



CALIFORNIA STATE
PUBLIC WORKS BOARD

ARNOLD SCHWARZENEGGER, GOVERNOR

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AGENDA WITH ANALYSIS

NOTICE OF MEETING
STATE PUBLIC WORKS BOARD
[Monday, December 14, 2009](#)

The **STATE PUBLIC WORKS BOARD** will meet on
[Monday, December 14, 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,
December 14, 2009
10:00 a.m.
Room 113**

State Capitol
Sacramento, California

I. Roll Call

Michael C. Genest, Director, Department of Finance
Ronald 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 [November 9](#) and [November 16, 2009](#) meetings

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CONSENT ITEMS

CONSENT ITEM—1

JUDICIAL COUNCIL OF CALIFORNIA (0250)
ADMINISTRATIVE OFFICE OF THE COURTS
KEARNY MESA TRAFFIC/SMALL CLAIMS COURTHOUSE
SAN DIEGO COUNTY

AOC Facility Number 37-C1, DGS Parcel Number 10611

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
Kearny Mesa Traffic/Small Claims Facility
San Diego 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 San Diego (County) is transferring fee title in and to the court facility commonly known as Kearny Mesa Traffic/Small Claims Facility, located at 8950 Clairemont Mesa Blvd., San Diego, 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 Amended and Restated Transfer Agreement between the Council, AOC, and the County for the Transfer of Responsibility for and Title to Court Facilities and Conveyance of Title to Kearny Mesa Courthouse, dated November 3, 2009 (Amended and Restated Transfer Agreement). The Courthouse is located on approximately 4.6 acres of real property improved with a single-story court structure with basement and six unaffixed modulars, a parking area and associated landscaping.

The AOC and County (collectively referred to herein as the "Parties") entered into an original Transfer Agreement with an effective date of September 16, 2008 for the SB1732 transfer of responsibility of the Courthouse. Pursuant to the original Transfer Agreement, the County was obligated to retain all seismic liability obligations until such time as the Trial Court Facilities Act of 2002, codified in Government Code sections 70301 through 70404 or as hereafter amended (Act) fully and finally relieved the County of those retained seismic liability obligations. Prior to the September 16, 2008, transfer date on or about July 24, 2008, the County and the AOC, through their respective chief negotiators, executed a Seismic Settlement MOU pursuant to section 70324(b)(4) of the Act. Once the Parties obtained the approval of the seismic settlement from the Director of the Department of Finance, as required under sections 70324(a)(4) and 70324(b)(4) of the Act, the Parties amended the original Transfer Agreement with respect to the seismic liability obligations to coincide with the Seismic Settlement MOU. In particular, the Parties amended and restated the original Transfer Agreement to, among other things, fully and finally release and discharge the County from any and all Seismic Liability Obligations retained by the County under the original Transfer Agreement.

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 4, 2008. The 35-day statutes of limitation period expired on December 9, 2008, without challenge.

Project Schedule

The estimated close of escrow is January 2010.

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 in May, 2009 in accordance with the American Society for Testing and Materials Standard Practice for Environmental Site Assessments. The report found no on-site, off-site, suspect or historical recognized environmental conditions on the subject property. The Phase I does however, point out certain de minimis environmental conditions with respect to the court facility based on the age of construction; which include the potential existence of lead-based paints (LBP), asbestos containing materials (ACM) and PCB-containing materials in the electrical transformers and associated equipment.

Building Assessment:

Staff from the AOC's Office of Court Construction and Management (OCCM) reviewed the Phase I Assessment and visited the court facility to assess the general condition of the property. AOC Staff have visited the site on several occasions to monitor the condition of the court facility since the initial visit. 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; 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 located in the Court Facility in July 2003, and inspected and evaluated the Courthouse for seismic safety in accordance with the method and criteria developed by the Department of General Services' Real Estate Services Division. This seismic evaluation of the Court Facility was then peer-reviewed by other qualified engineers.

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.

Other

- The County adopted a Resolution on November 3, 2009, approving the Amended and Restated Transfer Agreement to transfer title and responsibility of the court facility to the state.
- The Amended and Restated Transfer Agreement requires that delivery of title to the property to be free and clear of any mortgages or liens. Title to six unaffixed modulares located on the real property will be processed through a separate process at a later date.
- 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 LBP, ACM in the building and PCB containing fluids in the electrical equipment manufactured prior to July 1979. 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 regarding these substances at the site. In absence of such data availability the AOC will conduct survey of possible hazards prior to any modification, or demolition.
- On March 10, 2009, the Parties obtained the approval from the Director of the Department of Finance to acknowledge the seismic settlement as required in Sections 70324(a)(4) and 70324(b)(4) of the Act; and amended the original Transfer Agreement to fully and finally release and discharge the County from any and all Seismic Liability Obligations retained by the County under the original Transfer Agreement.
- An earthquake policy that complies with the provisions of the Amended and Restated Transfer Agreement and the state's insurance guidelines, as determined by the Department of General Services, Office of Risk and Insurance Management will be in full force and effect prior to this State Public Works Meeting.
- 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.
- In accordance with the Act, the County has transferred parking spaces in the number and type as was made available for court use as of October 1, 2001.
- 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—2

JUDICIAL COUNCIL OF CALIFORNIA (0250)
ADMINISTRATIVE OFFICE OF THE COURTS
METROPOLITAN COURTHOUSE
LOS ANGELES COUNTY
AOC Facility Number 19-T1, DGS Parcel No. 10613

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
Administrative Office of the Courts
Metropolitan Courthouse
Los Angeles County

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 Metropolitan Courthouse, located at 1945 South Hill Street, Los Angeles, California (court facility), to the State of California (state) by and through the Judicial Council of the 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 for Court Facility, dated November 18, 2008 (Transfer Agreement). The court facility consists of approximately 3.4 acres of real property improved with an approximately 136,000 square foot, nine-story courthouse building and associated landscaping and three-level subterranean 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 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

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

Project Schedule

The estimated close of escrow is December 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 on 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 were on the site, but did cite two recognized environmental conditions (REC) with respect to the subject property.

- One REC was identified that involved a petroleum cleanup listing located approximately 0.3 mile northwest (up-gradient) from the subject property, which was listed both as NFA and open. The report recommended further investigation for this site. AOC Environmental staff contacted and reviewed files from the LA Fire Department. It was determined that a Phase II was not needed because a "No Further Action" letter had been issued by the oversight agency.
- One 5,126-gallon diesel UST was identified in the EIR report, which was determined that on September 24, 1998, the Los Angeles City Fire Department permitted 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 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. URS recommended that: (1) a regular maintenance program is instituted to prevent any fluid leakage from hydraulic equipment potentially containing PCB; (2) suspect ACM be formally assessed; and (3) LBP 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 in July 2008, 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.

Seismic Safety Assessment of the Improvements

Licensed structural engineers performed a Tier I seismic safety assessment of the building located in the court facility in September of 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. The Transfer Agreement provides indemnification to state for seismic related damage and injury per Government Code Section 70324.

Other

- The County adopted a Resolution on November 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 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 129,000 square feet or 94.5 percent and the County occupies approximately 7,000 square feet or 5.5 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 Section 70344(b). The terms for compensating parties are specified in the Transfer Agreement.
- A Memorandum of Transfer and Joint Occupancy Agreements has been recorded in the County's Official Records to memorialize the existence of the terms of the Transfer Agreement and Joint Occupancy Agreements. 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).
- 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, lead based paint and polychlorinated biphenyl 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 terms of the Joint Occupancy Agreement 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 building software is located for the County's use, maintenance, repair or replacement of the systems.
- The Council will be responsible for and be entitled to all revenue from all Occupancy Agreements in the Court Exclusive-Use Area. Following the transfer, an Occupancy Agreement for the City of Los Angeles will be assigned to the AOC.
- 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 state for seismic related damage and injury per Government Code Section 70324.
- There is no relocation assistance associated with this court transfer.
- There are no historic issues 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—3

JUDICIAL COUNCIL OF CALIFORNIA (0250)
ADMINISTRATIVE OFFICE OF THE COURTS
NORTH COUNTY REGIONAL CENTER VISTA CENTER
SAN DIEGO COUNTY

AOC Facility Number 37-F2 and 37-F3, DGS Parcel Number 10615

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 of California
Administrative Office of the Courts
County Regional Center Vista Center
San Diego 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 San Diego (County) is transferring fee title in and to the court facility commonly known as North County Regional Center - Vista Center, located at 325 South Melrose Drive in Vista, California (court facility), to the State of California (state) by and through the Judicial Council of California (Council), Administrative Office of the Courts (AOC), pursuant to that certain Amended and Restated Transfer Agreement between the Council, AOC, and the County for the Transfer of Responsibility and Transfer of Title for Court Facilities, dated November 3, 2009 (Amended and Restated Transfer Agreement), The court facility consists of approximately 4.7 acres of real property improved with two single story buildings, eight unaffixed modular facilities, parking areas and associated landscaping.

