



Legislation Text

File #: 09-1085, **Version:** 3

Chief Administrative Office providing the Board with an update on activity regarding the Equity Exchange Agreement from the El Dorado Center in South Lake Tahoe to the Juvenile Hall Space in Placerville; and requesting direction regarding same. Currently under review are:

- 1) Agreement for Equity Exchange transferring the Court's equity in the El Dorado Center for a similar interest in Juvenile Hall;
- 2) Agreement to Terminate the Joint Occupancy Agreement ending the Joint Occupancy Agreement entered into in 2008 for the El Dorado Center; and,
- 3) New Joint Occupancy Agreement setting forth the terms and conditions of the Court's occupancy of a portion of Juvenile Hall.

FISCAL IMPACT TO NET COUNTY COST: N/A

BACKGROUND: The Trial Court Facilities Act of 2002 (Act), Government Code §§70301 to 70404, required counties to transfer all facilities that were used by the local superior court during a specified time frame to the State, and provided for penalties unless the transfer was accomplished by the end of 2008. Accordingly, on November 18, 2008, the Board of Supervisors approved a number of agreements which transferred all 5 of the existing court facilities to the AOC. One of the facilities that had been used by the superior court during the relevant time period was located in the El Dorado Center building at 3368 Lake Tahoe Boulevard. At one time the superior court occupied about one fifth of the floor space in that building for a traffic court while renovations were being made to the main courthouse on Johnson Blvd., and consequently the County was required by the Act to transfer the use of that portion of the building to the State. On November 18, 2008 the Board approved the execution of a number of contracts to effectuate the court facility transfers, and on December 29, 2008, the Chair signed 2 contracts for the transfer of the portion of the El Dorado Center identified as Court Facility #09-D1. These were: (1) "Transfer Agreement Between the Judicial Council of California, Administrative Office of the Courts, and the County of El Dorado For The Transfer of Responsibility for Court Facilities," and (2) "Joint Occupancy Agreement Between the Judicial Council of California, Administrative Office of the Courts, and the County of El Dorado."

In the initial agreements for the El Dorado Center, a provision was included to allow for future equity agreement to provide space for the Courts in the Juvenile Hall which would allow the County to utilize the space in the El Dorado Center for County use. Following Board direction from the August 18, 2009 meeting, the County contacted the Administrative Office of the Courts regarding two questions:

- 1) Will the Courts waive the County Facilities Payment (CFP) for the El Dorado Center/Juvenile Hall in consideration of the County's willingness to participate in the "equity exchange" agreement?
- 2) The Court exclusive use area at the Juvenile Hall is approximately 221 square feet larger than the Court's exclusive use area at the El Dorado Center. Will the Courts give the County "credit" in the future for the 221 square feet of additional space that the Court will occupy in the Juvenile Hall upon completion of the Equity Exchange Agreement?

REASON FOR RECOMMENDATION: In response to the County's inquiry noted above, the State has provided a response that they are not agreeable to any modifications to the County Facility Payment or the request for "credit:" for additional square footage.

In addition, since August 18, 2009, the County has completed the remodel of the El Dorado Center, which utilizes the space shared by the Courts to house County departments. Negotiations regarding the Equity Exchange Agreement continue between the County and the Courts, however, at this time the agreement is near completion.

The Juvenile Hall project has not yet been started, however, several meetings have taken place and the State is in the process of selecting contractors. The MOU between the County and the Courts has not yet been finalized and approved.

REQUESTED ACTION: Staff requests direction regarding the response from the State before continuing with the Equity Exchange agreement.