

ORIGINAL

Court Facility: # 09-B1
Building Name: Building "C"
Building Address: 2850 Fairlane Court, Placerville, CA

**FIRST AMENDMENT TO
JOINT OCCUPANCY AGREEMENT AND TRANSFER AGREEMENT
BETWEEN
THE JUDICIAL COUNCIL OF CALIFORNIA
AND
THE COUNTY OF EL DORADO**

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This First Amendment to Joint Occupancy Agreement (“**JOA**”) and Transfer Agreement (“**TA**”) (“**First Amendment**”) is entered into between the Judicial Council of California (“**Judicial Council**”) for the benefit of the Superior Court of El Dorado (“**Court**”) and the County of El Dorado (“**County**”), concerning the trial court facilities commonly known as “Building C.” Except as provided herein, undefined capitalized terms have the meanings attributable to them in the JOA and TA.

RECITALS

WHEREAS, on November 18, 2008, the Judicial Council of California, Administrative Office of the Courts, now known as the Judicial Council of California, and County entered into the JOA and the TA setting forth the terms and conditions for the Parties’ shared possession, occupancy, and use of the trial court facilities known as Building C; and

WHEREAS, pursuant to California Rules of Court, Rule 10.81 all references in the JOA and TA to the “Administrative Office of the Courts” or “AOC” may be replaced with “Judicial Council” or “Council”; and

WHEREAS, in accordance with this First Amendment, the Parties desire to amend the Court Exclusive-Use Area and the County Exclusive-Use Area as defined in the JOA and TA, and described more fully in the floor plans attached as Exhibit “B-1”, “B-1A” and “B-2”, B-2A to the TA, to allow for an exchange of floor space; and

WHEREAS, the exchange of floor space between the Court and County will be substantially similar in terms of square footage, and will not result in any change in Shares, Shared Costs, or any other percentage allocations between the Parties as defined in the JOA and TA.

NOW, THEREFORE, the Parties mutually agree as follows:

AGREEMENT

1. Incorporation of Recitals. The foregoing provisions of the Recitals are true and correct and incorporated into this First Amendment by this reference.

2. Exchange of Space. The Court and the County agree to a mutual exchange of Exclusive Use Area as set forth in this First Amendment.

3. Amendment of "AOC" to "Judicial Council." All references to "Administrative Office of the Courts" or "AOC" in the JOA and TA shall be replaced by "Judicial Council" or "Council" with no prejudice to the substantive rights of the Parties, and the Judicial Council will continue to perform all duties, responsibilities, functions, or other obligations, and bear all liabilities, and exercise all rights, powers, authorities, benefits, and other privileges attributed to the "Administrative Office of the Courts" or "AOC" in the JOA and TA.

4. Effective Date. The effective date of this First Amendment shall be the last date that the first amendment is signed and the term shall continue until termination of the JOA and TA.

5. New Court Space. The County will vacate and the Court will occupy the floor space described herein.

a. The new floor space to be occupied by the Court will be: (1) approximately 146 square feet of floor space in the basement; (2) approximately 28 square feet in the Court's file storage area on the main floor (this area was not previously included in Exhibit "B" of the TA); and (3) approximately 22 square feet of storage space in the basement ("**New Court Space**").

b. The square footage of the New Court Space totals approximately 196 square feet. A calculation of New Court Space square footage is more fully described in Exhibit "J" "New Court Space and County Space Calculation" attached hereto and incorporated herein by reference. The floor plan of the New Court Space is more fully described in Exhibit "B-1" and "B-1A" "New Court Space" attached hereto and incorporated herein by reference.

6. New County Space. The Court will vacate and the County will now occupy floor space described herein.

a. The new floor space to be occupied by the County includes Permit Counter areas A, B, C, D, and E on the main floor and is more fully described in Exhibit "B-2" and "B-2A" "New County Space" attached hereto and incorporated herein by reference.

b. The square footage of the New County Space totals approximately 194 square feet, and a calculation of New County Space square footage is more fully described in Exhibit "J."

7. Amendment of Exclusive Use Areas. The Court Exclusive-Use Area and the County Exclusive-Use Area as defined in the JOA and TA shall be amended to include the exchange of space described in this First Amendment.

8. Amendment of Floor Plan. The Floor Plan originally attached to the TA as Exhibit "B" ("**Original Exhibit 'B'**"- Floor Plan) shall be amended to depict the New Court Space and the New County Space as more fully described in Exhibits "B-1", "B-1A" and "B-2", "B-2A" to this First Amendment. The First Amendment Exhibits "B-1", "B-1A" and "B-2", "B-2A" shall supplement original Exhibit "B"- Floor Plan and shall be controlling over the Original Exhibit "B"- Floor Plan.

