



CALIFORNIA STATE
PUBLIC WORKS BOARD

ARNOLD SCHWARZENEGGER, GOVERNOR

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AGENDA WITH ANALYSIS

**NOTICE OF MEETING
STATE PUBLIC WORKS BOARD
Monday, November 16, 2009**

The **STATE PUBLIC WORKS BOARD** will meet on **Monday, November 16, 2009, at 10:00 a.m. in Room 113, State Capitol, Sacramento, California.** In accordance with provisions of Section 11125 of the Government Code, a copy of the Agenda is attached.

Greg Rogers
Administrative Secretary

Attachment

STATE PUBLIC WORKS BOARD

Monday
November 16, 2009
10:00 a.m.
Room 113

State Capitol
Sacramento, California

I. Roll Call

Michael C. Genest, Director, Department of Finance
Ron Diedrich, Acting Director, Department of General Services
Randell Iwasaki, Director, Department of Transportation
John Chiang, State Controller
Bill Lockyer, State Treasurer

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Patrick W. Henning, Director, Employment Development Department
(Advisory Member)

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Assembly Member, Mike Eng, Legislative Advisor
Assembly Member, Mary Hayashi, Legislative Advisor
Assembly Member, Sandre Swanson, Legislative Advisor
Senator, Mark J. DeSaulnier, Legislative Advisor
Senator, Denise Ducheny, Legislative Advisor
Senator, Abel Maldonado, Legislative Advisor

II. Approval of minutes from the [October 12, 2009](#) meeting

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CONSENT ITEMS

CONSENT ITEM—1

JUDICIAL COUNCIL OF CALIFORNIA (0250)
ADMINISTRATIVE OFFICE OF THE COURTS
CLARA SHORTRIDGE FOLTZ CRIMINAL JUSTICE CENTER, LOS ANGELES COUNTY
AOC Facility Number 19-L1, DGS Parcel No. 129482

Authority: Trial Court Facilities Act of 2002, Chapter 1082, Statutes of 2002, commencing with Section 70301 of the Government Code, as amended.

Consider the acceptance of real property through a transfer of title

CONSENT ITEMS

STAFF ANALYSIS ITEM—1

Judicial Council of California
Administrative Office of the Courts
Clara Shortridge Foltz Criminal Justice Center

Action Requested

If approved, the action would authorize the acceptance of real property through a transfer of title

Scope Description

This transaction is within scope. The County of Los Angeles (County) is transferring fee title in and to the Clara Shortridge Foltz Criminal Justice Center, a court facility commonly known as Downtown Criminal Courthouse located at 210 West Temple Street, Los Angeles, California (court facility), to the State of California (state) acting by and through the Judicial Council of California (Council), Administrative Office of the Courts (AOC), pursuant to that certain Transfer Agreement Between the Council, the AOC and the County for the Transfer of Responsibility for court facility, dated October 21, 2008 (Transfer Agreement). The court facility consists of approximately 1.4 acres of real property improved with an approximately 568,000 square foot, 21-story courthouse building and associated landscaping and parking. Following the no-cost of transfer of title, the AOC shall be responsible for the funding and operation of the court facility.

Funding and Cost Verification

This transaction is within cost. The County shall not be entitled to compensation for any equity value in the square footage occupied by the Superior Court in the court facility pursuant to the Trial Court Facilities Act of 2005 (the Act). The only costs associated with acceptance of this no-cost acquisition are the staff costs to process the acceptance.

CEQA

A Notice of Exemption was filed with the State Clearinghouse on February 24, 2009. The 35-day statute of limitations period expired on March 31, 2009, without challenge.

Project Schedule

Estimated close of escrow December 31, 2009

Condition of Property

A Phase I Environmental Site Assessment was conducted for the building and seismic assessments. The following findings were made:

Phase I

A Phase I report was completed July 2009, in accordance with the American Society for Testing and Materials Standard Practice for Environmental Site Assessments following a previous Phase I completed in 2008. The 2008 Phase I identified two significant data gaps, which included (1) an underground storage tank (UST) removal; and (2) a comment that the agency file reviews had not been scheduled during the timeframe in which the current report was completed. The final Phase I assessment concluded that no historic recognized environmental conditions (RECs) were on the site, but did cite two RECs with respect to the subject property.

- One REC was identified that involved a petroleum cleanup listing located approximately 0.3 miles northwest (up-gradient) from the subject property, which was listed both as NFA and open. It was recommended that further investigation occur for this site. AOC Environmental staff contacted and reviewed files from the LA Fire Department. It was determined that no Phase II was needed because a "No Further Action" letter had been issued by the oversight agency.
- One 5,126-gallon diesel UST was identified for the subject property. Because a closure report was unavailable, it was identified as both a data gap and a historic REC and an additional investigation was recommended. On October 2, 2008, AOC Environmental staff met with the Los Angeles Fire Department Hazmat Unit and found that on September 4, 1998, the Los Angeles City Fire Department permitted (Permit #7250) the UST closure and noted the closure on Broadway side of the building. Based on this review, it was concluded that no further investigation related to UST disposal was required.

Due to the age of the court facility, the report identified the potential for PCB, asbestos containing materials (ACM), and lead based paints (LBP) as items of concern. It was recommended that: (1) a regular maintenance program be instituted to prevent any fluid leakage from hydraulic equipment potentially containing PCB; (2) suspect ACM be formally assessed; and (3) lead based paint be properly maintained or abated. These activities will be undertaken by AOC following the transfer of title.

Building Assessment

Staff from the AOC's Office of Court Construction and Management (OCCM) conducted a site visit of the court facility on November 6, 2007, to assess the general condition of the property. The site visit entailed a tour of the facility and surrounding property including a review of the real property for apparent conditions that could adversely impact the habitability or safety of the property. OCCM concluded that the court facility did not contain any apparent hazards to the health and safety of the occupants or property. AOC staff has been at the court facility on a number of occasions after 2007, most recently in August 2009. The court facility appears to be in substantially the same condition as it was in November, 2007.

Seismic Safety Assessment of the Improvements

Licensed structural engineers performed a Tier I seismic safety assessment of the building in July 2003, and inspected and evaluated the court facility for seismic safety in accordance with the method and criteria developed by the Department of General Services' Real Estate Services Division.

The AOC determined that the building has a seismic safety rating of Level V, as defined in the Risk Acceptability Table of the State Building Seismic Program, developed by the Division of State Architect, April 1994, which is an acceptable seismic safety rating for the transfer of the title to the Court Facility to the State under Government Code Section 70327.

Other

- The County adopted a Resolution on October 21, 2008, approving the Transfer Agreement to transfer title and responsibility of the court facility to the state.
- The Transfer Agreement requires that delivery of title to the property to be free and clear of any mortgages or liens.
- The AOC is not aware of any pending lawsuits concerning the property.
- The Superior Court occupies approximately 355,000 square feet or 68.8 percent and the County occupies approximately 161,000 square feet or 31.2 percent of the facility. The County would be entitled to compensation for its equity should the state decide to exercise its rights under Government Code sec. 70344(b). The terms for compensating parties are specified in the Transfer Agreement.
- A Memorandum of Transfer and Joint Occupancy Agreements (JOA) has been recorded in the County's Official Records to memorialize the existence of the terms of the Transfer Agreement and JOA. The Transfer Agreement includes among other provisions, the Council's rights of first refusal and rights of first offer in favor of the County and Council to expand into and occupy the real property in accordance with Government Code Section 70342(e).
- Each party to the Transfer Agreement is responsible for the third party occupants in their respective exclusive use areas. The common area occupants are ultimately the responsibility of the managing party, the AOC, in this instance. There are three known occupants, described below. The vending license agreements have not yet been assigned. The AOC has been working with the State Department of Rehabilitation to transition vending machine operator agreements.
- The County has assigned its interest in four concession agreements, which will continue to occupy both space in the court exclusive areas of the court facility by means of an Assignment and Assumption of Occupancy Agreement for each party dated October 21, 2008.