The AOC and County (collectively referred to as Parties) entered into an original Transfer Agreement with an effective date of September 16, 2008. Pursuant to the original Transfer Agreement, the County was obligated to retain all seismic liability obligations until such time as the Trial Court Facilities Act of 2002 (Act), fully and finally relieved the County of those retained seismic liability obligations. Prior to the September 16, 2008, transfer date, the County and the AOC executed a Seismic Settlement MOU pursuant to the Act. The Parties obtained the approval of the seismic settlement from the Director of the Department of Finance, and amended the original Transfer Agreement.

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 3, 2008. The 35-day statutes of limitation period expired on December 8, 2008, without challenge.

Project Schedule

The estimated close of escrow is December 2009.

Condition of Properties

The AOC, staff agency to the Council, 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 Property buildings were constructed prior to 1978; therefore, Asbestos Containing Materials (ACM) and lead-containing paint (LBP) are possibly present. It is also possible that intact light fixtures may contain PCB-containing ballasts. No visible evidence of mold was observed during the site reconnaissance. The following findings were made from the combined resources identified above:

Phase I:

A Phase I report was completed in May 2009, in accordance with the American Society for Testing and Materials Standard Practice for Environmental Site Assessments. Based on the review and evaluation of existing environmental data, obtainable through site observations, and review of available historical and agency records, one onsite Recognized Environmental Condition (REC) is present on the south portion of the site that consists of a release from a 250-gallon Underground Storage Tank (UST), associated with the former Breeze Hill Ranch property. The tank was reportedly pumped dry in 1974 and was not used since that date. Background information indicates that the UST was removed from the site in 1986, without permits. The amount of fuel released and date the release(s) occurred is unknown. Previous remedial excavation activities conducted in August 1989 and July 1991 appear to have removed the majority of the impacts soils from the area of the former UST.

This leaking UST (LUST) case is currently being assessed by the County of San Diego Department of General Services, Facilities Management (DGSFM) with oversight of the County of San Diego Department of Environmental Health (DEH). After soil sampling and the installation of one groundwater monitoring well in April 2008, the County DEH requested further investigation. One groundwater monitoring well was observed in the parking lot in front of the front entrance of the South Building and appeared to be associated with the ongoing

investigation of this UST release. AECO recommends that AOC ensure that the 250-gallon UST REC continues to be investigated until site closure is issued by the County DEH and the San Diego Regional Water Quality Control Board, if required.

Upon further review the Geotracker report indicated that a Leaking Underground Storage Tank (LUST) was removed in the mid-1980s. Several monitoring wells have been installed and soil sampling has been conducted at the site. The latest one was performed in 2008. Based on the AOC Environmental Analyst's assessment of the available data, no off site migration is noted from any of the reports.

Building Assessment:

Staff from the AOC's Office of Court Construction and Management (OCCM) has reviewed the Phase I Assessment of the court facility to assess the general condition of the property. OCCM staff have visited the site on several occasions 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 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 located in the court facility in 2003 and inspected and evaluated the Courthouse for seismic safety in accordance with the method and criteria developed by the Department of General Services. This seismic evaluation of the court facility was then peer-reviewed by other qualified engineers.

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. Title to the court facility is transferring to the state but the county shall not be responsible for any seismic-related damage and injury due to the negotiated agreement, approved by the Director of the Department of Finance, wherein the County agreed to convey the Stahlman Block to the state in exchange for responsibility for future seismic liability.

Other

- The County adopted a Resolution on September 16, 2008, approving the Transfer Agreement to transfer title and responsibility of the Court Facility to the state, and authorizing the execution of the Transfer Agreement.
- The Amended and Restated Transfer Agreement requires that delivery of title to the property would be free and clear of any mortgages or liens.
- On March 10, 2009, the Parties obtained the approval from the Director of the Department of Finance to acknowledge the seismic settlement as required in the Act; and amended the original Transfer Agreement to fully and finally release and discharge the County from any and all Seismic Liability Obligations retained by the County under the original Transfer Agreement.
- An earthquake policy that complies with the provisions of the Amended and Restated Transfer Agreement and the State's insurance guidelines, as determined by the Department of General Services, Office of Risk Management will be in full force and effect prior to the State Public Works meeting.

- The County has agreed to indemnify the AOC against 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 during the period of their ownership.
- Concurrently with the conveyance of title to the court facility, the County grants the state a non-exclusive Access Easement Deed for purposes of ingress and egress from the nearest public right of way through a portion of the grounds area to the court facility.
- 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.
- The eight (8) unaffixed modular facilities located on the subject property will be conveyed to the AOC by means of Bill of Sale, together with all existing implied warranties, indemnities, rights and benefits.
- The 250-gallon UST REC will continue to be investigated until site closure is issued by the San Diego County DEH and the San Diego Regional Water Quality Control Board. In addition, prior to any ground disturbing activities, appropriate local, state and federal rules/regulations will be followed with respect to handling and possible disposal on contaminated soils.
- The Phase I report indicates that it is likely that there are potential concerns for LBM and ACM 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. In addition, prior to any ground disturbing activities, appropriate local, state, and federal rules/regulations will be followed with respect to handling and possible disposal of contaminated soil.
- 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.
- There are no historic issues, implied dedication or relocation assistance associated with the transfer of this 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 DIEGO COUNTY COURTHOUSE
SAN DIEGO COUNTY

AOC Facility Numbers 37-A1, DGS Parcel Number 10608

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

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 Diego County Courthouse

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 San Diego (County) is transferring fee title in and to the court facility commonly known as County Courthouse, located at 220 West Broadway, which includes the Old Jail, located at 222 West Broadway; (Court Facility) situated in the city of San Diego, California, 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 Amended and Restated Transfer Agreement between the Council, AOC and the County for the Transfer of Responsibility for and Title to the Court Facility dated November 3, 2009, (Amended and Restated Transfer Agreement). The County Courthouse and Old Jail are located on approximately 11.5 acres of real property improved with a seven-story courthouse building, and the eight-story Old Jail building includes the parking area and associated landscaping.

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

Notices of Exemption were filed with the State Clearinghouse on June 30, 2009. The 35-day statute of limitations period expired on August 4, 2009, without challenge.

Project Schedule

The estimated close of escrow is December 2009.

Condition of Properties

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

Phase I and II:

Several Phase I ESA studies were completed by the AOC since July 2005. Most recently, in June 2009 and September 2009, AECOM completed an updated Phase I report for the Court Facility, which incorporated findings from previous Phase I reports and concluded that there were no significant historic subsurface conditions that would adversely affect the property. The July 2005 Phase I concluded that there were no on-site/offsite, suspect or historical recognized environmental conditions with respect to the Court Facility; but pointed out the potential existence of lead-based paints (LBP), asbestos containing materials (ACM) and PCB-containing materials in the transformers and associated equipment. Prior to any demolition, renovation, and redevelopment at the property, AECOM recommended that the AOC address the potential presence of impacts from burn dump operations, ACM, and/or LBP.

Building Assessment:

Staff from the AOC's Office of Court Construction and Management (OCCM) reviewed the Phase I ESAs, and visited the site on several occasions to monitor the condition of the Court Facility to evaluate any problematic conditions. 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 located in the court facility in July, 2003 and inspected and evaluated the County Courthouse for seismic safety in accordance with the method and criteria developed by the Department of General Services' Real Estate Services Division. This seismic evaluation of the court facility was then peer-reviewed by other qualified engineers.

The AOC determined that the buildings to be transferred to the State have a seismic safety Level V rating, as defined in the Risk Acceptability Table of the State Building Seismic Program, developed by the Division of State Architect, April 1994. The court facility will be transferred to the state pursuant to sections 70324(a)(4) and 70324(b)(4), wherein the County shall not be responsible for any seismic-related damage and injury due to a negotiated agreement.

