Funding Act of 1997 transferred the obligation to fund trial court operations from counties to the State, with the 20 largest counties (including Santa Barbara) also being responsible to make an annual maintenance-of-effort payment to the State. However, under this Act each county remained responsible for providing “necessary and suitable” trial court facilities for court operations.

This responsibility was addressed in the Trial Court Facilities Act of 2002 (known as SB 1732), which encourages the transfer of responsibility for providing court facilities from counties to the State. Upon transfer, each county is relieved of its legal responsibility to provide necessary and suitable court facilities, but must also begin paying the State a County Facilities Payment (CFP), which is based on the county’s historical expenditures for facilities maintenance, utilities, and insurance and includes leased facilities.

Previously, the Board approved the transfer of title to various South County court facilities including the Figueroa Courthouse, Jury Assembly Building, and Juvenile Court Building. Each of these buildings was 100% occupied by the Court (holding facilities and bailiff offices are defined under the 2002 Act as court facilities).

Today’s recommended actions would transfer responsibility for providing North County court facilities from the county to the State, except for the leased space which would remain the county’s responsibility. At each county-owned facility the county would retain title to the building(s) and land.

What follows is a summary of the highlights of the proposed agreements.

County Facilities Payments

Beginning with the date the court facilities are transferred, the Government Code requires counties to provide the state with “historic levels” of building operations and maintenance funding. These payments are known as County Facilities Payments or CFPs. These payments are based on costs incurred between Fiscal Years 1995-96 and 1999-2000, inflated to current costs using a State defined index.

CFPs have been calculated by the Auditor-Controller using State prescribed methods, and reviewed and approved by the AOC. Final approval of the calculations by the State Department of Finance (DOF) is anticipated by December 9, 2008. If approved without changes, total CFP payments to the State (these payments are in addition to the expenditure and revenue MOEs) will be \$528,952 annually. Amounts for each facility are shown in Table 1.

Table 1. CFP Payments and Floor Space Data

Court	CFP Payment	Court Square Footage (excluding common area)	Court Square Footage used for CFP calculation
Solvang	\$25,590	4046	4046
Lompoc	\$59,081	8106	6089
Foster Road	\$6,760	6177	1500
Cook& Miller	<u>\$437,521</u>	<u>60953</u>	<u>60953</u>
	\$528,952	79282	72588

The Lompoc and Foster Road payments are relatively low because new space was completed for both facilities after June 30, 2000 the end of the CFP base period.

Seismic Safety and Insurance

The 2002 Act presented a potential roadblock for transfer of facilities the AOC defined as seismically deficient. Several of the County’s courthouses were considered to be seismically deficient and the AOC would not accept transfer of these facilities. In October 2007, additional legislation known as SB 10 was enacted and this bill allowed the AOC to accept transfer of seismically deficient buildings so long as counties retained liability in the event of an earthquake for 35 years.

Of the buildings to be transferred, the Lompoc Court facilities and buildings B, C and D at Cook and Miller Streets are considered to be seismically deficient (known as Level V buildings under the State’s Seismic Risk Table). In each case, staff studied the structures of these buildings to ascertain if it would be economically feasible to retrofit them prior to transfer so that they would not be considered deficient. It was eventually decided that retrofitting would not be economically feasible and thus, the transfer agreements retains the liability in accordance with SB 10.

Thus, for the buildings indicated, the County will continue to provide earthquake insurance and will retain liability for seismic related property loss, injury or death for 35 years, or until replacement or

retrofitting raises their seismic rating above Level V, or until the facilities are no longer used as court facilities.

Parking Considerations

As with all of the county's facilities, vehicle parking is an important issue. Parking allocations for the various facilities are as follows:

- Solvang. A Court Parking Lot, in front of the building, with space for a judge and four court employees, is identified. A County Parking Lot, with 20 spaces at the rear of the building for county employees and the public, including those with court business, is also identified.
- Lompoc. A common parking area with a total of 117 parking spaces is identified. The Transfer Agreement indicates that 24 of these spaces are for court use, but specific spaces are not identified.
- Santa Maria Juvenile Court. There is a common secured parking area with 20 spaces, the Court will have 11 of these spaces for a judge and court employees, the County will have 8, and there will be one handicap space. There is also a common public parking area with 49 spaces.
- Santa Maria Superior Court. The entire campus has a total of 301 parking spaces. Of this total, 35 are currently occupied by a temporary structure, called Building H. Two Hundred and twenty-three spaces, including 11 spaces designated for judges and commissioners are allocated to the court, and 78 are allocated to the county. Other than the 11 designated spaces, specific spaces are not identified. At Cook and Miller the County has an easement from the city for access over City property to four judge spaces. The AOC will have ingress, egress, and access over this same route. Finally, a new Court Clerks building is proposed for this site and the number of parking spaces for county and court will be reapportioned after construction as per the transfer agreement.