- The County has agreed to indemnify the AOC for any liability imposed on the AOC pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. Sec. 9601 et seq.), or related provisions for conditions at the time of transfer whether known or not known that existed in, on, or under the real property.
- The Phase I report indicates that it is likely that there are potential concerns for lead-based paint and asbestos containing materials in the building. Prior to any structural changes or renovations, all appropriate local, state, and federal rules/regulations will be followed with respect to the handling and disposal of these materials. The AOC will also seek all available information from the County for the ACMs, LBP, and PCBs at the site. In absence of such data availability the AOC will conduct survey of possible hazards prior to any modification, or demolition.
- The terms of the Transfer Agreement states that the County will continue to own and maintain, and the State will have uninterrupted use of and access to the building software, including associated hardware.
- The Transfer Agreement and JOA provides that Central Plant, the Central Plan Distribution System (CPDS), and all components and connections thereto (located at 301 North Broadway, Los Angeles, CA.) shall remain the sole property and responsibility of the County.
- The Central Plant provides heating, cooling and domestic hot water to the court facility and other County owned facilities. As part of the transfer, the County has agreed to continue to provide the court facility with heating, cooling and domestic hot water served by the CPDS. The Council has the right, at any time, to substitute the CPDS with its own replacement system that replaces all or part of this system.
- The terms of the JOA provides the County with rights of ingress, egress and access to the court facility, including the Court Exclusive-Use Area, in which any component of the CPDS or building software is located for the County's use, maintenance, repair or replacement of the systems.
- It should be noted that the seismic evaluation has determined that in the event of seismic disturbance the facility may pose significant risk to persons and property which could create substantial liability to the State of California. However, the Transfer Agreement provides indemnification to AOC for seismic related damage and injury per Government Code Section 70324.
- There are no historic issues, relocation assistance, or implied dedication associated with the court facility.
- In accordance with the Act, the Transfer Agreement provides for the transfer of parking spaces for judges, Court staff, jurors, and Court users in the number and type as was made available for Court use as of October 1, 2001.

Staff Recommendation: **Authorize the acceptance of real property through a transfer of title.**

CONSENT ITEMS

CONSENT ITEM—2

JUDICIAL COUNCIL OF CALIFORNIA (0250)
ADMINISTRATIVE OFFICE OF THE COURTS
MARINA COURTHOUSE, MONTEREY COUNTY
AOC Facility Number 27-B1, DGS Parcel Number 10605

Authority: Trial Court Facilities Act of 2002, Chapter 1082, Statutes of 2002, commencing with Section 70301 of the Government Code, as amended.

Consider the acceptance of real property through a transfer of title

CONSENT ITEMS

STAFF ANALYSIS ITEM—2

Judicial Council of California
Administrative Office of the Courts
Marina Courthouse, Monterey County

Action Requested

If approved, the requested action would authorize the acceptance of real property through a transfer of title.

Scope Description

This transaction is within scope. The County of Monterey (County) is transferring fee title in and to the court facility commonly known as the Marina Courthouse located at 3180 Del Monte Boulevard in Marina, California (court facility) to the State of California (state) acting by and through the Judicial Council of California (Council), Administrative Office of the Courts (AOC), pursuant to that certain Transfer Agreement between the Council, AOC and the County for the Transfer of Responsibility and Title for court facility, dated December 29, 2008 (Transfer Agreement). The court facility consists of approximately 2.3 acres of real property improved with a one-story 15,300 square foot building, parking area, and associated landscaping. Following the no-cost transfer of title, the AOC shall be responsible for the funding and operation of the court facility.

Funding and Cost Verification

This transaction is within cost. The County shall not be entitled to compensation for any equity value in the square footage occupied by the Superior Court in the court facility pursuant to the Trial Court Facilities Act of 2002 (the Act). The only costs associated with acceptance of this no-cost acquisition are the staff costs to process the acceptance.

CEQA

A Notice of Exemption was filed with the State Clearinghouse on November 24, 2008. The 35-day statute of limitations period expired on December 29, 2008, without challenge.

Project Schedule

Estimated close of escrow December 1, 2009

Condition of Property

The AOC was responsible for conducting site visits to the court facility; for contracting for the professional services of an environmental professional for the Phase I Environmental Site Assessment (Phase 1); for the building assessment; and for the seismic assessment. The following findings were made from the combined resources identified above:

Phase I

A Phase I report was completed in February 2009 in accordance with the American Society for Testing and Materials Standard Practice for Environmental Site Assessments. The Phase I includes an evaluation of significant environmental, health, and safety conditions impacting the interior and exterior of the court facility. In preparing the Phase I, a visual inspection of the court facility was performed to detect any apparent hazardous conditions in, on, or about the court facility. The historical uses of the real property were reviewed.

The report found no on-site recognized environmental conditions (REC) on the subject site. The report identified one offsite REC that could potentially impact the subject site, specifically a closed leaking underground storage tank approximately 130 feet north. The AOC environmental services staff determined that this site was closed in the year 2000 and had only some soil and shallow groundwater impact. Based on the year of closure and total site impact, AOC staff determined that no further action is required.

Building Assessment

Staff from the AOC's Office of Court Construction and Management (OCCM) conducted an initial site visit of the court facility on January 25, 2006, to assess the general condition of the property. Staff has visited the site on several occasions since the initial site visit to monitor the condition of the court facility. The site visits entailed a tour of the facility and surrounding property including a review of the real property for apparent conditions that could adversely impact the habitability or safety of the property; identification of furnishings, fixtures, and equipment that the county will transfer and convey to the state along with the real property; and to identify any tenancies, encroachments, apparent easements, or other rights to occupy or use the property that might be vested in parties other than the County or the Court. OCCM concluded that the court facility did not contain any apparent hazards to the health and safety of the occupants or property.

Seismic Safety Assessment of the Improvements

The current court facility was built in 1997 and thus is exempt for the requirement for a seismic safety assessment.

Other

- The State may decline to accept responsibility for a court facility only if (a) the court facility contains one or more “deficiencies” as defined in Government Code Section 70326(b) and (b) the County and the AOC have not made provisions for the correction of the deficiencies as part of the Transfer Agreement pursuant to Government Code Section 70326(c) or Section 70327(d). Neither of these situations pertain to this transfer of title.
- The County adopted a Resolution on December 19, 2008, approving the Transfer Agreement to transfer title and responsibility of the Court Facility to the State and authorizing the Assistant County Administrative Officer to execute the Transfer Agreement, Grant Deed, and any other documents necessary for the transfer of responsibility and title to the court facility to the AOC.
- According to the preliminary title report, the property, or a portion of the property, is located within a redevelopment agency (RDA) plan area. According to AOC staff, the RDA and the state will enter into a Memorandum of Understanding (MOU), or the RDA will provide a resolution, wherein the RDA waives for the state courthouse project any restriction and control rights it may have under the redevelopment plan.
- The Transfer Agreement requires that delivery of title to the property would be free and clear of any mortgages or liens.
- In accordance with the Act, the Transfer Agreement provides for the transfer of parking spaces for judges, Court staff, jurors, and Court users in the number and type as was made available for Court use as of October 1, 2001.
- The Transfer Agreement provides that the County indemnify the state for any liability imposed on the state pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. Section 9601 et seq.) or related provisions for conditions that existed in, on, or under the real property at the time of transfer whether or not known to the County.
- The AOC is not aware of any lawsuits pending concerning the property.
- The Superior Court occupies the entire facility; therefore, the County is not entitled to any compensation.
- There are no historic issues, implied dedication, or relocation assistance associated with the court facility.

Staff Recommendation: **Authorize the acceptance of real property through a transfer of title.**

CONSENT ITEMS

CONSENT ITEM—3

**JUDICIAL COUNCIL OF CALIFORNIA (0250)
ADMINISTRATIVE OFFICE OF THE COURTS
NEW WATSONVILLE COURTHOUSE, SANTA CRUZ COUNTY**
AOC Facility Number 44-B2, DGS Parcel No. 10562

Authority: Trial Court Facilities Act of 2002, Chapter 1082, Statutes of 2002, commencing with Section 70301 of the Government Code, as amended.

Consider the acceptance of real property through a transfer of title

CONSENT ITEMS

STAFF ANALYSIS ITEM—3

Judicial Council
Administrative Office of the Courts
New Watsonville Courthouse, Santa Cruz County

Action Requested

If approved, the requested action would authorize the acceptance of real property through a transfer of title.