9. Exchange of Space. The Parties agree that the exchange of floor space between the Court and County in accordance with the terms of this First Amendment is substantially similar in terms of square footage, and will not result in any change in Shares, Shared Costs, or any other percentage allocations between the Parties as defined in the JOA and TA or the County's Court Facilities Payment obligation as set forth in section 3.10 of the JOA and section 6 of the TA.


10. Continuing Effect. Except as expressly amended by this First Amendment, all other provisions of the JOA and the TA shall remain in full force and effect.


[SIGNATURE PAGE IMMEDIATELY FOLLOWS]

The Parties hereto agree to the terms of this First Amendment to the JOA.

APPROVED AS TO FORM:
Judicial Council of California,
Legal Services

JUDICIAL COUNCIL OF CALIFORNIA

By: 
Name: Kristin Kerr
Title: Attorney
Date: 7.5.18

By: 
Name: Stephen Saddler
Title: Manager, Contracts
Date: 7/5/18

COUNTY OF EL DORADO

Date: 9/18/2018

Signed: 
Michael Ranall, Chair
Board of Supervisors

ATTEST:
James S. Mitrison, Clerk of the Board of Supervisors

By: 
Deputy Clerk

Date: 9/18/2018

EXHIBIT "J"

CALCULATION OF NEW SPACE SQUARE FOOTAGE

**Exhibit J
New Courts Space and County Space Calculation**

Area	Width - Inches	Length - Inches	Total sq. Inches	Converted to sq. ft. (Sq. Inches/144)	
New space occupied by Courts:					
New space occupied by the Courts in the basement	127	166	21082	146.403	
Courts File storage area not included in Exhibit B, main floor.	32	125	4000	27.778	See Note 1
Additional storage space downstairs	52	60	3120	21.667	
Total Courts space:				195.847	
New space County CDA department requesting in exchange:					
Permit Counter area A	42	55	2310	16.042	
Permit Counter area B	63	192	12096	84.000	
Permit Counter area C	65	17	1105	7.674	
Permit Counter area D	36	232	8352	58.000	
Permit Counter area E	36	114	4104	28.500	
Total Counter space available:				194.215	
Difference owed to County:				1.632	

1) Per Exhibit B-1, there are 4+ Courts file storage cabinets occupying space not part of the Exhibit B-1 floor plan included in the original JOA and TA agreements.

EXHIBIT "B-1"