Certification of Participation (COP) Debt

Building G on the Santa Maria Superior Court campus was used as security ("demised") for the 2001 COPs. No other buildings are pledged for debt. The Santa Maria Juvenile Court construction was one of the buildings funded with the 2001 COPs. The County will continue to make the COP payments for this building, using Courthouse Construction funds for the Court portion and Criminal Justice Facilities Construction funds for the County portion.

Construction of New Santa Maria Superior Court Clerks Building

The Santa Maria Superior Court Joint Occupancy Agreement also includes specific agreements regarding county construction of a new court clerks building, using 2001 COP debt that is being repaid from Courthouse Construction Funds and local court funds. Details are provided as Attachment J.

Transition Schedule

Board execution of these transfer agreements prior to January 1, 2009 will allow the County to avoid penalties associated with transfers after December 31, 2008. Following Board approval, the documents will be forwarded to the AOC for signature. The documents will be recorded and a schedule for the turnover of maintenance responsibility for the Santa Maria Juvenile Court and Santa Maria Superior Court, where the AOC will be the Managing Party, will be finalized. Actual turnover of responsibility for maintenance of these properties is scheduled for July 1, 2009.

Performance Measure:

N/A

Fiscal and Facilities Impacts:

As indicated in Table 1, the total annual CFP payment is estimated at \$529,000. In Table 2, the payment for each facility, or for the Cook and Miller Street campus those 7 buildings comprising the campus, is displayed along with actual FY 2007-08 building maintenance and utilities, property insurance, and landscape maintenance costs. The net impact, because of savings due to the Santa Maria Juvenile Court CFP payment being based on costs of the prior facility, is roughly zero. Otherwise, the net impact would have been negative by almost \$79,000.

Although the projected FY 2009-10 savings are small, the County will also benefit by being relieved of the responsibility to repair, upgrade, or replace existing court facilities.

Table 2. Fiscal Impacts of Transfer

(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)
		Actual 2007-08 Costs					
Court	CFP Payment	Building Maintenance and Utilities	Landscape Maintenance	Property Insurance	Court Portion of Costs	Court Amount of C, D, & E	Estimated Net County Savings (+) or Costs (-)
Solvang	\$25,590	\$60,998	\$1,787	\$3,563	26.87%	\$17,828	-\$7,762
Lompoc	\$59,081	\$139,463	\$6,449	\$8,380	36.02%	\$55,576	-\$3,505
Foster Road	\$6,760	\$128,004	\$16,950	\$755	66.30%	\$96,605	\$89,845
Cook & Miller	<u>\$437,521</u>	\$444,394	\$9,267	\$43,902	74.16%	\$368,993	<u>-\$68,528</u>
	\$528,952					\$539,002	\$10,050

In addition to these impacts, if the new Court Clerks building is completed with sufficient space to house family mediation services, the Court will move out of the 2440 square feet of leased facilities on Miller Street into the new building. Current annual lease costs of approximately \$51,000 will be reduced to a CFP payment of \$17,400, saving \$33,600 annually.

Budget:

Quarterly CFP payments will be made from appropriations to be made for Fiscal Year 2009-10.

Staffing Impacts:

General Services Potential Savings in FY 2009-10:

Legal Positions:

1.0

FTEs:

1.0

As the AOC assumes maintenance responsibilities for the court portions of these facilities, the same work will no longer be required of County maintenance workers. In total, 79,282 square feet of space will be transferred and this represents a workload reduction of approximately 1.0 FTE. There is currently 1.0 vacant facilities maintenance position which will remain vacant through the end of this

fiscal year. Any staffing reduction for FY 2009-10 will be determined through the upcoming budget review process.

Park Department: None. A contractor provides landscape maintenance at both Santa Maria facilities.

Special Instructions:

- 1) Board Chair to sign three originals of each transfer document and one original of the “Memorandum of Joint Occupancy Agreement.”
- 2) Clerk of the Board to provide three copies of the Minute Order approving Attachments A through I.
- 3) All documents should then be sent to Bob Nisbet, General Services Director, for further processing by the AOC.

Attachments:

- 1) Transfer Agreements (Attachments A through I)
- 2) Santa Maria Superior Court Site Plan and Court Clerk Building agreement summary (Attachment J)

CC: Daniel Hernandez, Director of Parks
Robert Geis, Auditor-Controller
Michael Ledbetter, Deputy County Counsel
Eunice Calvert-Banks, Administrative Office of the Courts