Scope Description

This transaction is within scope. The County of Santa Cruz (County) is transferring fee title in and to the court facility commonly known as the New Watsonville Courthouse, located at the Watsonville Civic Center, 275 Main Street, Watsonville, California (court facility), to the State of California (state) acting by and through the Judicial Council of California (Council), Administrative Office of the Courts (AOC), pursuant to that certain Transfer Agreement Between the Council, AOC, and the County of Santa Cruz for the Transfer of Responsibility and Title for court facility, dated November 25, 2008, (Transfer Agreement). The court facility consists of two condominium units that total approximately 40,500 square feet of space on two floors of a

four-story building, associated parking areas, and an interest in the common areas of the condominium development with its main entrance and street address located within the building as 1 Second Street, Watsonville, California. Following the no-cost transfer of title, the AOC shall be responsible for the funding and operation of the court facility.

Funding and Cost Verification

This transaction is within cost. The County shall not be entitled to compensation for any equity value in the square footage occupied by the Superior Court in the court facility pursuant to the Trial Court Facilities Act of 2002 (the Act). The only costs associated with acceptance of this no-cost acquisition are the staff costs to process the acceptance.

CEQA

A Notice of Exemption was filed with the State Clearinghouse on June 3, 2008. The 35-day statute of limitations period expired on July 8, 2008, without challenge.

Project Schedule

Estimated close of escrow December 31, 2009

Condition of Property

A Phase I report Environmental Site Assessment was conducted for the building and seismic assessments. The following findings were made:

Phase I:

A Phase I report was completed in October 2007, in accordance with the American Society for Testing and Materials Standard Practice for Environmental Site Assessments. The report identified four onsite recognized environmental concerns (REC) on the subject property related to prior uses of the property, underground storage tanks (UST) at the site, and related groundwater contamination beneath the site. The report also listed several offsite REC conditions that could potentially impact the subject property. The Phase I references a prior Phase I/II environmental study completed in 2000 in connection with the construction of the current court facility. With respect to the on-site RECs, the 2000 study found that: (1) several businesses previously located on the subject property were of a type that would typically be involved in the storage and use of hazardous materials and the generation of hazardous waste; (2) there was no evidence of any remaining contamination from the underground storage tanks, which were removed in 1987; (3) that chemicals (MTBE, perchloroethylene, and 1,1,1-trichloroethane) detected in the groundwater were from off-site sources and were not a significant liability to the subject site; and (4) that there is a possibility that contaminated water could be flowing under the property undetected due to the abandonment, in connection with the construction of the Courthouse Condominium, of a water monitoring well installed on the property by Chevron as part of the remediation of contamination on an adjacent property.

The California Regional Water Quality Control Board (Regional Board), oversight agency for ground water contamination issues in Santa Cruz County agreed with the conclusions of the 2000 Phase I/II ESA that the detections were likely the result of off-site sources and were not a significant liability to the subject property. Furthermore, the most recent ground water monitoring data in 2004, installed by the Chevron Corporation for its remediation activities, indicated that the MTBE concentrations was appreciably lower than the prior detection in 2000.

Seismic Safety Assessment of the Improvements

The current Court facility was built in 2007 and thus is exempt for the requirement for a seismic safety assessment.

Other

- The AOC is not aware of any lawsuits pending concerning the property.
- On November 25, 2008, the County approved the Transfer Agreement to transfer title and responsibility of the court facility to the state.
- The Transfer Agreement requires that delivery of title to the property will be free and clear of any mortgages or liens.
- The majority interest title holder in the condominium office complex that houses the court facility is the County. The state, as a minority interest holder, will be subject to all assessments in effect under the Condominium Association. As such, should the Condominium Association secure debts against property, the state would be a party.
- The state will be subject to the Condominium Association's covenants, conditions and restrictions (CC&Rs), which govern the relationship among the owners of the condominium units; establish the mechanism for assessments used to maintain the building; and set forth the manner in which decisions are made.
- Effective as of the closing, the AOC grants the County rights of ingress, egress and access to all parts of real property in which any of the County's telecommunications or information technology cabling or equipment, and Sheriff's radio system equipment are located.
- The County has agreed to indemnify the AOC for any liability imposed on the AOC pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. Sec. 9601 et seq.), or related provisions for conditions at the time of transfer whether known or not known that existed in, on, or under the real property.
- In accordance with the Act, there is adequate parking for the court facility. Included under the Transfer Agreement, the County has agreed to assign its interest in a Parking Agreement dated November 15, 2007, with the City of Watsonville for additional leased secure parking spaces and a sallyport for court related purposes.
- There are no historic issues, relocation assistance, or implied dedication associated with the court facility.

Staff Recommendation: **Authorize the acceptance of real property through a transfer of title.**

CONSENT ITEMS

CONSENT ITEM—4

JUDICIAL COUNCIL OF CALIFORNIA (0250)
ADMINISTRATIVE OFFICE OF THE COURTS
SAN PEDRO COURTHOUSE, LOS ANGELES COUNTY
AOC Facility Number 19-Z1, DGS Parcel Number 10601

Authority: Trial Court Facilities Act of 2002, Chapter 1082, Statutes of 2002, commencing with Section 70301 of the Government Code, as amended.

Consider the acceptance of real property through a transfer of title

CONSENT ITEMS

STAFF ANALYSIS ITEM—4

Judicial Council of California
Administrative Office of the Courts
San Pedro Courthouse, Los Angeles County

Action requested

If approved, the requested action would authorize the acceptance of real property through a transfer of title.

Scope Description

This transaction is within scope. The County of Los Angeles (County) is transferring fee title in and to the court facility commonly known as San Pedro Courthouse, located at 505 South Centre Street, San Pedro, California (court facility), to the State of California (state) acting by and through the Judicial Council of California (Council), Administrative Office of the Courts (AOC), pursuant to that certain Transfer Agreement between the Council, AOC, and the County for the Transfer of Responsibility and Title for court facility, dated December 16, 2009 (Transfer Agreement). The court facility consists of approximately 1.8 acres of real property improved with an approximately 50,000 square foot, two-story building, with parking area and associated landscaping. Following the no-cost transfer of title, the AOC shall be responsible for the funding and operation of the court facility.

Funding and Cost Verification

This transaction is within cost. The County shall not be entitled to compensation for any equity value in the square footage occupied by the Superior Court in the court facility pursuant to the Trial Court Facilities Act of 2002 (the Act). The only costs associated with acceptance of this no-cost acquisition are the staff costs to process the acceptance.

CEQA

A Notice of Exemption was filed with the State Clearinghouse on June 3, 2008. The 35-day statute of limitations expired on July 9, 2008, without challenge.

Project Schedule

Estimated close of escrow November 2009

Condition of Property

The AOC was responsible for conducting site visits to the court facility; for contracting for the professional services of an environmental professional for the Phase I Environmental Site Assessment (Phase 1); for the building assessment; and for the seismic assessment. The following findings were made from the combined resources identified above:

Phase I:

A Phase I report was completed in April 2008, by in accordance with the American Society for Testing and Materials Standard Practice for Environmental Site Assessments. The report identified no recognized environmental concerns (RECs) on the subject property. The Phase I, however, cited the likely presence of lead based paints (LBP), asbestos (ACM) containing building materials, and PCB-contaminated electrical equipment due to the age of the court facility. The report noted that paint in the mechanical room and several offices were observed to be in poor condition and peeling; however, made no recommendations to address the LBP or ACM, with the exception of requesting that the county provide information regarding the potential presence of these substances to include survey information and, if present, management plans.

Building Assessment:

Staff from the AOC's Office of Court Construction and Management (OCCM) conducted an initial site visit of the court facility on November 28, 2008, to assess the general condition of the property. The site visits entailed a tour of the facility and surrounding property including a review of the real property for apparent conditions that could adversely impact the habitability or safety of the property that the County will transfer and convey to the state along with the real property; and to identify any tenancies, encroachments, apparent easements, or other rights to occupy or use the property that might be vested in parties other than the County or the Court. OCCM concluded that the court facility did not contain any apparent hazards to the health and safety of the occupants or property.