Other

- The County adopted a Resolution on November 3, 2009, approving the Amended and Restated Transfer Agreement to transfer title and responsibility of the court facility to the state.

- The Amended and Restated Transfer Agreement requires delivery of title to the property to be free and clear of any mortgages or liens, subject to the rights and obligations of a County Courthouse Lease and Prisoner Transit Easement agreed upon by the Parties.
- Instead of retrofitting the Seismic Level V buildings and retaining the seismic liability under the Act, the County has negotiated a Seismic Settlement MOU dated July 24, 2008 (Seismic MOU), which provides for the transfer of responsibility without the County's acceptance of all seismic liability. Following the no-cost transfer of title of the Court Facility, the state will be responsible for the seismic liability of all seismic V rated court facilities in the County of San Diego, pursuant to section 70324(b)(4) of the Act.
- On March 10, 2009, the Parties obtained the approval from the Director of the Department of Finance to acknowledge the seismic settlement as required in Sections 70324(a)(4) and 70324(b)(4) of the Act; and amended the original Transfer Agreement to fully and finally release and discharge the County from any and all Seismic Liability Obligations retained by the County under the original Transfer Agreement.
- The terms of the Seismic MOU and subsequent Amended and Restated Transfer Agreement and Equity Release Agreement from County to AOC stipulates that the County will transfer and convey all right, title and interest in the parcels of real property that comprise the Court Courthouse, Old Jail and the Stahlman Block and specifies that the County shall not be compensated for any equity value in the square footage occupied by county staff or for the equity value in the Court Facility which includes all office buildings, surface parking lots, and the underlying land.
- An earthquake policy that complies with the provisions of the Amended and Restated Transfer Agreement and the state's insurance guidelines, as determined by the Department of General Services, Office of Risk and Insurance Management will be in full force and effect prior to this State Public Works Meeting.
- After the deeds for the Court Facility are recorded and until July 1, 2014, the AOC shall lease the Old Jail, and the entire Stahlman Block to the County on the terms set forth in the County Courthouse Master Lease and the Stahlman Block Master Lease (Master Leases). The County shall manage and administer the existing leases and be solely entitled to collect and retain the rent and other revenues from the Master Leases. The AOC has the right to request an early termination of the Master Leases prior to July 1, 2014. In the event the AOC exercises the early termination right, it will be obligated to pay the County any net lost revenue for the period of time between the early termination and July 1, 2014.
- The AOC is not aware of any lawsuits pending concerning the property.
- 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.
- Following the transfer of title to the court facility the County shall continue to have the exclusive right to occupy and use the County's Exclusive Use Area (76,050 sq. ft), and the non-exclusive right to use the Common Area until such time as the local Superior Court ceases all court operations in the court facility.
- The County's telecommunications and information technology services will be shared by both parties. Each party shall have the rights of ingress, egress and access to enter each other's Exclusive-Use area and the shared underground utility conduits, cabling and connections for inspecting, servicing and operation purposes.
- In the event the AOC decides to demolish the County Courthouse and/or Old Jail, the AOC will be responsible for demolishing that portion of the County Courthouse that lies

within the County's ownership; and demolishing the existing prisoner transport bridge between the Old Jail and County Jail, and the bridge between the Court Facility and the Hall of Justice. Accordingly, the state will be required to fund, site and construct a prisoner transport tunnel from the existing County Jail to a future downtown courthouse site in exchange for an expanded equity share in the county's South Bay Regional Center located in the city of Chula Vista.

- The County currently delivers chilled water from its Central Plant to the Hall of Justice and Central Jail via pipes and other equipment located in the County Courthouse and Old Jail. In the event the AOC demolishes the County Courthouse or Old Jail, the AOC shall provide the County with a chilled water replacement system. If necessary, the AOC will grant the County an easement as an encumbrance for ingress and egress, in, under and through the real property for the future maintenance, repair, use and replacement of a chilled water system.
- A Temporary Prisoner Transit Easement Agreement will be granted to the County as a non-exclusive easement and right-of-way over a portion of the County's property for purposes of pedestrian ingress and egress for the transportation of prisoners and detainees between the Central Jail and the Sheriff CSB Holding Area. The temporary easement will remain in effect until the Superior Court of California permanently ceases the handling of criminal cases within the County Courthouse.
- The Amended and Restated Joint Occupancy Agreement provides for rights of first refusal and rights of first offer in favor of either the County or JCC, in the event that either party desires to vacate the Court Facility, in accordance with Government Code Section 70342(e).
- In accordance with the Act, the County has transferred parking spaces in the number and type as was made available for court use as of October 1, 2001.
- 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—5

JUDICIAL COUNCIL OF CALIFORNIA (0250)
ADMINISTRATIVE OFFICE OF THE COURTS
STANLEY MOSK COUNTY COURTHOUSE
LOS ANGELES COUNTY
AOC Facility Number 19-K1, DGS Parcel No. 10612

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—5

Judicial Council of California
Administrative Office of the Courts
Stanley Mosk County Courthouse
Los Angeles County

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 court facility commonly known as the Stanley Mosk County Courthouse, located at 111 North Hill Street, Los Angeles, California (court facility), to the State of California (state) acting by and through the Judicial Council of the 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 for court facility, dated October 21, 2008 (Transfer Agreement). The court facility consists of approximately 5.5 acres of real property improved with a nine-story courthouse building with subterranean parking and associated landscaping. 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 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 February 24, 2009. The 35-day statutes of limitation period expired on March 31, 2009, without challenge.

Project Schedule

The estimated close of escrow is December 2009.

Condition of Property

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

Phase I

A Phase I ESA was completed in September 2009, as an update to a Phase I completed on August 13, 2007. At that time, no on-site or off-site recognized environmental conditions were found with respect to the subject site. Based on the review of the previous Phase I ESA reports, the report concluded that the property had not changed since the 2007 report.

The initial Phase I reported the removal of a 5,000-gallon diesel underground storage tank (UST) from the central plaza which separates the Stanley Mosk building from the Los Angeles County Hall of Records building in 1999. On July 19, 2000, the facility was granted a no further action letter for the UST by the County oversight agency. The agency records showed that the UST was installed in this location to fuel a backup generator associated with a subterranean parking lot located between the Stanley Mosk building and Hall of Records. The parking garage, associated generator and UST are located on portions of the County that are not part of the transfer, and are considered adjacent properties. As such, the presence of the UST was not considered as a recognized environmental concern (REC) on the property. The property being transferred does however, contain a 1,000-gallon steel-walled above ground storage tank (AST) located within an enclosure along the property's west-northwest building exterior wall. The AST stores diesel fuel for the associated backup generator. No evidence of leaks or spills was observed, and supporting concrete appears to be in excellent condition.

The Phase I reports cites de minimis environmental conditions that include the known existence of asbestos containing building materials (ACM), lead based paint (LBP), and polychlorinated biphenyls (PCB) containing light fixtures/transformers. The County has an Asbestos Project Policies and Procedures in place, together with a plan issued by the Los Angeles Internal Services Department that contains hazardous materials guidelines, which has been provided to the AOC. Prior to conducting any renovation or construction activities the AOC will perform appropriate testing and take appropriate measures in accordance with law to address these substances.

Building Assessment:

Staff from the AOC's Office of Court Construction and Management (OCCM) conducted its initial site visit of the Court Facility on January 15, 2008, 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.

Seismic Safety Assessment of the Improvements:

Licensed structural engineers performed a Tier I seismic safety assessment of the building located in the court facility in May of 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. This seismic evaluation of the court facility was then peer-reviewed by other qualified engineers.

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. The Transfer Agreement provides indemnification to state for seismic related damage and injury per Government Code Section 70324.

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 476,000 square feet or 97.3 percent of the court facility and the County will continue to occupy 13,300 square feet or 2.7 percent for County administrative purposes. The County would be entitled to compensation for its equity should the state decide to exercise its rights under Government Code sec. 70344(b).
- A Memorandum of Transfer and Joint Occupancy Agreements between the Council (Memorandum) sets the terms governing the respective rights and responsibilities regarding shared possession and occupancy of the court facility. The Memorandum 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).
- The County has assigned certain Occupancy Agreements to the AOC, wherein certain occupants will continue to occupy space in the Court Exclusive Areas of the court facility by means of an Assignment and Assumption of Occupancy Agreement.
- 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 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, telecommunications services, and utilities via the County's Central Plant Distribution System. The AOC grants the County rights of ingress, egress and access to all parts of the real property to which any component, subcomponent, or connection to the telecommunication system, building software or Central Plant Distribution System is located.

