



Board Agenda Item 26

DATE: August 6, 2019

TO: Board of Supervisors

SUBMITTED BY: Jean M. Rousseau, County Administrative Officer

SUBJECT: Transfer of Title for the Superior Court of California, County of Fresno, Main Courthouse Division

RECOMMENDED ACTION(S):

Approve and Authorize the Chairman to execute the following documents: 1) Grant Deed for the transfer of title for the Superior Court of California, County of Fresno, Main Courthouse Division to the State of California on behalf of the Judicial Council of California, 2) Amended and Restated Transfer and Joint Occupancy Agreements between the County of Fresno and the Judicial Council of California, 3) Memorandum of Amended and Restated Joint Occupancy Agreement, 4) Datedown Certificate, 5) Permanent Easement Agreements, and 6) any other documents necessary to effect these transfers subject to review and approval by County Counsel and the Auditor-Controller/Treasurer-Tax Collector.

There is no additional Net County Cost associated with the recommended action, which will complete the transfer of title of the Fresno County Main Courthouse (Courthouse) to the State of California on behalf of the Judicial Council, as required by the Trial Court Facilities Act of 2002. This item is countywide.

FISCAL IMPACT:

There is no increase in Net County Cost. There is a capital loss associated with the recommended action, as a County asset will be removed from the County's financial records, and may result in a relatively small recognition of a loss on the disposal of the asset.

Pursuant to Business and Professions Code Section 6300, each County shall have a board of law library trustees, which governs the law library established for the county. The County's Law Library is located on the sixth floor of the Courthouse facility. Due to the Law Library's occupancy in this facility, the County is responsible for a portion (4.09%) of the Operations and Maintenance costs, which includes facility improvements, and have averaged approximately \$20,000 per year.

As part of the legislation for the transfer of court facilities to the Judicial Council of California (JCC), the County is required to make County Facility Payments (CFPs) to the JCC based on a proration of historical costs (FY 1996 through FY 2000) for the Operations and Maintenance of court facilities. The CFP for this facility is approximately \$875,000 per year.

Sufficient appropriations for Operations and Maintenance Costs and the CFP are included in the FY 2019-20 Recommended Budget for Org 2838 that will be presented to your Board in September 2019.

DISCUSSION:

On December 16, 2008, the Board approved agreements with the Judicial Council of California to transfer responsibility for the Courthouse facility, but not title as necessary processes were not complete to transfer title at that time. It was noted that the transfer of title would be brought back to your Board at a later date. Due to lengthy delays in processing, the item and associated documents for the transfer of title to the Courthouse facility is being brought before your Board at this time. The recommended action will authorize the Chairman to execute the following documents:

- Amended and Restated Transfer Agreement (ARTA);
- Amended and Restated Joint Occupancy Agreement (ARJOA);
- Memorandum of ARJOA;
- Datedown Certificate;
- Permanent Easement Agreement - State to the County;
- Permanent Easement Agreement - County to the State; and
- Grant Deed.

The ARTA allows for the transfer of title of the Courthouse facility from the County to the State of California, the ARJOA allows for the Law Library to continue to occupy space in the Courthouse facility and outlines the associated guidelines/responsibilities of both parties, and the Memorandum of ARJOA memorializes the existence of the ARJOA. The Datedown Certificate memorializes/acknowledges any revisions to the original Transfer and Joint Occupancy Agreements. The Permanent Easement Agreements allow the State to grant specified access to the County and conversely the County to the State. The Permanent Easement Agreement where the County grants access to the State will be reviewed and signed by the State Public Works Board once it is reviewed and approved by your Board. The Grant Deed will also be reviewed and approved by the State Public Works Board once it is reviewed and approved by your Board. Although it is not anticipated that other documents will be required as part of the transfer, the recommended action will authorize the Chairman to execute any other documents necessary to effect the transfer of title to the Courthouse subject to review and approval of County Counsel and the Auditor-Controller/Treasurer-Tax Collector.

As noted above, the recommended action provides for continued shared occupancy of the Courthouse, because the Law Library continues to occupy space on the sixth floor of this facility (approximately 5,400 square feet). Staff will return to your Board with a Termination of the ARJOA once a suitable location is found for the Law Library, and/or if the State wishes to sell this facility. The County will continue to pay for a portion (4.09%) of Operations and Maintenance costs, which include facility improvements for the Courthouse until the Law Library can be relocated. These costs have averaged approximately \$20,000 per year.

It should also be noted, the County will continue to pay the CFP for this facility of approximately \$875,000 per year.

REFERENCE MATERIAL:

BAI #39, December 16, 2008

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - ARTA
On file with Clerk - ARJOA

CAO ANALYST:

Samantha Buck