Seismic Safety Assessment of the Improvements:

Licensed structural engineers performed a Tier I seismic safety assessment of the building in April 2003, and inspected and evaluated the court facility for seismic safety in accordance with the method and criteria developed by the Department of General Services' Real Estate Services Division.

The AOC determined that the building has a seismic safety rating of Level V, as defined in the Risk Acceptability Table of the State Building Seismic Program, developed by the Division of State Architect, April 1994. The Transfer Agreement provides indemnification to state for seismic related damage and injury per Government Code Section 70324.

Other

- The County published a State of Proceedings December 16, 2008, approving the Transfer Agreement to transfer title and responsibility of the court facility to the state.
- The Transfer Agreement requires that delivery of title to the property would be free and clear of any mortgages or liens.
- The Transfer Agreement further provides, that the County's equity interest in the real property will be compensated, should the Council replace the courthouse for all or part of the court facility or otherwise sell or release title to the property after the transfer of title.
- A Joint Occupancy Agreement provides for the rights of first refusal and rights of first offer in favor of the County and Council to expand into and occupy, on a paid basis, any portion of the real property either party desires to vacate in accordance with Government Code Section 70342(e).
- The County has agreed to indemnify the AOC for any liability imposed on the AOC pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. Sec. 9601 et seq.), or related provisions for conditions at the time of transfer whether known or not known that existed in, on, or under the real property.
- The Phase I report indicates that it is likely that there are potential concerns for lead-based paint and asbestos containing materials in the building. Prior to any structural changes or renovations, all appropriate local, state, and federal rules/regulations will be followed with respect to the handling and disposal of these materials. The AOC will also seek all available information from the County for the asbestos containing building materials (ACMs), lead based paint (LBP) and polychlorinated biphenyl (PCBs) at the site. In absence of such data availability the AOC will conduct survey of possible hazards prior to any modification, or demolition.
- It should be noted that the seismic evaluation has determined that in the event of seismic disturbance the facility may pose significant risk to persons and property which could create substantial liability to the State of California. However, the Transfer Agreement provides indemnification to AOC for seismic related damage and injury per Government Code Section 70324.
- There are no historic issues, relocation assistance, or implied dedication associated with the court facility.
- The AOC is not aware of any lawsuits pending concerning the property.
- The Transfer Agreement includes the AOC's acceptance of assigned and unassigned occupancy agreements from the County. The occupancy agreements represent parties that currently use or occupy the Court exclusive-use or common areas of the court facility.
- As of the responsibility transfer date, the County will retain all components of its telecommunications system; and will continue to provide the Superior Court with its telecommunication and wireless communications systems.

- In accordance with the Act, the Transfer Agreement provides for the transfer of parking spaces for judges, Court staff, jurors, and Court users in the number and type as was made available for Court use as of October 1, 2001.

Staff Recommendation: **Authorize the acceptance of real property through a transfer of title.**

CONSENT ITEMS

CONSENT ITEM—5

**JUDICIAL COUNCIL OF CALIFORNIA (0250)
ADMINISTRATIVE OFFICE OF THE COURTS
NEW INDIO JUVENILE AND FAMILY COURTHOUSE, RIVERSIDE COUNTY
AOC Facility Number 33-C5, DGS Parcel Number 10607**

*Authority: Chapter 311, Statutes of 2008
Chapter 1, Statutes of 2009, Third Extraordinary Session, as amended by
Chapter 1, Statutes of 2009, Fourth Extraordinary Session, Item 0250-301-3138(6)*

Consider authorizing site selection

CONSENT ITEMS

STAFF ANALYSIS ITEM—5

Judicial Council of California
Administrative Office of the Courts
New Indio Juvenile and Family Courthouse, Riverside County

Action Requested

If approved, the requested action would authorize site selection.

Scope Description

This project is within scope. The requested action would authorize site selection of approximately 7.0 privately owned acres in Riverside County (County) for the construction of a new five-courtroom courthouse and associated improvements for use by the Superior Court of California (Court) for judicial, administrative, and related purposes. The project will provide an approximately 68,000 square foot building, surface parking, and secure parking for judicial officers and staff. The proposed site is located approximately one-half mile from the Interstate Route 10 interchange and in close proximity to the Larson Justice Center and the Juvenile Hall.

Funding and Cost Verification

This project is within cost. This property can be acquired with the funds available and in accordance with Legislative intent.

CEQA

Subsequent to the site selection process and in accordance with the California Environmental Quality Act (Public Resources Code Section 21000-21177) and pursuant to Section 15063 of Title 14 of the California Code of Regulations, the Judicial Council of California (Council), acting in the capacity of Lead Agency, will undertake the preparation of an Initial Study to determine if the proposed project would have a significant environmental impact. This will be submitted with a future site acquisition application for the selected site.

Project Schedule

Estimated close of escrow June 2010

Condition of Property

On September 25, 2009, the Department of General Services (DGS) staff conducted a site visit to assess the general condition of approximately 7.0 acres of undeveloped land situated south of the Indio Boulevard (between Hoover Street and Fred Waring Drive), Indio, in Riverside County's Coachella Valley. Topography is generally flat. Vegetation consists of dried grasses and perennial plants typical of a desert landscape. The site visit entailed a tour of the surrounding property and a review of the subject site for apparent conditions that could adversely affect the safety of the property and to identify any tenancies, encroachments, apparent easements, or other rights to occupy or use the property that might be vested in parties other than the Court or the County. DGS staff finds that the subject property did not contain any apparent hazards to health and safety or any adverse restrictions for site development.

A Phase I Environmental Site Assessment was completed on September 4, 2009, in accordance with the American Society for Testing and Materials Standard Practice for Environmental Site Assessments. The Phase I did not reveal any evidence of recognized environmental conditions in connection with the subject property and, therefore, concluded no further investigations.

Other

- The proposed site meets the Council's size, location, and compatibility requirements.
- The acquisition price shall not exceed the estimated fair market value as indicated in a DGS approved appraisal report.
- The proposed site is located within a redevelopment agency (RDA) plan area. The RDA and the state will enter into a Memorandum of Understanding wherein the RDA waives for the state courthouse project any restriction and control rights it may have under the redevelopment plan or any other implementing document.
- The preliminary title report indicates the property is situated within an improvement district for which assessments are levied. During the post-site selection due diligence period, the Council's Administrative Office of the Courts staff will determine assessment amounts and terms and whether or not the state is subject to these assessments.
- There are no historic issues, implied dedication, or relocation assistance involved with this project.

Staff Recommendation: Authorize site selection.

CONSENT ITEMS

CONSENT ITEM—6

**JUDICIAL COUNCIL OF CALIFORNIA (0250)
ADMINISTRATIVE OFFICE OF THE COURTS
NEW YUBA CITY COURTHOUSE, SUTTER COUNTY**
AOC Facility Number 51-C1, DGS Parcel Number 10609

*Authority: Chapter 311, Statutes of 2008
Chapter 1, Statutes of 2009, Third Extraordinary Session, as amended by
Chapter 1, Statutes of 2009, Fourth Extraordinary Session, Item 0250-301-3138(10)*

Consider authorizing site selection

CONSENT ITEMS

STAFF ANALYSIS ITEM—6

Judicial Council of California
Administrative Office of the Courts
New Yuba City Courthouse, Sutter County

Action Requested

If approved, the requested action would authorize site selection.

Scope Description

This project is within scope. The requested action would authorize site selection of approximately 3.5 acres in Sutter County (County) for the construction of a new seven-courtroom courthouse and associated improvements for use by the Superior Court of California (Court) for judicial, administrative, and related purposes. The project will provide surface parking as well as secure parking for judicial officers and staff. The proposed site is situated on Civic Center Boulevard in downtown Yuba City immediately north of the Colusa Highway, the main east-west arterial, and west of State Highway 99, the north-south freeway. The proposed Court site is within a Public Facilities District improved with several City and County facilities such as the Yuba City Hall, Veterans' Center, County Health office, and County Law Enforcement Center.

Funding and Cost Verification

This project is within cost. This property can be acquired with the funds available and in accordance with Legislative intent.