- The AOC will provide the County with non-exclusive perpetual easements to: (1) all parts of the court facility where the County's existing heating, cooling, water system are located for purposes of continued maintenance and repair; (2) a portion of the property from the property lines to the facades of the building for purpose of constructing and maintaining landscaping; and (3) through parts of the property where its electrical switchgears and meters are located.
- 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 state for seismic related damage and injury per Government Code Section 70324.
- In accordance with the Act, the County has transferred parking spaces in the number and type as was made available for court use as of October 1, 2001.
- 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—6

JUDICIAL COUNCIL OF CALIFORNIA (0250)
ADMINISTRATIVE OFFICE OF THE COURTS
VAN NUYS EAST COURTHOUSE AND PARKING STRUCTURE
LOS ANGELES COUNTY
AOC Facility Number 19-AX1, DGS Parcel Number 10614

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—6

Judicial Council of California
Administrative Office of the Courts
Van Nuys East Courthouse and Parking Structure
Los Angeles County

Action Requested

If approved, the requested action will 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 Van Nuys East Courthouse and Parking Structure, and located at 6230 Sylmar Ave. & 14340 Delano St. in Van Nuys, California (court facility), to the State of California (state) 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 November 18, 2008 (Transfer Agreement). The Court Facility consists of approximately 2.0 acres of real property improved with an approximately 116,000

square foot seven-story building, parking structure 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 February 3, 2009. The 35-day statutes of limitation period expired on March 10, 2009, without challenge.

Project Schedule

The estimated close of escrow is January 2010.

Condition of Properties

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 in June 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 and the historical uses of the real property were reviewed.

The report noted no on-site or off-site recognized environmental conditions with respect to the subject site, but did note potential issues of concern (IOC). The IOCs identified include the likelihood of the presence of lead based paints, asbestos and polychlorinated biphenyl in the building and electrical system due to the period in which the court facility was constructed. Furthermore, a Phase II investigation was conducted due to a historic underground storage tank that may have been present at the site. No evidence of release of Hazmat was noted during the Phase II investigation.

Building Assessment:

Staff from the AOC's Office of Court Construction and Management (OCCM) conducted an initial site visit of the court facility on September 14, 2007, 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 to identify apparent conditions that could adversely impact the habitability or safety of the property being conveyed to the State; 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 court facility in October, 2008, 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. This seismic evaluation of the court facility was then peer-reviewed by other qualified engineers. 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 the state for seismic related damage and injury per Government Code Section 70324.

Other

- The state may refuse to accept responsibility for the court facility only if (a) the court facility contains one or more "deficiencies," as defined at 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 Section 70326(c) or Section 70327(d) of the Government Code. Neither of these situations exists.
- The County Board of Supervisors approved the Transfer Agreement to transfer title and responsibility of the court facility to the state at its meeting on November 18, 2008.
- The Superior Court occupies 104,502 square feet (89.2 percent) of the court facility and the County will continue to occupy 11,950 square feet (10.2 percent) for County administrative purposes.
- The Transfer Agreement requires that delivery of title to the property would be free and clear of any mortgages or liens.
- 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, asbestos containing materials in the building and PCB containing fluids in the electrical equipment manufactured prior to July 1979. 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, lead based paint and polychlorinated biphenyl 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 state that the County will retain ownership of the telecommunication system in the court facility; and will continue to offer this system together with the building's software services to the state. Effective as of the closing, the AOC grants the County rights of ingress, egress and access to all parts of real property to which any component, subcomponent, or connection to the telecommunication system or building software is located.
- The Joint Occupancy Agreement provides for rights of first refusal, rights of first offer, and rights to purchase the other party's equity, in favor of either the County or JCC, in the event that either party desires to vacate/sell the Court Facility, in accordance with Government Code Sections 70342(e) and 70344(b).
- The AOC is not aware of any lawsuits pending concerning the property.

- 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 SB 1732 (Chapter 1082, Statutes of 2002), the Transfer Agreement provides for the transfer of parking spaces 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—7

JUDICIAL COUNCIL OF CALIFORNIA (0250)
ADMINISTRATIVE OFFICE OF THE COURTS
STAHLMAN BLOCK
SAN DIEGO COUNTY
AOC Facility Number 37-M1-3, DGS Parcel Number 10608

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

Consider authorizing acquisition of real property through the acceptance of a no cost acquisition

CONSENT ITEMS

STAFF ANALYSIS ITEM—7

Judicial Council of California
Administrative Office of the Courts
Stahlman Block

Action Requested

If approved, the requested action would authorize acquisition of real property through the acceptance of a no cost acquisition.

Scope Description

This transaction is within scope. The County of San Diego (County) is transferring fee title in approximately 1.4 acres of real property situated in the city of San Diego, California, 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 Amended and Restated Transfer Agreement between the Council, AOC and the County for the Transfer of Responsibility for and Title to the Court Facility dated November 3, 2009 (Amended and

Restated Transfer Agreement). The property being acquired lies adjacent to the San Diego County Courthouse facility and is bounded by Union Street, West "B" Street, State Street, and West "C" Street; and is referred to as the Stahlman Block. The Stahlman Block property is improved with two office buildings (the Stahlman Building and the Frantz Building) and a surface parking lot.

The AOC and County originally entered into a Transfer Agreement (Transfer Agreement) on September 16, 2008, for the transfer San Diego Courthouse to the State. At that time under the provisions of the Trial Court Facilities Act of 2002 (the Act), the County was obligated to retain all seismic liability obligations for this Seismic Level V Courthouse facility. The Act was amended and codified in Government Code sections 70301 through 70404 to finally relieve the County of its retained seismic liability obligations if an acceptable agreement to address the seismic issues were approved by the Director of the Department of Finance (Finance). Accordingly, a Seismic Settlement MOU pursuant to section 70324(b)(4) of the Act was negotiated between the parties to amend the original Transfer Agreement to fully and finally release and discharge the County from any and all seismic liability obligations contained in the original Transfer Agreement. An Amended and Restated Transfer Agreement between the Council, AOC and the County of San Diego for the Transfer of Responsibility for and Title to the Court Facility was executed on November 3, 2009 (Amended and Restated Transfer Agreement). In this document the County agreed to transfer the Stahlman Block property to the State at no-cost, and in return the County would be relieved of all seismic obligations under the Act.

The terms and economic benefits of the Seismic Settlement MOU and Amended and Restated Transfer Agreement includes: (1) the State would have 100 percent ownership interest and consolidate its interest in two complete contiguous blocks in downtown San Diego and (2) the State would have sufficient space to demolish the Level V structures to construct new, safer courthouse facilities for a higher number of judges and court staff than with the existing San Diego Courthouse facility alone; and (3) if the County were not donating the site for the new courthouse, the State would have to begin the site selection process anew, which would have delayed the project for up to 24 months, at additional cost.

Funding and Cost Verification

This transaction is within cost. The only costs associated with acceptance of this no-cost acquisition are the staff costs to process the acceptance.

CEQA

Appropriate CEQA documentation will be completed for this project prior to the preliminary plan phase.

Project Schedule

The estimated close of escrow is December 2009.

Condition of Properties

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

Phase I and II:

In June 2009 and September 2009, an updated Phase I report for the San Diego Court Facility was completed, which incorporated findings from previous Phase I reports and a Phase II Site Investigation on the Stahlman Block. The Phase II completed in January 2008, addressed the existence of monitoring wells found on the Stahlman property. Based on extensive soil testing,

the Phase II did not find any soil or soil gas contamination at concentrations that exceeded regulatory criteria; and therefore, concluded that there were no significant historic subsurface conditions that would adversely affect the property. The July 2005 Phase I concluded that there were no on-site/offsite, suspect or historical recognized environmental conditions with respect to the property; but pointed out the potential existence of lead-based paints (LBP), asbestos containing materials (ACM) and PCB-containing materials in the transformers and associated equipment. Prior to any demolition, renovation, and redevelopment at the property, AECOM recommended that the AOC address the potential presence of impacts from burn dump operations, ACM, and/or LBP.

Building Assessment:

Staff from the AOC's Office of Court Construction and Management (OCCM) reviewed the Phase I and II ESAs, and visited the site on several occasions to monitor the condition of the court facility to evaluate any problematic conditions. OCCM concluded that the court facility did not contain any apparent hazards to the health and safety of the occupants or property.

