



## Legislation Details (With Text)

**File #:** 19-1364      **Version:** 1

**Type:** Agenda Item      **Status:** Approved

**File created:** 9/5/2019      **In control:** Board of Supervisors

**On agenda:** 9/10/2019      **Final action:** 9/10/2019

**Title:** Chief Administrative Office recommending the Board consider, approve, and authorize the Chair to sign the attached comment letter to be submitted to the Judicial Council of California in response to a request for comments regarding the Judicial Council's Court Facilities Advisory Committee's reassessment of court facility projects and resultant revised ranking of courthouse facilities identified for replacement by the State Administrative Office of the Courts. (Est. Time: 20 Min.)

FUNDING: N/A

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - Comment Letter, 2. B - DRAFT Revised Methodology 19 08 30, 3. C - DRAFT Statewide List 19 08 30, 4. D - Reassessment Capital Projects Schedule 19 08 30, 5. E - Fact Sheet Transfer of Court Facilities 2009, 6. F - Ltr from AOC 10-29-09

Date	Ver.	Action By	Action	Result
9/10/2019	1	Board of Supervisors	Approved	Pass

Chief Administrative Office recommending the Board consider, approve, and authorize the Chair to sign the attached comment letter to be submitted to the Judicial Council of California in response to a request for comments regarding the Judicial Council's Court Facilities Advisory Committee's reassessment of court facility projects and resultant revised ranking of courthouse facilities identified for replacement by the State Administrative Office of the Courts. (Est. Time: 20 Min.)

**FUNDING:** N/A

**DISCUSSION / BACKGROUND**

The California State Legislature required the Judicial Council to reassess its priority list for new projects prior to allocating any further funding for new courthouse construction. The attached Preliminary Report and updated Priority List for the new courthouse construction projects has determined that 29 courthouses are in greater need of replacement than El Dorado County's Court facilities, effectively eliminating the possibility of a new Placerville Courthouse any time in the near future.

The Judicial Council has circulated its revised methodology and recommended revised ranking for comment. CSAC has also forwarded this invitation to comment to all California counties. Attached is a draft letter from the Board of Supervisors in response to the reassessment and revised ranking. Public comments are due by September 13, 2019; the Court Facilities Advisory Committee (CFAC) will then consider a final draft of the report at its October 1st meeting.

Summary Background

In 2002, overall responsibility for Trial Court Facilities in the State of California was transferred from

the individual counties to the State of California. The attached Fact Sheet "Transfer of Court Facilities" (August 2009) provides a general background on the original intent of facility transfers. In 2008, replacement of the Placerville Courthouse was identified by the Judicial Council as a "critical need."

In El Dorado County, those facilities included the Main Street Courthouse in Placerville, the court in Cameron Park, the court in South Lake Tahoe, and the court facilities located in County Building C. About that same time, the State adopted AB1407, which created a comprehensive dedicated funding program for the purpose of renovating and reconstructing court facilities throughout the state. Due to the age of the facility and existing environmental conditions, the Administrative Office of the Courts (AOC) long term plan for building a new courthouse in the county, the AOC elected not to take title to the Main St. courthouse and its ownership still remains with the County.

Summary of County Efforts and Related Expenses

In order to consolidate all work space for the Courts, and to provide for a new facility, a 7.7 acre site was selected by the Judicial Council immediately west of the existing County Jail. The County acquired 5.2 acres of private land adjacent to the county-owned property, and will transfer title of the 7.7 +/- acres to the State of California for the new court facility (Legistar Item # 12-1483). Due to the delay in the funding and construction of the new courthouse, the County continues to house Court operations in buildings partially occupied by County staff, and retains the Main Street Courthouse as well as the 7.7 acres of vacant land.

Additionally, the County has committed to funding roadway improvements for access to the new facility, and therefore has annually budgeted \$3 million for the approximate costs of those improvements, carrying this funding over from year to year. As part of the FY 2019-20 Recommended Budget, these funds were placed in a General Fund Designation.

Currently, a Joint Occupancy Agreement is in effect for each of the buildings in which both Court and County employees are located. These include Building C, Johnson Boulevard building in South Lake Tahoe, and the Placerville Juvenile Hall. The County is obligated to provide these spaces, or the equivalent, until there is a new Court facility. The Courts pay the County annually for their share of the maintenance costs, which are budgeted at \$76,696 for FY 2019-20.

The Court Transfer Agreements for each court facility includes an annual County Facilities Annual Payment (CFP) to be paid by the County to the Courts (Legistar item #08-1441). On December 11, 2007, the Board adopted the County Facilities Annual Payment (CFP) calculation as required by the Trial Court Facilities Act of 2002 (SB 1732) (Legistar item #07-1948). This calculation is based on the average of actual costs incurred from 1996 through 2000. The annual payments approved as part of the Court transfer agreements, as calculated in 2008, total \$370,303, and include an inflationary factor. This Court Facility Payment does not begin until the Court transfer occurs, following the construction of a new courthouse. The County Facilities Annual Payment breaks down as follows:

Building C	\$59,301
Cameron Park	\$38,991
El Dorado Center	\$43,620
Johnson Building	\$121,592
Main Street	\$106,799
TOTAL	\$370,303

Due to the delay in the Court's acquisition of the property and construction of the new courthouse, the total yearly payment to the Courts for the CFP is unknown.

Additionally, the City of Placerville in conjunction with the Transportation Commission have programmed funds for improvements related to the anticipated new courthouse. Specifically, the City of Placerville has incurred approximately \$24 million in the development of the Western Placerville Interchange, which supports, in part, the anticipated additional traffic related to the new courthouse.

### Recommended Comment Letter

The attached comment letter summarizes, for the record, the current circumstances of the court transfer agreements and arrangements, the commitments that the County has made toward the project, and the impact to the County of a significant delay in the courthouse construction project. The letter does not propose to support or oppose the revised assessments themselves, as this lies outside the expertise of County staff. While this is a State of California and Courts project, the courthouse project is interwoven with County needs and priorities, and has the potential to impact County decision making ability far into the future.

It should be noted that the agreements entered into by prior Boards were in part predicated on the understanding that a new courthouse facility would be reasonably forthcoming. Therefore, it is recommended that the Board consider the attached comment letter, advise staff of any necessary changes, and approve the submittal to the Judicial Council of California.

### **ALTERNATIVES**

The Board may direct any changes to the attached comment letter, or may decline to approve sending a comment letter to the Judicial Council.

### **PRIOR BOARD ACTION**

In prior years, the Board of Supervisors took a number of actions in furtherance of the new courthouse project.

In January 2018, the Board of Supervisors approved and submitted a letter to then Governor Brown, requesting reconsideration of including funding for the new Placerville Courthouse in the Governor's Proposed Budget for 2018-19, as funding for the Placerville Courthouse was not included in the Proposed Budget.

### **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

El Dorado Court; City of Placerville

### **FINANCIAL IMPACT**

There is no direct financial impact related to the consideration or approval of the comment letter.

### **CLERK OF THE BOARD FOLLOW UP ACTIONS**

Provide signed original letter (or revised letter as directed by the Board) to Karen Feathers, Chief Administrative Office. The Chief Administrative Office will submit the letter to the Judicial Council, and provide copies of the letter to appropriate interested agencies, including the El Dorado Court, City of Placerville, and CSAC.

**STRATEGIC PLAN COMPONENT**

Infrastructure

**CONTACT**

Don Ashton, Chief Administrative Officer

Shawne Corley, Assistant Chief Administrative Officer