CEQA

Subsequent to the site selection process and in accordance with the California Environmental Quality Act (Public Resources Code Section 21000-21177) and pursuant to Section 15063 of Title 14 of the California Code of Regulations, the Judicial Council of California (Council), acting in the capacity of Lead Agency, will undertake the preparation of an Initial Study to determine if the proposed project would have a significant environmental impact. This will be submitted with a future site acquisition application for the selected site.

Project Schedule

Estimated close of escrow June 2010

Condition of Property

On October 21, 2009, the Department of General Services (DGS), staff conducted a site visit to assess the general condition of the subject property described as an approximately 3.5 acre portion of a larger 18 acre parcel of undeveloped land located at the southeast corner of Civic Center Boulevard and Veteran Memorial Circle in Yuba City, Sutter County. The area general land use is characterized by commercial and municipal offices. Topography is generally level with a slight slope toward the south. The property is a vacant lot with an approximately one-acre asphalt paved parking area with planters containing shrubs and grass and asphalt paved one-lane service road with signage limiting access to City/County vehicles. The site visit included a review for apparent conditions that could adversely affect the safety of the property and to identify any tenancies, encroachments, apparent easements, or other rights to occupy or use the property that might be vested in parties other than the Court or the County. DGS staff finds that the subject property did not contain any apparent hazards to health and safety or any adverse restrictions for site development.

A Phase I Environmental Site Assessment was completed on September 2, 2009, in accordance with the American Society for Testing and Materials Standard Practice for Environmental Site Assessments. The Phase I reports no recognized environmental conditions through visual observation. However, based on environmental agencies database review, the report recommends characterization of subject property soils because of an open gasoline leaking underground storage tank case located on adjacent property.

Other

- The proposed site meets the Council's the size, location, and compatibility requirements.
- The Phase I Environmental Site Assessment references an underground storage tank case adjacent property and recommends continuation of remedial and groundwater monitoring activities by the responsible party, the Sutter County Sheriff's Department, and subject property soils characterization prior to grading or excavation. The Council will conduct a Phase II Environmental Site Assessment and applicable environmental studies during the post-site selection due diligence period.
- The acquisition price shall not exceed the estimated fair market value as indicated in a Department of General Services (DGS) approved appraisal report.

- The proposed site would be exchanged by the County of Sutter for the State's attributed equity interest in the existing court facility.
- There are no historic issues, implied dedication, or relocation assistance involved with this project.

Staff Recommendation: Authorize site selection

CONSENT ITEMS

CONSENT ITEM—7

JUDICIAL COUNCIL OF CALIFORNIA (0250)
ADMINISTRATIVE OFFICE OF THE COURTS
NEW INDEPENDENCE COURTHOUSE, INYO COUNTY

*Authority: Chapter 311, Statutes of 2008
Chapter 10, Statutes of 2009*

Consider establishing scope, cost, and schedule

CONSENT ITEMS

STAFF ANALYSIS ITEM—7

Judicial Council of California
Administrative Office of the Courts
New Independence Courthouse, Inyo County

Action Requested

If approved, the requested action would establish scope, cost, and schedule.

Scope Description

This project is within scope. This project will consolidate and replace the court operations from two unsafe, overcrowded, and physically deficient facilities in the City of Independence with a new two-courtroom facility. The project will replace the Inyo County Courthouse and Department 2, which is currently housed in leased office space. The replacement facility will be approximately 29,000 square feet and will provide a modern, secure courthouse which includes criminal, traffic, juvenile, probate proceedings, probate investigations, and civil settlement.

The new facility will also include adequately sized jury assembly space and a deliberation room, self-help center, family court mediation, a children's waiting room, a secure sallyport, in-custody holding, attorney interview/witness waiting rooms, and security screening at the entrance of the facility. The new courthouse will have three secure holding cells for adults, two secure parking spaces for judicial officers, and 80 surface parking spaces for staff, visitors, and jurors. The Judicial Council anticipates receiving an approximately 1.1 acre donated site from the County located in the City of Independence for the new facility. If the donated site does not materialize, the Judicial Council is requesting \$1,449,000 to purchase a comparable site. The purchase price will not exceed fair market value and all appraisals will be reviewed by the Department of General Services, Real Estate Services Section. Authorization to accept a donated site or acquire another site will be subject to the State Public Works Board review and approval.

Chapter 311, Statutes of 2008, authorized an increase in certain court fees, penalties, and assessments for the purpose of improving courthouses in California. In October 2008, the Judicial Council adopted a list of 41 Immediate and Critical Need priority group projects to be funded by these revenues. This project is on that list and is one of the highest priority projects for the judicial branch.

On September 30, 2009, the Judicial Council notified the chairs of the Joint Legislative Budget Committee of its intent to submit this project to the State Public Works Board for approval at the November 16, 2009 PWB meeting.

Funding and Cost Verification

This project is within cost. This action would establish the total cost for this project as \$32,286,000 to be funded from the Immediate and Critical Needs Account (ICNA). Funding for acquisition and preliminary plans are continuously appropriated per Chapter 10, Statutes of 2009. Release of acquisition and preliminary plan funds are subject to the State Public Works Board process and approval. Authorization for working drawings and construction funds will be requested as part of a future Budget Act. It is anticipated that acquisition, preliminary plans, and working drawings will be funded pay-as-you-go from the ICNA. The Administrative Office of the Courts intends to request that the construction phase be financed with lease revenue bonds.

\$	0	total authorized project cost
\$32,286,000		total estimated project cost
\$32,286,000		project costs to be allocated: \$1,449,000 acquisition, \$1,463,000 preliminary plans, \$1,959,000 working drawings, and \$27,415,000 construction (\$24,260,000 contract, \$1,213,000 contingency, \$480,000 A&E, and \$1,462,000 other project costs.)

CEQA

Appropriate CEQA documentation will be completed for this project during the acquisition phase.

Real Estate Due Diligence

Real estate due diligence review and a Summary of Conditions Letter will be completed for this project during the acquisition phase.

Project Schedule

Anticipated close of Escrow	October 2011
Approve preliminary plans	April 2012
Complete working drawings	October 2012
Complete construction	June 2014

Staff Recommendation: **Establish scope, cost, and schedule.**

CONSENT ITEMS

CONSENT ITEM—8

JUDICIAL COUNCIL OF CALIFORNIA (0250)
ADMINISTRATIVE OFFICE OF THE COURTS
NEW DELANO COURTHOUSE, KERN COUNTY

*Authority: Chapter 311, Statutes of 2008
Chapter 10, Statutes of 2009*

Consider establishing scope, cost, and schedule

CONSENT ITEMS

STAFF ANALYSIS ITEM—8

Judicial Council of California
Administrative Office of the Courts
New Delano Courthouse, Kern County

Action Requested

If approved, the requested action would establish scope, cost, and schedule.

Scope Description

This project is within scope. This project will replace the unsafe and physically deficient court-occupied space in the Delano/McFarland Branch Courthouse with a new modern and secure courthouse with three courtrooms in the City of Delano. This facility will be approximately 40,000 square feet and will provide full service proceedings and a full complement of court services to the residents of the northern portion of Kern County, including criminal, traffic, civil, family, probate, and juvenile proceedings. The new facility will also include a jury assembly room, a self-help center, a children's waiting room, family court mediation,

adequately-sized in-custody holding, attorney interview/witness waiting rooms, and secure circulation for court staff and court visitors. It will also replace the in-custody holding facilities with code compliant and secure in-custody holding to support the community and prison population. The new facility would require 135 public surface parking spaces and three secure parking spaces. The new courthouse will have 13 secure holding cells for adults and juveniles, and a secure sallyport. In addition, to acquire a site for the new facility, the Judicial Council requests \$1,620,000 to purchase an approximately 3.0 acre site. The purchase price will not exceed fair market value and all appraisals will be reviewed by the Department of General Services, Real Estate Services Section. Authorization to acquire a site will be subject to the State Public Works Board review and approval.

Chapter 311, Statutes of 2008, authorized an increase in certain court fees, penalties, and assessment for the purpose of improving courthouses in California. In October 2008, the Judicial Council adopted a list of 41 Immediate and Critical Need priority group projects to be funded by these revenues. This project is on this list and therefore is one of the highest priority projects for the judicial branch.

