



**Contra
Costa
County**

To: Board of Supervisors
From: David Twa, County Administrator
Date: September 12, 2017

Subject: TRANSFER OF TITLE OF A. F. BRAY COURTHOUSE TO STATE OF CALIFORNIA PURSUANT TO TRIAL COURT FACILITIES ACT OF 2002

RECOMMENDATION(S):

1. ACKNOWLEDGE the conveyance of the A.F. Bray Courthouse, 1020 Ward Street, Martinez, to the Judicial Council of California, in accordance with the Transfer Agreement dated December 29, 2008 between the County and the Judicial Council.
2. DIRECT the Real Property Division of the Public Works Department to cause said Grant Deed to be delivered to the grantee for acceptance and recording in the Office of the County Recorder.

FISCAL IMPACT:

There is no additional fiscal impact associated with this recommendation. The County is not entitled to compensation for any equity value in the square footage occupied by the Superior Court in the facility. The 2008 agreement to transfer title and responsibility for the A. F. Bray Courthouse relieved the County of the ongoing obligation to provide the Court with necessary and suitable facilities, except for certain bond-related and seismic liabilities. The

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **09/12/2017** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Diane Burgis, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: September 12, 2017

David Twa, County Administrator and Clerk of the Board of Supervisors

Contact: Julie DiMaggio Enea
(925) 335-1077

By: Stephanie Mello, Deputy

County will continue to be obligated, however, to make an annual “County Facilities Payment” or “CFP” of \$236,975 in perpetuity, as discussed below. The CFP payments are approximately equal to the 2008/09 County costs to maintain the courthouse, including staff and contract services costs for preventive and major maintenance, utilities, and insurance. Funding for the CFP is budgeted annually.

FISCAL IMPACT: (CONT'D)

In addition to the annual CFP, the County also has financial obligations under a Joint Occupancy Agreement (JOA) that was negotiated in 2008 to assign responsibility for the A. F. Bray Courthouse, which is occupied by both Court and County departments. Specifically, the JOA reflects the roles of the County and the State with regard to exclusive use areas, common areas, managing party and contributing party responsibilities, cost allocation methodology for common area maintenance and repairs, central plant operations, security, emergency response, liability allocation and dispute resolution. The County Exclusive Use Area in this courthouse consists of approximately 5,732 square feet or 14.48% of the total Exclusive Use Area, and the Court Exclusive Use Area consists of approximately 33,861 sf, or 85.52% of the total Exclusive Use Area. The cost of maintaining common areas in this building are split proportionally based on occupancy. Management of the common areas in this building are the responsibility of the State as the owner of the building, subject to reimbursement from the County.

BACKGROUND:

Beginning with the Lockyer-Isenberg Trial Court Funding Act in 1997, the State passed a succession of legislation to move funding and control of court operations from counties to the California Judicial Council. The Trial Court Facilities Act of 2002, codified under Government Code sections 70301 et seq., addressed transfer of responsibility for “court facilities” (defined by the Act to include court rooms, judges chambers, administrative support areas, building operating systems, holding cells, common and connecting spaces, parking, and the grounds appurtenant to court buildings) by authorizing the State of California, through the Judicial Council (acting through its staff agency, the Administrative Office of the Courts), to assume responsibility for these facilities throughout the State. “Responsibility for facilities” is defined in the Act as the obligation of providing, operating, maintaining, altering and renovating a building that contains court facilities.

The County transferred responsibility for all Contra Costa County court facilities prior to December 31, 2009, as was required by the Act, and the County has been making the required annual County Facilities Payments required under the Act. However, title could not be transferred on certain court facilities, including the A.F. Bray Courthouse, that were encumbered by debt. The Act provides that the Judicial Council would take title to those court facilities after the County satisfied its obligation to pay off bond debt that encumbered them. The County made the final debt service payment on the A.F. Bray Courthouse on June 1, 2016, making the facility eligible for transfer of title to the Judicial Council.

County Facilities Payment

Commencing upon the transfer of court facilities, Government Code section 70353 requires counties to continue to provide the State with operations and maintenance funding at historic levels, known as “County Facilities Payments” or “CFPs.” The Act specifies the methodology for calculating the CFPs based on expenditures during the five year period from Fiscal Years 1995-1996 to 1999-2000, adjusted for inflation until the date of transfer,

at which time they become fixed. These facilities expenditures included labor, materials, and contract costs for maintenance, utilities, insurance and major maintenance repairs and renovations.

Under the Act, CFPs will not increase above the current amount and the County's obligation is fixed.

CONSEQUENCE OF NEGATIVE ACTION:

Not applicable. If the County does not transfer title of the A.F. Bray Courthouse to the State, the County will be in breach of the terms of the Transfer Agreement with the State dated December 29, 2008, which provides that the Judicial Council will take title to the facility after the County satisfied its obligation to pay off bond debt that encumbered the facility.