Other

- On March 10, 2009, the Parties obtained the approval from the Director of Finance to acknowledge the seismic settlement as required in Sections 70324(a)(4) and 70324(b)(4) of the Act; and amended the original Transfer Agreement to fully release and discharge the County from any and all Seismic Liability Obligations retained by the County under the original Transfer Agreement.
- The Amended and Restated Transfer Agreement requires delivery of title to the property to be free and clear of any mortgages or liens.
- As part of the negotiated Seismic Settlement MOU dated July 24, 2008, following the no-cost transfer of title of the Stahlman Block to the Council, the State will be responsible for the seismic liability of all seismic V rated court facilities in the County of San Diego, pursuant to section 70324(b)(4) of the Act.
- The terms of the Seismic MOU and subsequent Amended and Restated Transfer Agreement and Equity Release Agreement from County to AOC stipulates that the County will transfer and convey all right, title and interest in the parcels of real property that comprise the San Diego Courthouse, Old Jail and the Stahlman Block and specifies that the County shall not be compensated for any equity value in the square footage occupied by county staff or for the equity value in the Court Facility which includes all office buildings, surface parking lots, and the underlying land.
- An earthquake policy that complies with the provisions of the Amended and Restated Transfer Agreement and the state's insurance guidelines, as determined by the Department of General Services, Office of Risk and Insurance Management will be in full force and effect prior to this State Public Works Board Meeting.
- After the deeds for the San Diego Court Facility are recorded and until July 1, 2014, the AOC shall lease the Old Jail located at 222 West Broadway and the entire Stahlman Block to the County on the terms set forth in the County Courthouse Master Lease and the Stahlman Block Master Lease (Master Leases). The County shall manage and administer the existing leases and be solely entitled to collect and retain the rent and other revenues from the Master Leases. The AOC has the right to request an early termination of the Master Leases prior to July 1, 2014. In the event the AOC exercises the early termination right, it will be obligated to pay the County any net lost revenue for the period of time between the early termination and July 1, 2014.

- The AOC is not aware of any lawsuits pending concerning the property.
- There is no implied dedication or relocation assistance associated with the property.

Staff Recommendation: **Authorize the acquisition of real property through the acceptance of a no cost acquisition.**

CONSENT ITEMS

CONSENT ITEM—8

JUDICIAL COUNCIL OF CALIFORNIA (0250)
ADMINISTRATIVE OFFICE OF THE COURTS
NEW PLACERVILLE COURTHOUSE
EL DORADO 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 Placerville Courthouse
El Dorado County

Action Requested

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

Scope Description

This project will consolidate and replace unsafe, substandard, overcrowded, and physically deficient court-occupied space in the Main Street Courthouse and Building "C" with a new six-courtroom facility. This new facility will be approximately 88,000 square feet and will provide a modern, secure courthouse with centralized criminal, traffic, civil, family, and small claims proceedings for the west slope of the Sierra Nevada mountain area of El Dorado County (County). The new facility will include a jury assembly room with suitable space for jurors to assemble and will improve court services by consolidating and increasing capacity for self-help services, including space to conduct workshops which are currently conducted in the County

Law Library due to lack of space. The new facility will also have in-custody holding, eight secure judicial parking spaces and a sallyport will be located at a basement level. There will be 240 parking spaces, provided in a surface parking lot, to support staff, visitors, and jurors. The Judicial Council (Council) anticipates receiving an approximately 5.9 acre donated site from the County for the new facility. If the donated site does not materialize, the Council requests \$2,795,000 to purchase a comparable site. It is the expectation of the State Public Works Board (Board) that 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 Board's 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 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 November 2, 2009, the Council notified the chairs of the Joint Legislative Budget Committee of its intent to submit this project to the Board for approval no sooner than 30 days after the date of notification.

Funding and Cost Verification

This action would establish the total cost for this project of \$89,426,000 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 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.

\$89,426,000 total estimated project cost

\$89,426,000 project costs to be allocated: \$2,795,000 acquisition, \$4,037,000 preliminary plans, \$5,404,000 working drawings, and \$77,190,000 construction (\$68,414,000 contract, \$3,421,000 contingency, \$1,325,000 A&E, and \$4,030,000 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	November 2011
Approve preliminary plans	June 2012
Complete working drawings	March 2013
Complete construction	December 2014

Staff Recommendation: Establish scope, cost, and schedule.

CONSENT ITEMS

CONSENT ITEM—9

JUDICIAL COUNCIL OF CALIFORNIA (0250)
ADMINISTRATIVE OFFICE OF THE COURTS
NEW GLENDALE 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 Glendale Courthouse
Los Angeles County

Action Requested

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

Scope Description

This project will replace the unsafe, overcrowded, physically and functionally deficient court-occupied space in the Glendale Courthouse with a new eight-courtroom facility. This facility will be approximately 100,000 square feet and will provide a modern, secure courthouse for limited and general criminal, traffic, small claims, and limited civil proceedings. The new facility will also a self-help center, a jury assembly room, courtroom waiting areas and jury deliberation rooms, public counter queuing areas, in-custody holding, attorney interview/witness waiting rooms, and a children's waiting room; and will create operational efficiencies through the new courthouse design. In addition, it will provide for increased criminal and civil court proceedings; and space for onsite jury assembly. Secure

parking for 15 vehicles, sallyport, and prisoner holding will be located at the basement level. Ten surface parking spaces designated for short-term use for visitors and 240 public parking spaces in a parking structure to support court operations. In addition, to acquire a site for the new facility, the Judicial Council (Council) requests \$16,764,000 to purchase an approximately 1.8 acre site. It is the expectation of the State Public Works Board (Board) that the purchase price will not exceed fair market value as determined by an independent appraisal that is reviewed by the Department of General Services, Real Estate Services Section. Authorization to acquire a site will be subject to the Board's 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 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 November 2, 2009, the Council notified the chairs of the Joint Legislative Budget Committee of its intent to submit this project to the Board for approval no sooner than 30 days after the date of notification.

Funding and Cost Verification

This action would establish the total cost for this project of \$123,948,000 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 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.

\$123,948,000	total estimated project cost
\$123,948,000	project costs to be allocated: \$16,764,000 acquisition, \$4,934,000 preliminary plans, \$6,606,000 working drawings, and \$95,644,000 construction (\$84,854,000 contract, \$4,243,000 contingency, \$1,620,000 A&E, and \$4,927,000 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	November 2011
Approve preliminary plans	July 2012
Complete working drawings	May 2013
Complete construction	May 2015

Staff Recommendation: Establish scope, cost, and schedule.

CONSENT ITEMS

CONSENT ITEM—10

JUDICIAL COUNCIL OF CALIFORNIA (0250)
ADMINISTRATIVE OFFICE OF THE COURTS
NEW HANFORD COURTHOUSE
KINGS 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 Hanford Courthouse
Kings County

Action Requested

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

Scope Description

This project will replace the court-occupied space in five unsafe, overcrowded, and physically deficient facilities with a new 12-courtroom facility to the public service benefit of all Kings County residents. This facility will be approximately 144,000 square feet and will provide a modern, secure full-service courthouse for all types of proceedings including criminal, traffic, civil, family law, juvenile dependency and delinquency, small claims, probate, appeals, unlawful detainer, conservatorships, and guardianships. The new facility will also include family court mediation rooms, a self-help center, public service counters, courtroom waiting areas, jury assembly room, jury deliberation rooms, in-custody holding, attorney interview/witness waiting rooms, courtroom holding areas, and a children's waiting room. Secure parking for 17 vehicles, a sallyport, and prisoner holding will be located at the basement level. 360 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 two future new judgeships, those among the 277 future new judgeships for which funding has not been requested by the Judicial Council (Council). The Council anticipates receiving an approximately 7.3 acre donated site from the County for the new facility. If the donated site does not materialize, the Council requests \$6,260,000 to purchase a comparable site. It is the expectation of the State Public Works Board (Board) that 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 Board's 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 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 November 2, 2009, the Council notified the chairs of the Joint Legislative Budget Committee of its intent to submit this project to the Board for approval no sooner than 30 days after the date of notification.

Funding and Cost Verification

This action would establish the total cost for this project of \$142,449,000 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.