On September 30, 2009, the Judicial Council notified the chairs of the Joint Legislative Budget Committee of its intent to submit this project to the State Public Works Board for approval no sooner than 30 days after the date of notification.

Funding and Cost Verification

This project is within cost. This action would establish the total cost for this project is \$41,924,000 to be funded from the Immediate and Critical Needs Account (ICNA). Funding for acquisition and preliminary plans are continuously appropriated per Chapter 10, Statutes of 2009. Release of acquisition and preliminary plan funds are subject to the State Public Works Board process and approval. Authorization for working drawings and construction funds will be included in the appropriate Budget Act. It is anticipated that acquisition, preliminary plans, and working drawings will be funded from the ICNA. The construction phase is proposed to be funded through lease revenue bonds.

\$	0	total authorized project cost
\$41,924,000		total estimated project cost
\$41,924,000		project costs to be allocated: \$1,620,000 acquisition, \$1,892,000 preliminary plans, \$2,533,000 working drawings, and \$35,879,000 construction (\$31,730,000 contract, \$1,586,000 contingency, \$621,000 A&E, and \$1,942,000 other project costs.)

CEQA

Appropriate CEQA documentation will be completed for this project during the acquisition phase.

Real Estate Due Diligence

Real estate due diligence review and a Summary of Conditions Letter will be completed for this project during the acquisition phase.

Project Schedule

Anticipated close of Escrow	October 2012
Approve preliminary plans	April 2012
Complete working drawings	December 2012
Complete construction	October 2014

Staff Recommendation: **Establish scope, cost, and schedule.**

CONSENT ITEMS

CONSENT ITEM—9

JUDICIAL COUNCIL OF CALIFORNIA (0250)
ADMINISTRATIVE OFFICE OF THE COURTS
NEW SANTA CLARITA COURTHOUSE, LOS ANGELES COUNTY

*Authority: Chapter 311, Statutes of 2008
Chapter 10, Statutes of 2009*

Consider establishing scope, cost, and schedule

CONSENT ITEMS

STAFF ANALYSIS ITEM—9

Judicial Council of California
Administrative Office of the Courts
New Santa Clarita Courthouse, Los Angeles County

Action Requested

If approved, the requested action would establish scope, cost, and schedule.

Scope Description

This project is within scope. This project will consolidate and replace the unsafe and physically deficient court-occupied space in the Santa Clarita Courthouse and in the Santa Clarita Courthouse Annex with a new four-courtroom facility. This facility will be approximately 55,000 square feet and will provide a modern, secure courthouse for criminal, traffic, small claims, limited civil, and unlawful detainer proceedings. The new facility will also include a self-help center, appropriately-sized courtroom waiting areas, jury assembly room, and jury deliberation rooms, adequately-sized in-custody holding, attorney interview/witness waiting

rooms, and a children’s waiting room. Secure parking for seven vehicles, a secure sallyport, and prisoner holding will be located at the basement level. The new courthouse will have ten secure holding cells for adults. 120 parking spaces to support staff, visitors, and jurors will be provided in a surface parking lot. The project site will be capable of accommodating building expansion for six future new judgeships, taking the superior court’s future growth into consideration. The Judicial Council anticipates receiving an approximately 5.3 acre donated site from the County for the new facility. If the donated site does not materialize, the Judicial Council is requesting \$2,412,000 to purchase a comparable site. The purchase price will not exceed fair market value and all appraisals will be reviewed by the Department of General Services, Real Estate Services Section. Authorization to accept a donated site or acquire another site will be subject to the State Public Works Board review and approval.

Chapter 311, Statutes of 2008, authorized an increase in certain court fees, penalties, and assessment for the purpose of improving courthouses in California. In October 2008, the Judicial Council adopted a list of 41 Immediate and Critical Need priority group projects to be funded by these revenues. This project is on this list and therefore is one of the highest priority projects for the judicial branch.

On September 30, 2009, the Judicial Council notified the chairs of the Joint Legislative Budget Committee of its intent to submit this project to the State Public Works Board for approval no sooner than 30 days after the date of notification.

Funding and Cost Verification

This project is within cost. This action would establish the total cost for this project as \$58,131,000 to be funded from the Immediate and Critical Needs Account (ICNA). Funding for acquisition and preliminary plans are continuously appropriated per Chapter 10, Statutes of 2009. Release of acquisition and preliminary plan funds are subject to the State Public Works Board process and approval. Authorization for working drawings and construction funds will be included in the appropriate Budget Act. It is anticipated that acquisition, preliminary plans, and working drawings will be funded from the ICNA. The construction phase is proposed to be funded through lease revenue bonds.

\$	0	total authorized project cost
\$58,131,000		total estimated project cost
\$58,131,000		project costs to be allocated: \$2,412,000 acquisition, \$2,656,000 preliminary plans, \$3,542,000 working drawings, and \$49,521,000 construction (\$44,553,000 contract, \$2,228,000 contingency, \$87,000 A&E, and \$2,653,000 other project costs.)

CEQA

Appropriate CEQA documentation will be completed for this project during the acquisition phase.

Real Estate Due Diligence

Real estate due diligence review and a Summary of Conditions Letter will be completed for this project during the acquisition phase.

Project Schedule

Anticipated close of Escrow	October 2011
Approve preliminary plans	April 2012
Complete working drawings	December 2012
Complete construction	October 2014

Staff Recommendation: **Establish scope, cost, and schedule.**

CONSENT ITEMS

CONSENT ITEM—10

JUDICIAL COUNCIL OF CALIFORNIA (0250)
ADMINISTRATIVE OFFICE OF THE COURTS
NEW LOS BANOS COURTHOUSE, MERCED COUNTY

*Authority: Chapter 311, Statutes of 2008
Chapter 10, Statutes of 2009*

Consider establishing scope, cost, and schedule

CONSENT ITEMS

STAFF ANALYSIS ITEM—10

Judicial Council of California
Administrative Office of the Courts
New Los Banos Courthouse, Merced County

Action Requested

If approved, the requested action would establish scope, cost, and schedule.

Scope Description

This project is within scope. This project will replace the existing unsafe, substandard, overcrowded and functionally deficient Los Banos Courthouse with a new two-courtroom facility. This facility will be approximately 30,000 square feet and will provide functional space for the Superior Court to conduct a full range of court services and proceedings, including criminal, traffic, civil, small claims, family law, and child custody mediation functions. It will expand court services by increasing the capacity for criminal court proceedings from one to two by providing space for one new judgeship from Assembly Bill (AB) 159 (Ch. 722, Statutes of 2007).

It will also expand court services by adding a family law division to the Los Banos courthouse, including child custody mediation and self-help services. It will provide a jury assembly room to allow the court to operate jury trials for the convenience of western Merced County jurors, victims, witnesses, law enforcement officers, and members of the bar. The new courthouse will

have a secure sallyport and two secure in-custody holding cells for adults. The facility will have two secure parking spaces for judicial officers and 80 surface parking spaces for staff, visitors, and jurors. The Judicial Councils requests \$1,727,000 to purchase an approximately 3.0 acre site in the County of Merced. The purchase price will not exceed fair market value and all appraisals will be reviewed by the Department of General Services, Real Estate Services Section. Authorization to acquire a site will be subject to the State Public Works Board review and approval.

Chapter 311, Statutes of 2008, authorized an increase in certain court fees, penalties, and assessment for the purpose of improving courthouses in California. In October 2008, the Judicial Council adopted a list of 41 Immediate and Critical Need priority group projects to be funded by these revenues. This project is on this list and therefore is one of the highest priority projects for the judicial branch.

On September 30, 2009, the Judicial Council notified the chairs of the Joint Legislative Budget Committee of its intent to submit this project to the State Public Works Board for approval no sooner than 30 days after the date of notification.

Funding and Cost Verification

This project is within cost. This action would establish the total cost for this project as \$32,597,000 to be funded from the Immediate and Critical Needs Account (ICNA). Funding for acquisition and preliminary plans are continuously appropriated per Chapter 10, Statutes of 2009. Release of acquisition and preliminary plan funds are subject to the State Public Works Board process and approval. Authorization for working drawings and construction funds will be included in the appropriate Budget Act. It is anticipated that acquisition, preliminary plans, and working drawings will be funded from the ICNA. The construction phase is proposed to be funded through lease revenue bonds.