NEW COURT SPACE

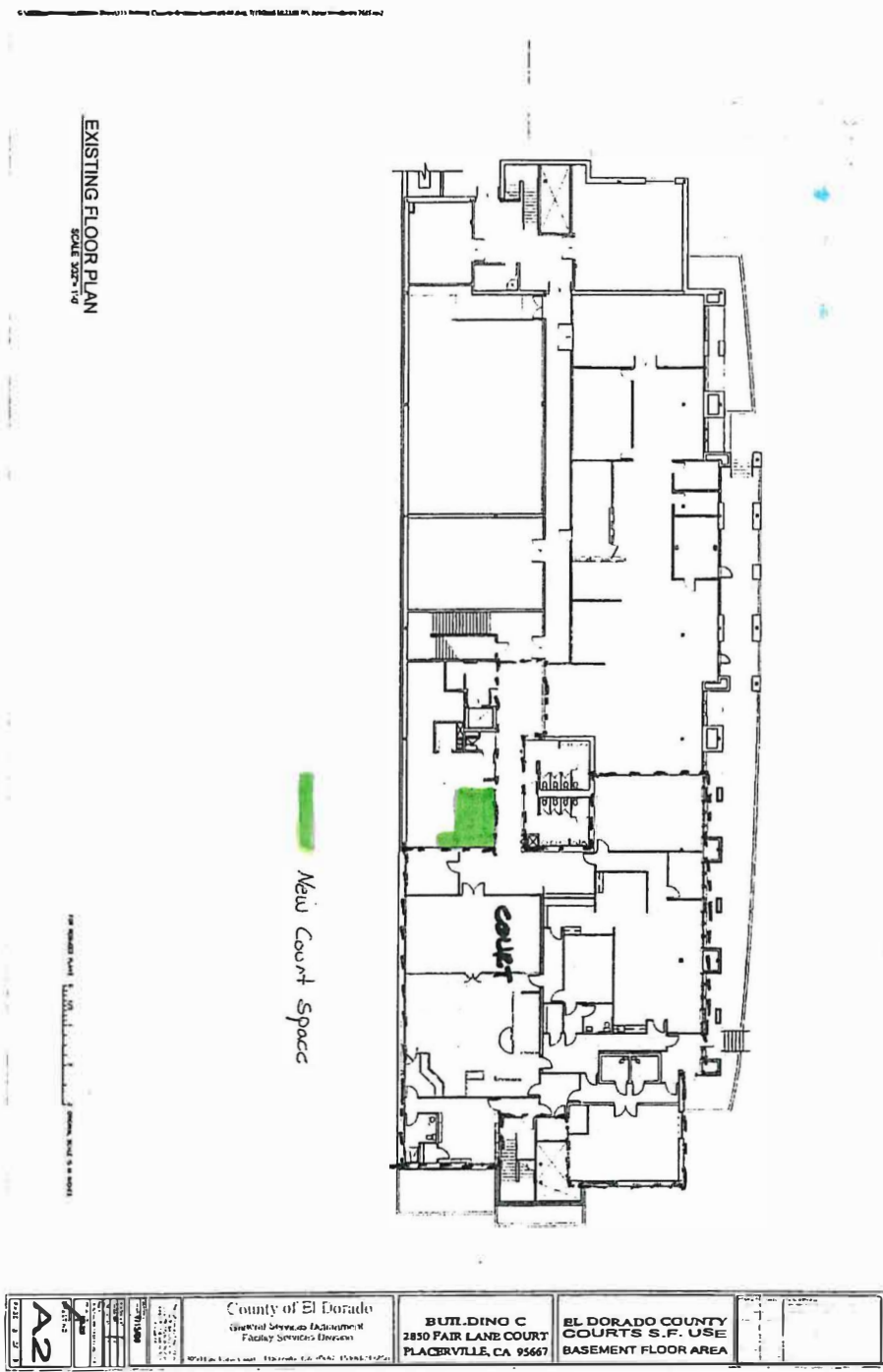


EXHIBIT "B-1A"