\$142,449,000	total estimated project cost
\$142,449,000	project costs to be allocated: \$6,260,000 acquisition, \$6,231,000 preliminary plans, \$8,342,000 working drawings, and \$121,616,000 construction (\$107,952,000 contract, \$5,398,000 contingency, \$2,045,000 A&E, and \$6,221,000 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	November 2011
Approve preliminary plans	August 2012
Complete working drawings	July 2013
Complete construction	August 2015

Staff Recommendation: Establish scope, cost, and schedule.

CONSENT ITEMS

CONSENT ITEM—11

JUDICIAL COUNCIL OF CALIFORNIA (0250)
ADMINISTRATIVE OFFICE OF THE COURTS
NEW UKIAH COURTHOUSE
MENDOCINO 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 Ukiah Courthouse
Mendocino County

Action Requested

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

Scope Description

This project will consolidate and replace the unsafe and physically deficient court-occupied space in the Mendocino Superior Courthouse, and in the leased Willits Branch facility with a new nine-courtroom facility. This facility will be approximately 114,000 square feet and will provide a modern, secure courthouse for all court functions, including, but not limited to criminal, traffic, juvenile, and probate proceedings, probate investigations, and civil settlement. The new facility will also include jury assembly space and deliberation rooms, self-help center, a children's waiting room, family court mediation, in-custody holding, attorney interview/witness waiting rooms, security (entrance) screening of all court users, and secure circulation for court staff and visitors to the residents of the Mendocino County. The new courthouse will have a secure holding area for adults and a vehicle sallyport. The facility will have nine secure parking

spaces for judicial officers and 270 spaces for staff, visitors, and jurors will be located in an adjacent surface parking lot. The new courthouse will provide nine adequate courtrooms for the eight judicial officers who are assigned the majority of each month to the Ukiah court facility plus one judicial officer who will come from the Willits court facility after it is closed. In addition, to acquire a site for the new facility, the Judicial Council (Council) requests \$5,673,000 to purchase an approximately 4.4 acre site. It is the expectation of the State Public Works Board (Board) that 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 Board's 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 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 November 2, 2009, the Council notified the chairs of the Joint Legislative Budget Committee of its intent to submit this project to the Board for approval no sooner than 30 days after the date of notification.

Funding and Cost Verification

This action would establish the total cost for this project of \$119,914,000 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 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.

\$119,914,000	total estimated project cost
\$119,914,000	project costs to be allocated: \$5,673,000 acquisition, \$5,259,000 preliminary plans, \$7,041,000 working drawings, and \$101,941,000 construction (\$90,442,000 contract, \$4,522,000 contingency, \$1,726,000 A&E, and \$5,251,000 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	November 2011
Approve preliminary plans	July 2012
Complete working drawings	May 2013
Complete construction	May 2015

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

CONSENT ITEMS

CONSENT ITEM—12

JUDICIAL COUNCIL OF CALIFORNIA (0250)
ADMINISTRATIVE OFFICE OF THE COURTS
NEW YREKA COURTHOUSE
SISKIYOU 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 Yreka Courthouse
Siskiyou County

Action Requested

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

Scope Description

This project will consolidate and replace the unsafe, severely overcrowded, and physically deficient court-occupied space in the Siskiyou Superior Courthouse and in the leased Eddy Building Annex with a new six-courtroom facility. This facility will be approximately 86,000 square feet and will provide a modern, secure courthouse for all court functions, including, but not limited to criminal, traffic, juvenile, and probate proceedings, probate investigations, and civil settlement. The new facility will also include jury assembly space and deliberation rooms, self-help center, a children's waiting room, family court mediation, in-custody holding, attorney interview/witness waiting rooms, security (entrance) screening of all court users, and secure circulation for court staff and visitors. The new facility will have a secure sallyport and

adequately sized prisoner holding. The facility will have six secure parking spaces for judicial officers and 180 spaces for staff, visitors, and jurors will be located in a new parking structure. The Judicial Council (Council) anticipates receiving an approximately 2.5 acre donated site from the County for the new facility. If the donated site does not materialize, the Council requests \$2,543,000 to purchase a comparable site. It is the expectation of the State Public Works Board (Board) that 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 Board's 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 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 November 2, 2009, the Council notified the chairs of the Joint Legislative Budget Committee of its intent to submit this project to the Board for approval no sooner than 30 days after the date of notification.

Funding and Cost Verification

This action would establish the total cost for this project is \$96,501,000 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 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.

\$96,501,000	total estimated project cost
\$96,501,000	project costs to be allocated: \$2,543,000 acquisition, \$4,378,000 preliminary plans, \$5,861,000 working drawings, and \$83,719,000 construction (\$74,201,000 contract, \$3,710,000 contingency, \$1,437,000 A&E, and \$4,371,000 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	May 2012
Complete working drawings	November 2012
Complete construction	November 2014

Staff Recommendation: Establish scope, cost, and schedule.

CONSENT ITEMS

CONSENT ITEM—13

DEPARTMENT OF GENERAL SERVICES (1760)
DEPARTMENT OF PARKS AND RECREATION (3790)
HUMBOLDT REDWOODS STATE PARK
SAVE-THE-REDWOODS LEAGUE—LASS
HUMBOLDT COUNTY
DPR Parcel Nos. 014890, DGS Parcel Nos. 10553

Authority: California Fish and Game Code Section 2787 (a) (2)

Consider authorizing acquisition

CONSENT ITEMS

STAFF ANALYSIS ITEM—13

Department of General Services
Department of Parks and Recreation
Humboldt Redwoods State Park
Save-the-Redwoods League—LASS

Action requested

If approved, the requested action would authorize acquisition.

Scope Description

This project is within scope. This request will authorize Department of Parks and Recreation (Parks) to acquire approximately 10 acres of land, which is an inholding of Humboldt Redwoods State Park, at approximately 55-percent of its fair market value.

This acquisition helps Parks fulfill three important missions:

1. Acquire inholdings to remove administrative burdens
Acquisition of the property will alleviate an administrative burden that was caused by allegedly illegal activities, including development of a water system and illegal road grading on adjacent State Park property as part of efforts to develop residential home sites under private ownership on this property. The illegal development has been removed and the property restored to its prior condition by Save-the-Redwoods League (SRL).
2. Acquire inholdings to rationalize State Park boundaries
The property is adjacent to existing State Park lands on three sides and its integration into the State Park system will shorten and rationalize the boundaries of Humboldt Redwoods State Park.
3. Increase watershed and habitat protection
The property slopes downward to the South Fork Eel River and this acquisition will provide watershed protection and increase protection of old-growth redwoods down slope in Humboldt Redwoods State Park.

Funding and Cost Verification

This project is within cost. California Fish and Game Code Section 2787 (a) (2), continuously appropriates \$1,000,000 annually to Parks for the purchase of additions to existing units of the State Park System without identifying particular parcels, and there are sufficient funds appropriated to acquire the property in accordance with Legislative intent.

\$115,000 total acquisition costs

\$ 10,000 project costs previously allocated (fee appraisal and DGS staff costs)

\$105,000 project costs to be allocated: acquisition \$95,000 and approximately \$10,000 in overhead costs (title and escrow and Parks and remaining DGS staff costs)

CEQA

A Notice of Exemption was filed with the State Clearinghouse on November 21, 2008, and the 35-day statutes of limitation expired on December 25, 2008, without challenge.

Project Schedule

The anticipated close of escrow is December 30, 2009.

Condition of Property

On November 13, 2008, DGS staff visited the Lass site, located in Phillipsville, California. The subject property is about 10 acres of unimproved land with an unpaved access road extending off Avenue of the Giants (Highway 254) in Humboldt County. The landscape includes a mixture of deciduous hardwoods, coniferous trees, and small open areas. The surrounding land shares similar topography and vegetation as the subject property. The Humboldt Redwood State Park is located to the south and west of the property.

A Phase I Environmental Site Assessment was completed for the subject property. The Phase I reported grading for a road and evidence of a former trailer site on the property. In addition, the Phase I reported no structures present on the site and no evidence of recognized environmental condition in connection with the property.