\$	0	total authorized project cost
\$32,597,000		total estimated project cost
\$32,597,000		project costs to be allocated: \$1,727,000 site acquisition, \$1,474,000 preliminary plans, \$1,974,000 working drawings, and \$27,422,000 construction (\$24,252,000 contract, \$1,213,000 contingency, \$484,000 A&E, and \$1,473,000 other project costs.)

CEQA

Appropriate CEQA documentation will be completed for this project during the acquisition phase.

Real Estate Due Diligence

Real estate due diligence review and a Summary of Conditions Letter will be completed for this project during the acquisition phase.

Project Schedule

Anticipated close of Escrow	October 2011
Approve preliminary plans	April 2012
Complete working drawings	October 2012
Complete construction	February 2014

Staff Recommendation: **Establish scope, cost, and schedule.**

CONSENT ITEMS

CONSENT ITEM—11

JUDICIAL COUNCIL OF CALIFORNIA (0250)
ADMINISTRATIVE OFFICE OF THE COURTS
NEW SAN DIEGO CENTRAL COURTHOUSE, SAN DIEGO COUNTY

*Authority: Chapter 311, Statutes of 2008
Chapter 10, Statutes of 2009*

Consider establishing scope, cost, and schedule

CONSENT ITEMS

STAFF ANALYSIS ITEM—11

Judicial Council of California
Administrative Office of the Courts
New San Diego Central Courthouse, San Diego County

Action Requested

If approved, the requested action would establish scope, cost, and schedule.

Scope Description

This project is within scope. This project will consolidate and replace three unsafe and dysfunctional courthouses and one trailer courtroom in one new building to efficiently and safely provide criminal, probate, small claims, and family court services in the central, downtown area of San Diego. This facility will be approximately 704,000 square feet and will include 71 courtrooms. Secure parking for up to 112 cars, a secure sallyport, and 130 secure in-custody holding cells for adults will be provided below grade. The project does not include any additional parking for staff, the public, or jurors, in support of the City of San Diego Redevelopment Agency's Downtown Community Plan goal to increase reliance on public transportation.

The Judicial Council anticipates receiving an approximately 1.4 acre donated site from the County for the new facility. If the donated site does not materialize, the Judicial Council will request additional funding to purchase a site. The purchase price will not exceed fair market value and all appraisals will be reviewed by the Department of General Services, Real Estate Services Section. Authorization to accept a donated site or acquire another site will be subject to the State Public Works Board review and approval.

Chapter 311, Statutes of 2008, authorized an increase in certain court fees, penalties, and assessment for the purpose of improving courthouses in California. In October 2008, the Judicial Council adopted a list of 41 Immediate and Critical Need priority group projects to be funded by these revenues. This project is on this list and therefore is one of the highest priority projects for the judicial branch.

On September 30, 2009, the Judicial Council notified the chairs of the Joint Legislative Budget Committee of its intent to submit this project to the State Public Works Board for approval no sooner than 30 days after the date of notification.

Funding and Cost Verification

This project is within cost. This action would establish the total cost for this project as \$633,934,000 to be funded from the Immediate and Critical Needs Account (ICNA). Funding for acquisition and preliminary plans are continuously appropriated per Chapter 10, Statutes of 2009. Release of acquisition and preliminary plan funds are subject to the State Public Works Board process and approval. Authorization for working drawings and construction funds will be included in the appropriate Budget Act. It is anticipated that acquisition, preliminary plans, and working drawings will be funded from the ICNA. The construction phase is proposed to be funded through lease revenue bonds.

\$	0	total authorized project cost
\$633,934,000		total estimated project cost
\$633,934,000		project costs to be allocated: \$8,633,000 acquisition, \$21,559,000 preliminary plans, \$31,975,000 working drawings, and \$571,767,000 construction (\$504,905,000 contract, \$25,245,000 contingency, \$7,878,000 A&E, and \$34,939,000 other project costs)

CEQA

Appropriate CEQA documentation will be completed for this project during the acquisition phase.

Real Estate Due Diligence

Real estate due diligence review and a Summary of Conditions Letter will be completed for this project during the acquisition phase.

Project Schedule

Anticipated close of Escrow	March 2011
Approve preliminary plans	January 2012
Complete working drawings	January 2013
Complete construction	January 2016

Staff Recommendation: Establish scope, cost, and schedule.

CONSENT ITEMS

CONSENT ITEM—12

JUDICIAL COUNCIL OF CALIFORNIA (0250)
ADMINISTRATIVE OFFICE OF THE COURTS
NEW SONORA COURTHOUSE, TUOLUMNE COUNTY

*Authority: Chapter 311, Statutes of 2008
Chapter 10, Statutes of 2009*

Consider establishing scope, cost, and schedule

CONSENT ITEMS

STAFF ANALYSIS ITEM—12

Judicial Council of California
Administrative Office of the Courts
New Sonora Courthouse

Action Requested

If approved, the requested action would establish scope, cost, and schedule.

Scope Description

This project is within scope. This project will replace the existing and physically deficient court-occupied space in the Historic Courthouse, the Washington Street Branch and the leased Jury Assembly Room; with a new five-courtroom facility and will create operational efficiencies and on-going savings through the consolidation of current court services and through the elimination of a leased facility. This facility will be approximately 67,000 square feet and will provide a modern, secure courthouse for centralized criminal, traffic, juvenile, and probate proceedings, probate investigations, and civil settlement. The new facility will also include

in-custody holding, appropriately-sized jury assembly and deliberation rooms located within the courthouse, a self-help center, a children's waiting room, family court mediation, attorney interview/witness waiting rooms, and security screening at the entrance. Nine secure parking spaces will be located at the basement level and 150 spaces for staff, visitors, and jurors will be located in an adjacent surface parking lot. The new courthouse will have 17 secure holding cells for adults and juveniles and a secure sallyport. The Judicial Councils requests \$2,252,000 to purchase an approximately 3.0 acre site in the County of Tuolumne. The purchase price will not exceed fair market value and all appraisals will be reviewed by the Department of General Services, Real Estate Services Section. Authorization to acquire a site will be subject to the State Public Works Board review and approval.

Chapter 311, Statutes of 2008, authorized an increase in certain court fees, penalties, and assessment for the purpose of improving courthouses in California. In October 2008, the Judicial Council adopted a list of 41 Immediate and Critical Need priority group projects to be funded by these revenues. This project is on this list and therefore is one of the highest priority projects for the judicial branch.

On September 30, 2009, the Judicial Council notified the chairs of the Joint Legislative Budget Committee of its intent to submit this project to the State Public Works Board for approval no sooner than 30 days after the date of notification.

Funding and Cost Verification

This project is within cost. This action would establish the total cost for this project as \$70,076,000 to be funded from the Immediate and Critical Needs Account (ICNA). Funding for acquisition and preliminary plans are continuously appropriated per Chapter 10, Statutes of 2009. Release of acquisition and preliminary plan funds are subject to the State Public Works Board process and approval. Authorization for working drawings and construction funds will be included in the appropriate Budget Act. It is anticipated that acquisition, preliminary plans, and working drawings will be funded from the ICNA. The construction phase is proposed to be funded through lease revenue bonds.

\$	0	total authorized project cost
\$70,076,000		total estimated project cost
\$70,076,000		project costs to be allocated: \$2,252,000 acquisition, \$3,188,000 preliminary plans, \$4,268,000 working drawings, and \$60,368,000 construction (\$53,464,000 contract, \$2,673,000 contingency, \$1,046,000 A&E, and \$3,185,000 other project costs)

CEQA

Appropriate CEQA documentation will be completed for this project during the acquisition phase.

Real Estate Due Diligence

Real estate due diligence review and a Summary of Conditions Letter will be completed for this project during the acquisition phase.