NEW COURT SPACE – BASEMENT LEVEL

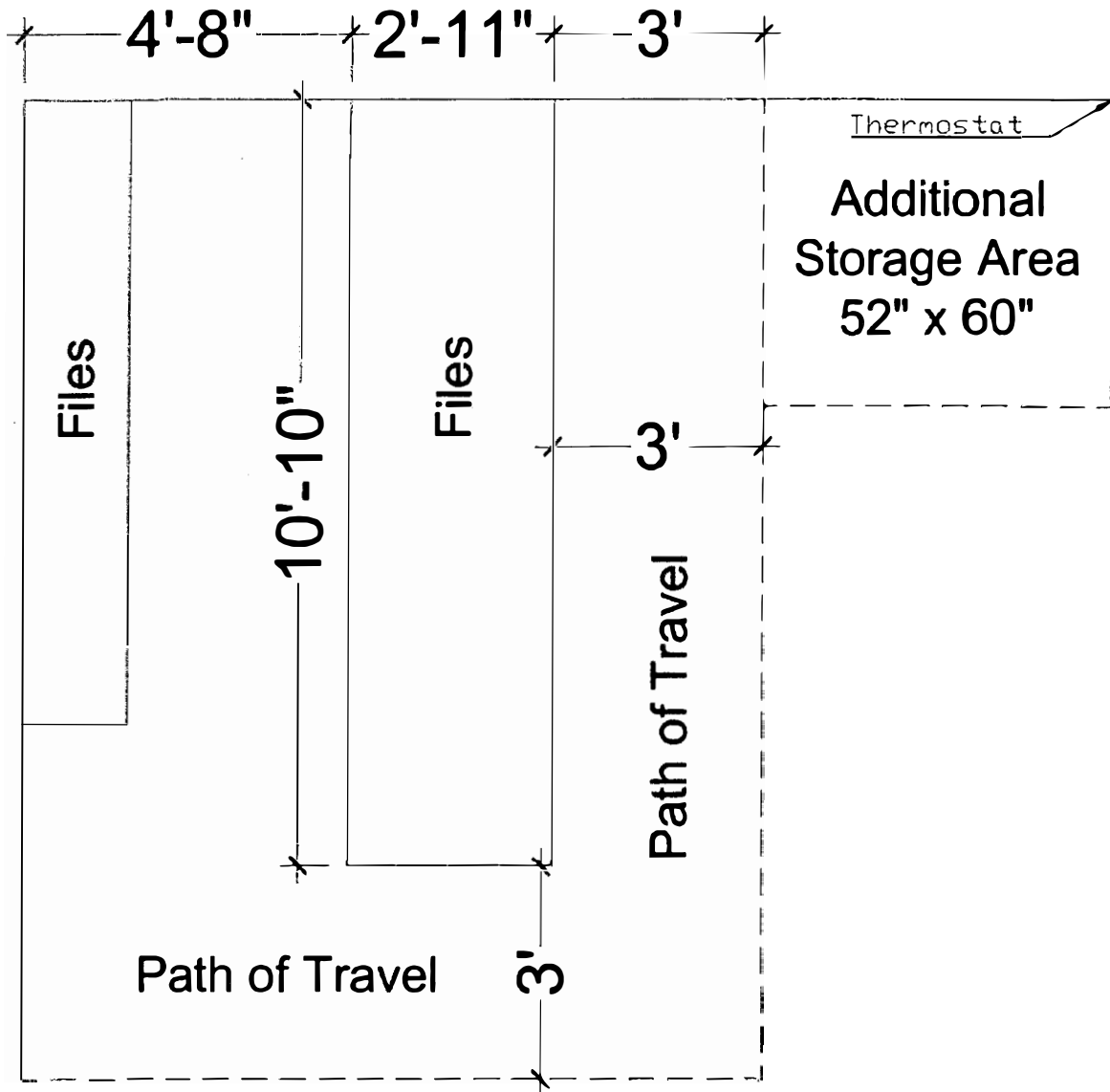


EXHIBIT "B-2"

NEW COUNTY SPACE

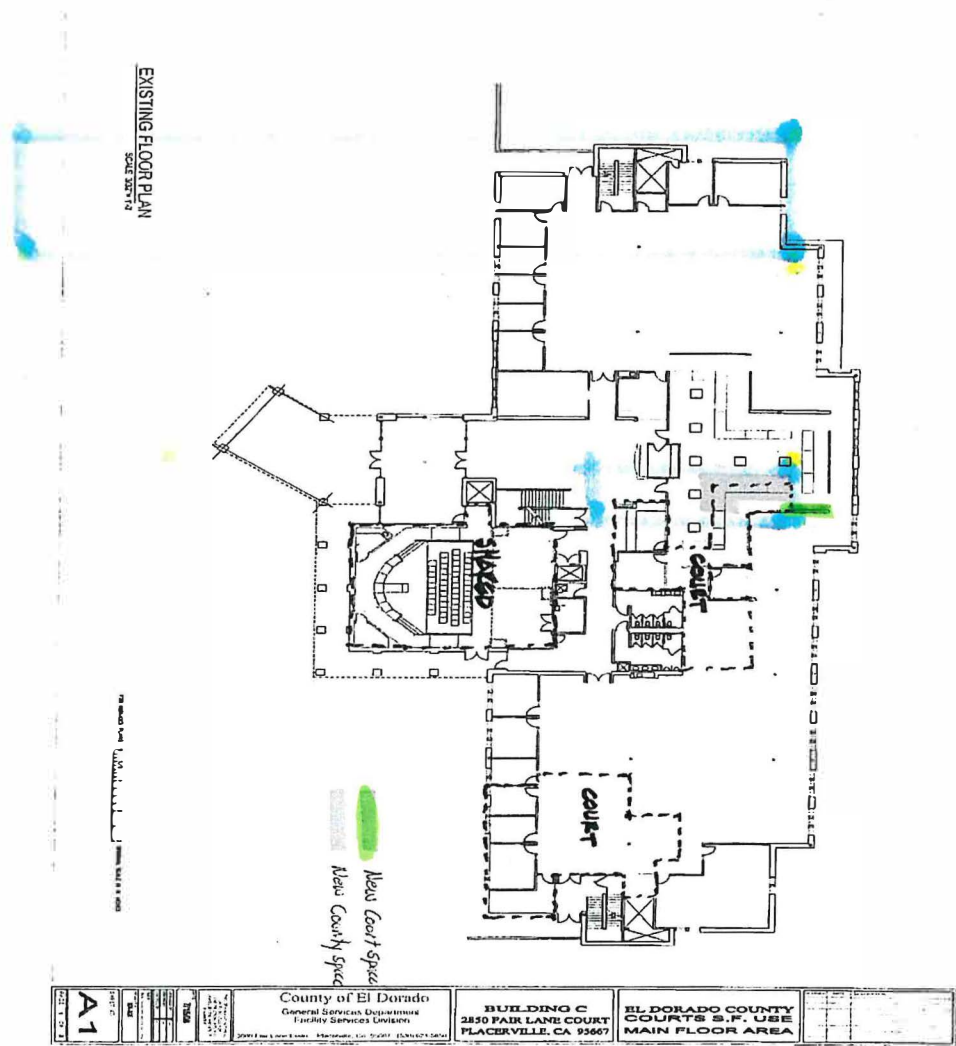


EXHIBIT "B-2A"

NEW COUNTY SPACE – MAIN FLOOR