Other

- Site selection was approved on June 7, 2009.
- The SRL is offering the property to Parks at 55-percent of fair market value, as approved by DGS. This transfer to the state at a 45 percent reduction from the current market value will be with the condition that Parks and SRL enter into a use restriction agreement that requires the state to use the property for state park purposes only until and unless the property is declared surplus to the state's needs or the Board recommends that a transfer to another state agency is necessary for a higher and better public purpose. In either event, the property can be removed from the terms of the SRL use restriction agreement upon payment of 45-percent of the market value of the property, excluding the value of any state improvements.
- The property is vacant and unimproved. There is no relocation assistance involved with this project.
- Parks is not aware of any lawsuits pending concerning the property. The Property Acquisition Agreement (PAA) will require delivery of title to the property free and clear of any mortgages or liens.
- The PAA 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 the existing law.
- The deed shall transfer the property and various property rights such as unsurveyed rights to water, property improvements, minerals, timber and unsurveyed access. Although some of the rights are unsurveyed, the title company will insure the property but not include or insure additional rights in the title policy. This will have no impact on Park's intended use of the property.
- The property does not provide public access from a main highway or road, but can be accessed through the existing Humboldt Redwoods State Park.
- There is no implied dedication applicable to this property.
- This 10.5-acre parcel is bordered on three sides by Humboldt Redwoods State Park near the community of Miranda on the South Fork of the Eel River. Parks can provide minimal patrol with existing staff to the property. The acquisition will require little operating expense and can be absorbed with existing resources for the continued operation.

- While Parks does not foresee changes at this time to public access, development, or resource needs, any such changes will be addressed through the normal budget process.
- Recent reductions in Parks' operating budget have necessitated that the entire park is closed during December, 2009, and that Albee Creek and Cuneo Creek Campgrounds will be closed until Memorial Day, 2010. The value of this acquisition is not in anyway diminished by these temporary closures.

Staff Recommendation: Authorize acquisition.

CONSENT ITEMS

CONSENT ITEM—14

DEPARTMENT OF PARKS AND RECREATION (3790)
CHINO HILL STATE PARK, VISITOR CENTER
ORANGE, RIVERSIDE, AND SAN BERNADINO COUNTIES

Authority: Chapter 157, Statutes of 2003, Item 3790-301-0005(4)
Chapter 208, Statutes of 2004, Item 3790-301-0005(0.2)
Chapters 38 and 39, Statutes of 2005, Item 3790-301-0005 (1.2)
Chapters 47 and 48, Statutes of 2006, Item 3790-301-0005 (1.5)
Donation, Wildlands Endowment Fund

Consider approval of an augmentation	\$280,000
	(7.7 percent total project)
	(11.4 percent cumulative)

CONSENT ITEMS

STAFF ANALYSIS ITEM—14

Department of Parks and Recreation
Chino Hills State Park, Visitor Center
Orange, Riverside, and San Bernardino Counties

Action Requested

The requested action will approve augmentation.

Scope Description

This project is within scope. This project will improve facilities at the western end of the Chino Hills State Park. The project includes a 3,000 to 4,000 square foot visitor center with limited interpretive exhibits, restrooms, and improved access to the park by way of highway improvements, an entrance road and parking areas.

Funding and Cost Verification

This project is not within cost. A total of \$3,616,000 has been appropriated from Proposition 40 for the preliminary plans, working drawings, construction, and equipment. In addition, Parks has received a donation of \$950,000 from the Wildlands Endowment Fund to provide additional visitor center amenities, for a total project authority of \$4,566,000. The construction contract was awarded on May 15, 2008, for a total estimated project cost of \$4,239,000, with bid savings of \$327,000. On June 26, 2008, the State Public Works Board approved an increase within appropriation (return of bid savings) of \$327,000 and an augmentation of \$183,550 (5.1 percent total project — state appropriations) to cover increased utility costs. This augmentation, combined with a previous augmentation of \$183,550, will result in a cumulative augmentation of \$413,550 (11.4 percent of the total project), and allow for the project to complete construction.

The costs to restart this bond-funded construction project have been actively negotiated with the contractor to determine true and accurate costs. The estimated costs of project suspension generally are due to delays in execution of scheduled work, loss of listed sub-contractors that are no longer in business, material cost increases, unforeseen corrective work resulting from loss or damage to work completed prior to the suspension, decreases in material availability. By approving the request for the current augmentation it will allow the DPR to proceed with the project as planned.

On November 20, 2009, the Department of Finance notified the chairs of the Joint Legislative Budget, the Senate Appropriations, and Assembly Appropriations Committees of its intent to approve this augmentation not less than 20 days from the above date.

\$3,546,000	total authorized project costs
\$3,766,000	total estimated project costs
\$3,546,000	project costs previously allocated: preliminary plans \$114,000, working drawings \$89,000, construction \$3,341,000 (contract \$2,513,000, contingency \$126,000, A&E costs \$134,000, and agency-retained items \$568,000), and equipment \$2,000
\$230,000	requested augmentation: construction – contract

CEQA

A Notice of Determination was filed with the State Clearinghouse on April 15, 2004, and the statutes of limitation expired on May 15, 2004, without challenge.

Real Estate Due Diligence

The Department has conducted due diligence on the project site and have not identified any adverse findings.

Project Schedule

Approve preliminary plans	May 2004
Complete working drawings	May 2008
Complete construction	April 2010

Staff Recommendation: Approve augmentation.

CONSENT ITEMS

CONSENT ITEM—15

DEPARTMENT OF DEVELOPMENTAL SERVICES (4300)
SONOMA DEVELOPMENTAL CENTER
INSTALL MEDICAL GASES AND OXYGEN PIPING
SONOMA COUNTY

*Authority: Chapters 268 and 269, Statutes of 2008, Item 4300-301-0001 (6)
Chapter 1, Statutes of 2009, Item 4300-301-0001 (3)*

Consider approval of preliminary plans

CONSENT ITEMS

STAFF ANALYSIS ITEM—15

Department of Developmental Services
Sonoma Developmental Center
Install Medical Gases & Oxygen Piping, Sonoma County

Action requested

If approved action would approve preliminary plans.

Scope Description

This project is within scope. The project will install piping to supply additional oxygen, medical air, and suction outlets to the Johnson/Ordahl. Scope includes a new oxygen storage tank with concrete pad and fencing, medical air compressor, and vacuum compressor, emergency shut off zone valves and alarm system panels at each nursing station and head wall units at patients beds.

Funding and Cost Verification

This project is within cost. Total appropriations for this project provide \$663,000 General Fund for preliminary plans, working drawings. There is an estimated surplus that may result in construction savings based on the current environment.

\$3,211,000 total authorized project costs
\$ 663,000 total estimated project costs
\$ 342,000 project costs previously allocated: preliminary plans
\$2,869,000 project costs to be allocated: \$321,000 working drawings and \$2,548,000 construction (\$1,524,000 contracts, \$106,700 contingencies, and \$916,900 other).
\$ 973,000 estimated surplus

CEQA

A Notice of Exemption has been filed with the State Clearinghouse on November 3, 2009, and the statutes of limitation expired December 9, 2009, without challenge.

Real Estate Due Diligence

The Department of General Services completed a Summary of Conditions Letter for this project on September 25, 2009, and no issues were identified.

Project Schedule

Approve preliminary plans	December 2009
Complete working drawings	September 2010
Complete construction	January 2012

Staff Recommendation: Approve preliminary plans.

CONSENT ITEMS

CONSENT ITEM—16

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—16

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 for the Joshua Housing Unit.

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. Preliminary plans for those three housing units were approved at the November 16, 2009 State Public Works Board meeting. 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 this action will approve preliminary plans for that portion of the project.

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 statutes of limitation 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 statutes of limitation 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	December 2009
Complete working drawings	December 2009
Complete construction	August 2010

Staff Recommendation: Approve preliminary plans for the Joshua Housing Unit.

CONSENT ITEMS

CONSENT ITEM—17

**CALIFORNIA COMMUNITY COLLEGES (6870)
MIRA COSTA COMMUNITY COLLEGE DISTRICT, MIRA COSTA COLLEGE
CAMPUSWIDE FIRE LINE REPLACEMENT
SAN DIEGO COUNTY**

Authority: Chapters 268 and 269, Statutes of 2008, Item 6870-303-6041 (2)

Consider approval of preliminary plans

CONSENT ITEMS

STAFF ANALYSIS ITEM—17

California Community Colleges
Mira Costa Community College District, Mira Costa College
Campuswide Fire Line Replacement
San Diego County

Action Requested

If approved, the requested action would approve preliminary plans.

Scope Description

This project is within scope. This project corrects the campus fire services system to ensure there is sufficient pressure and flow to satisfy current life safety code criteria for fire protection at Mira Costa College. The project will extend existing portions of a dedicated 8-inch fire service line around the campus to create a looped service and improve fire flow for all campus facilities. The existing fire pump system is currently inoperable and doesn't meet the fire water pressure required for emergency needs throughout the campus; therefore a new fire pump system and building will be constructed with two fire pumps and an emergency power supply. New domestic water pumps and a new irrigation pump will be co-located within the new fire pump building.