Project Schedule

Anticipated Close of Escrow	October 2011
Approve preliminary plans	April 2012
Complete working drawings	December 2012
Complete construction	October 2014

Staff Recommendation: **Establish scope, cost, and schedule.**

CONSENT ITEMS

CONSENT ITEM—13

DEPARTMENT OF GENERAL SERVICES (1760)
DEPARTMENT OF PARKS AND RECREATION (3790)
MONTEREY STATE BEACH – BIG SUR LAND TRUST
MONTEREY COUNTY
DPR Parcel Number 003183, DGS Parcel Number 10418

*Authority: Chapter 157, Statutes of 2003, Item 3790-301-6029(10),
as reappropriated by the Budget Act of 2006*

Consider authorizing acquisition

CONSENT ITEMS

STAFF ANALYSIS ITEM—13

Department of General Services
Department of Parks and Recreation
Monterey State Beach - Big Sur Land Trust
Monterey County

Action requested

If approved, the requested action would authorize acquisition.

Scope Description

This project is within scope. The Legislature has approved funding from Proposition 40 (California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002) for new State Park System acquisitions without specifying particular parcels. This request will authorize acquisition of an undivided 100 percent fee simple interest in 15 assessor parcels comprising 28 lots totaling approximately 1.5 acres adjacent to Monterey State Beach. The acquisition of these parcels will preserve vital habitat for Western Snowy Plover, endangered Smith's Blue Butterfly and provide passive recreation.

Funding and Cost Verification

This project is within cost. Chapter 157, Statutes of 2003, Item 3790-301-6029(10), as reappropriated by the Budget Act of 2006, provides funding for this acquisition in fee simple interest and associated overhead for the real property. The balance of the appropriation is sufficient to acquire the subject property in accordance with legislative intent.

\$ 286,000 total acquisition costs
\$ 17,000 project costs previously allocated
\$ 269,000 project costs to be allocated

CEQA

A Notice of Exemption was filed with the State Clearinghouse on December 10, 2008, and the waiting period expired on January 14, 2009.

Project Schedule

Anticipated close of escrow is September 2009.

Condition of Property

Big Sur Land Trust provided a copy of a Phase I Environmental Site Assessment (ESA) report conducted on March 16, 2006. The report does not recommend any further investigation of this property.

On December 3, 2008, DGS staff visited the site and concluded that based on the information provided by the Phase I ESA and DGS site visit, no further evaluation is recommended.

Other

- The State Public Works Board (PWB) previously approved two acquisitions (the R-3 Area and Park Appraisal Area) within Sand City to Monterey State Beach, Sand City, on August 18, 2006, and approved site selection for this specific property on November 17, 2006.
- The purchase price will not exceed the estimated fair market value as determined by a DGS approved appraisal.
- This property is vacant and unimproved and located between Monterey State Beach and State Highway One.
- There is no implied dedication applicable to this property with the exception of evidence that members of the public have used the property for hiking purposes which has been contemplated as part of the DGS approved appraisal.
- There is no relocation assistance involved with this project.
- The Property Acquisition Agreement does not include the State's standard indemnification language, potentially exposing the State to additional fiscal liability; however, the DGS-ESS site visit of the property did not identify conditions that would likely pose an exceptional risk to the State. As such, the risk associated with acquiring this property without the standard indemnification is low. It should be noted that the lack of indemnification language does not relieve the Seller of liability under existing law.
- The preliminary title report indicates the property lies within the bounds of the Sand City Redevelopment Plan. In December 2007, the City Council of Sand City adopted an ordinance describing the program and its limitations for acquiring property by eminent domain in order to eliminate blight. Among other items, eminent domain is not to be used to acquire property owned by public bodies which do not consent to the acquisition or to acquire residential property without the property owner's prior consent. DPR has advised

the Redevelopment Plan is not of issue and the property can be maintained as part of the existing state beach.

- This acquisition helps DPR fulfill one of its missions of acquiring in-holdings when they become available, particularly when they can be acquired at less than fair market value.
- The approximately 1.5 acres acquisition adjacent to Monterey State Beach contains 15 assessor parcels comprising 28 lots. The acquisition of these parcels will preserve vital habitat for Western Snowy Plover, endangered Smith's Blue Butterfly and provide passive recreation. State Parks can provide patrol with existing staff to the property.
- Any changes to public access, use, development, resources or habitat protection will be addressed through the normal budget process.

Staff Recommendation: Authorize acquisition

CONSENT ITEMS

CONSENT ITEM—14

DEPARTMENT OF CORRECTIONS AND REHABILITATION (5225)
CALIFORNIA INSTITUTION FOR MEN
HOUSING UNIT FIRE, LIFE, AND SAFETY MODIFICATIONS
CHINO, SAN BERNARDINO COUNTY

Authority: Chapter 1, Statutes of 2009, Item 5225-301-0001(7)

Consider approval of preliminary plans

CONSENT ITEMS

STAFF ANALYSIS ITEM—14

Department of Corrections and Rehabilitation
California Institution for Men
Housing Unit Fire, Life, and Safety Modifications
Chino, San Bernardino County

Action Requested

If approved, the requested action would approve preliminary plans.

Scope Description

This project is within scope. The authorized scope of this project includes installation of a manual pull fire alarm system, an automatic fire sprinkler system, three automatic fire closure doors, and three two-hour fire rated walls in each of the Joshua, Mariposa, Otay, and Angeles housing units at the California Institution for Men (CIM) Reception Center (RC) West Facility. All doors must be 1-1/2 hour fire-rated assemblies, which must be left in the open position with smoke detectors that will trigger their closure in the event of a fire. This alternative was reviewed and approved by the State Fire Marshal as an acceptable method of correcting fire, life and safety issues relative to inmate housing at the CIM RC West Facility.

An inmate disturbance occurred at this facility on August 8, 2009. The Joshua, Mariposa, Otay, and Angeles housing units sustained substantial damage during this disturbance. Emergency funding to repair this damage has been approved through Item 9840-001-0001 of the Budget Act of 2009. The fire, life and safety modifications funded by this project will be performed concurrent with the damage repair.

The 45-day notice required pursuant to Section 7003 of the Penal Code for the Mariposa, Otay, and Angeles housing units was submitted by the CDCR to the Legislature on September 15, 2009. This action will only approve preliminary plans for those three housing units. The 45-day notice required pursuant to Section 7003 of the Penal Code for the Joshua housing unit was submitted by the CDCR to the Legislature on October 20, 2009 and a separate item requesting approval of preliminary plans for that portion of the project will be presented after the 45-day notice period has expired.

Funding and Project Cost Verification

This project is within cost. The Budget Act of 2009 appropriated \$1,777,000 General Fund for preliminary plans, working drawings, and construction for this project. Based on an updated cost estimate prepared when preliminary plans were completed the working drawings and construction costs remain within the approved project budget.

\$1,777,000 total authorized project cost

\$1,777,000 total estimated project cost

\$1,777,000 project costs to be allocated: construction (\$1,288,000 contract, \$114,000 contingency, \$269,000 other project costs, and \$106,000 agency retained items)

CEQA

A Notice of Exemption for the Mariposa, Otay, and Angeles housing units was filed with the State Clearinghouse on September 2, 2009, and the statute of limitations expired on October 7, 2009 without adverse comment.

A Notice of Exemption for the Joshua housing unit was filed with the State Clearinghouse on September 29, 2009 and the statute of limitations expired on November 3, 2009 without adverse comment.

Real Estate Due Diligence

The Department of General Services completed a Summary of Conditions Letter for this project on September 14, 2009 and no significant issues were identified.

Project Schedule

Approve preliminary plans	November 2009
Complete working drawings	November 2009
Complete construction	August 2010

Staff Recommendation: Approve preliminary plans.

INFORMATIONAL ITEMS

INFORMATIONAL ITEM

JUDICIAL COUNCIL OF CALIFORNIA (0250)
NEW MADERA COURTHOUSE, MADERA COUNTY
JCC Parcel Number 20-F1, DGS Parcel Number 10538

Authority: Chapters 171 and 172, Statutes of 2007, Item 0250-301-3037(2)

Provide update to the conditions precedent as discussed at the June 12, 2009, State Public Works Board meeting.

OTHER BUSINESS

- 1. Adoption of the 2009 SPWB Calendar.**
- 2. The Annual Report from Gilbert Associates Inc.**
 - a. Public Buildings Construction Fund
 - b. High Technology Education Revenue Bond Fund

Recognize the 2009 State Public Works Board Financial Statements

REPORTABLES

To be presented at the meeting.