Funding and Project Cost Verification

This project is within cost.

\$2,628,000 total estimated project costs

\$2,628,000 total authorized project costs

\$ 112,000 state funds previously allocated: preliminary plans \$112,000

\$2,516,000 state funds to be allocated: working drawings \$ 125,000, construction \$2,391,000 (contracts \$2,090,000, contingency \$146,000, A&E \$42,000, tests and inspection \$71,000, and project administration \$42,000).

CEQA

A Notice of Exemption was filed with the State Clearing House on September 8, 2009, and the waiting period has expired without challenge.

Real Estate Due Diligence

Community college districts have full responsibility for clearing due diligence issues for general obligation bond projects.

Project Schedule

Approve preliminary plans	December 2009
Complete working drawings	January 2010
Complete construction	October 2010

Staff Recommendation: Approve preliminary plans.

ACTION ITEMS

ACTION ITEM—1

DEPARTMENT OF GENERAL SERVICES (1760)
DEPARTMENT OF FORESTRY AND FIRE PROTECTION (3540)
PINE MOUNTAIN FIRE STATION – RELOCATE FACILITY
TULARE COUNTY
CDF 504, DGS Parcel Number 10515A

Authority: Chapters 171 and 172, Statutes of 2007, Item 3540-301-0001 (3)

- a. Consider authorizing an augmentation **\$58,000**
(17.3 percent total project)
- b. Consider authorizing acquisition

ACTION ITEMS

STAFF ANALYSIS ITEM—1

Department of General Services
Department of Forestry and Fire Protection
Pine Mountain Forest Fire Station
Tulare County

Action requested

If approved, the requested action would authorize an augmentation and the acquisition of real property.

Scope Description

This project is within scope. This request would authorize CALFIRE to acquire a view shed easement (at no cost) and approximately five acres in California Hot Springs to construct a fire station and related improvements. The site meets all the required needs of the fire station program and is in close proximity to public road access. The development phases of this project, as recognized by the Legislature, would construct a standard single-engine CALFIRE fire station consisting of the following: a 3,134 square foot (sf) barracks/mess hall, a 1,664 sf apparatus building, a 156 sf Battalion Chief's Office, and a 565 sf generator and storage building and other associated infrastructure.

This station was originally collocated with Tulare County's fire department in a County-owned facility until June 30, 2007. The County's Board of Supervisors canceled the Cooperative Fire Protection Agreement with CALFIRE and established an independent fire department, which forced CALFIRE to relocate. Since that time the equipment and crew assigned to this station have been housed in a leased single-family residence with the fire engine parked in the driveway. The current lease expires in June 2011. Because it will take several years to design and construct a replacement facility, it is essential that this acquisition is completed.

Funding and Cost Verification

This project is not within cost. Chapters 171 and 172, Statutes of 2008, Item 3540-301-0001(3) provides \$335,000 for site acquisition. CALFIRE has requested an augmentation of \$58,000 (17.3 percent total project) to fund increased acquisition costs. The existing acquisition budget included approximately \$100,000 for land costs, \$150,000 for Department of General Services (DGS) site selection surveys and due diligence, \$75,000 to complete CEQA, and \$10,000 for other costs, for a total of \$335,000. However, based on the DGS approved appraisal and negotiations with the seller, an additional \$50,000 will be needed to purchase the selected site (\$150,000 total purchase price), with the remainder of the request needed to cover additional environmental studies (\$8,000).

Site selection and negotiations for this project have been costly and protracted for several reasons. First, the availability of suitable properties strategically situated within the station's emergency response area is severely limited. Two sites were finally identified, with this site being the preferred site because of lower development costs and its strategic location. However, the owner of this property was unwilling to sell at first, so this site was not initially pursued through negotiations. Once the owner had indicated a willingness to sell, negotiations were slowed because of disagreements over the purchase price.

Although the owner is now willing to sell the property to the state for \$150,000 (the appraised value as approved by DGS) the owners have indicated that if the sale does not close by the end of the year they will likely withdraw their offer to sell the property. Therefore, CALFIRE has requested this augmentation and acquisition approval be approved by the SPWB in December 2009, which would allow the acquisition to close before the end of the year.

On November 20, 2009, the Department of Finance notified the chairs of the Joint Legislative Budget, the Senate Appropriations, and Assembly Appropriations Committees of its intent to approve this augmentation not less than 20 days from the above date.

\$393,000 total estimated project costs

\$335,000 total authorized project costs

\$393,000 project costs previously allocated: acquisition (\$300,000 design & other project costs, \$10,000 agency retained, and \$83,000 environmental)

\$ 58,000 augmentation request (\$50,000 acquisition and \$8,000 environmental)

CEQA

A Mitigated Negative Declaration was filed on September 30, 2009, and the public notice period expired on October 30, 2009, without adverse comment. A Notice of Determination was filed with the State Clearinghouse on November 18, 2009 and the statutes of limitation will expire on December 18, 2009, four days after the scheduled PWB meeting.

Project Schedule

The anticipated close of escrow is December 2009.

Condition of Property

On July 11, 2008, DGS staff conducted a condition of property visit on an approximately five-acre parcel known as the Boesch property. The property is gently sloping and contains scattered Blue Oaks. The property has numerous granite outcroppings with no Native American presence observed. The only "improvement" on the property is an electrical line owned by Southern California Edison. No environmental hazards or conditions were observed on the property. The property appears compatible with its intended use as a forest fire station.

A Phase 1 Environmental Site Assessment was completed for the subject property on June 30, 2009, with no recognized on-site or off-site environmental concerns.

Other

- The PWB approved the site selection for this property on June 13, 2008.
- The property being acquired meets all of CALFIRE's program requirements, and is situated alongside the only main artery available for travel. In the midst of rolling foothill terrain, the property was one of the few sites with a relatively level topography and a clear line of sight necessary to accommodate fire station operations.
- A test well has been drilled and sufficient well water is available. A percolation test has been performed and the site is suitable for a septic system.
- The purchase price does not exceed the estimated fair market value as determined by the appraisal reviewed by DGS, dated June 16, 2008.
- The property is vacant and unimproved and there is no relocation assistance involved with the project.
- There is no implied dedication applicable to this property.
- DGS and CAL FIRE are not aware of any lawsuits pending concerning the property.
- The Property Acquisition Agreement (PAA) will require delivery of title to the property free and clear of any mortgages or liens.
- The PAA provides that the Grantor will be allowed first rights to repurchase the Property if the state fails to develop the property (no timeframe requirement) or if the property is declared surplus and authorized to be sold.
- The property is encumbered by the California Land Conservation Act of 1965 (Williamson Act). On August 21, 2008, notification was submitted to the Director of the Department of Conservation advising the Department of the state's proposed acquisition of this property.
- The provisions of the Williamson Act in Tulare County permits property encumbered by this act to be used for purposes of a fire station.
- It has been the Board's policy to not approve acquisitions for projects until CEQA has been completed. Although the CEQA process for this project will not be complete until December 18, 2009, there are not expected to be any legal challenges filed during the litigation period. In the event issues are raised, these issues will be brought to the Board prior to acquisition approval.

- The owner of this property has indicated that the transaction must occur before December 31, 2009, and has threatened to rescind the offer to sell the property after this date. Therefore, staff recommends approval of the acquisition prior to the completion of CEQA to ensure this critical public safety project is not delayed.

Staff Recommendation: Approve augmentation and approve the acquisition contingent upon the completion of CEQA without challenge.

OTHER BUSINESS

1. Advise the Board of the provisions of Gov. Code Sec. 14670.13 that authorized the Department of General Services to sell and lease back specified state office buildings that may impact the Board's Lease Revenue financing program and take action as necessary.
2. Consider extending the term for the two contracts with nationally recognized bond counsel firms that were originally authorized by the Board at its June 12, 2006 meeting. Both contracts have funds remaining and are due to expire December 30, 2009; the proposed amendments will be for an extension of time to June 30, 2010. The contracts are with the law firms of Orrick, Herrington and Sutcliffe and Stradling Yocca Carlson and Rauth; both firms are currently working on issues related to the Board's lease revenue bond program.

REPORTABLES

To be presented at the meeting.