JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS
455 Golden Gate Avenue
San Francisco, California 94102-3688

Report

TO: Members of the Judicial Council

FROM: Administrative Office of the Courts
Kim Davis, Director, Office of Court Construction and Management (OCCM), 415-865-4055, kim.davis@jud.ca.gov
Rona G. Rothenberg, Manager, Office of Court Construction and Management, 415-865-4063, rona.rothenberg@jud.ca.gov

DATE: June 29, 2007

SUBJECT: Site Selection and Acquisition Policy for Court Facilities (Action Required)

Issue Statement

The Judicial Council adopted the *Judicial Branch AB 1473 Five-Year Infrastructure Plan Fiscal Year 2008–2009* on April 27, 2007. Based on this plan, the Administrative Office of the Courts (AOC) has progressed toward accomplishing various aspects of the program for improving court facilities, including site selection and acquisition for new court facilities.

Under rule 10.15(a) and (b)(5) of the California Rules of Court, the AOC has consulted with the Interim Court Facilities Panel (the panel) regarding a statewide policy for selection of sites for new court projects and acquisition of recommended properties. Under these rules and under rule 10.181, the AOC previously met, reviewed, and sought advice from the Court Facilities Transitional Task Force (the task force) regarding a conceptual framework for establishing criteria for selection of courthouse sites. AOC staff has also consulted with the panel on behalf of the Judicial Council regarding site selection and acquisition for four specific new court projects for which funding has been approved. With a recommendation from the panel, the Judicial Council directed AOC staff to select sites for those projects and to acquire sites for two of the projects. Consistent with those meetings and with the subsequent approvals, documentation of a formal policy regarding selection and acquisition of sites for new court facilities has been developed for future projects. Approval of this policy is timely and appropriate, pending site acquisition for current projects and funding for future projects in the judicial branch's Five-Year Infrastructure Plan.

Recommendation

Staff of the Administrative Office of the Courts (AOC) recommends that the Judicial Council take the following action:

1. Adopt the Site Selection and Acquisition Policy for Court Facilities, attached, which will be implemented upon approval.

Rationale for Recommendation 1

Under section 70374(b) of the Trial Court Facilities Act of 2002 (Sen. Bill 1732), the acquisition and construction of court facilities are subject to the Property Acquisition Law, Government Code section 15850 et seq. Under that law, all proposed real property acquisitions are subject to approval by the State Public Works Board (SPWB). Following approval by the Judicial Council, and consistent with procedures acceptable to the Department of Finance, AOC staff separately submits documentation to the SPWB for approval to proceed to site selection and acquisition.

A Site Selection and Acquisition Policy for Court Facilities (the policy) is proposed for adoption, consistent with the approval process by the SPWB. This policy will:

1. Delegate authority for approval of selections and acquisitions of sites for court facilities to the Administrative Director of the Courts—based on informed recommendations by the Project Advisory Group[1], through AOC staff, regarding appropriate sites—without the requirement for successive approvals by the Judicial Council. Site selections and/or acquisitions identified by the AOC staff as controversial will be reviewed by the Administrative Director of the Courts and the Executive and Planning Committee prior to review and resolution by the Judicial Council.

2. Establish a standardized and consistent process by which each Project Advisory Group evaluates criteria appropriate to the selection and location of real property for new court facilities; and

3. Require that multiple prospective sites that meet the agreed-upon criteria for a new courthouse are solicited and that terms for acquisition are negotiated competitively for all projects. The main goal is to leverage competition in the acquisition of real property that meets agreed-upon location criteria for court facilities. The policy will also provide for sole source justification of single sites, in some cases, due to limited availability, that are proposed for donation or discount, or that provide economic or other benefits to the state.

Background

Selection of sites for new court facilities is a critical milestone in the planning process for judicial branch buildings. The criteria for locating court facilities and the types of sites that are considered and acquired will have a legacy for years to come, long after the building has been designed, constructed, and occupied. The choice of a site will affect the cost,

[1] Established for each project by California Rules of Court, rule 10.184 (d).

placement, form,, schedule, and completion of the new courthouse, as well as the long term cost of ownership to the branch. The site selection will also profoundly and irrevocably affect the future operation of the courts, such as access to justice for the public and the quality of the courthouse environment for the public, court staff, and judicial officers. It will also potentially affect the vitality of each community that loses or gains a court facility.

Recommendation
It is appropriate for the Judicial Council to delegate broad authority to staff of the AOC in connection with decision-making for capital project planning, design, and construction of new court facilities. That authority includes the development of criteria for project siting and real property acquisition. Once a project is approved by the council for funding and funding is subsequently appropriated by the legislature, delegation of authority by the council to the Administrative Director of the Courts, or his designee, will facilitate approval of Project Advisory Group recommendations—as presented by AOC staff—for the selection of sites and negotiation of terms of acquisition of real property. Delegation of that authority will improve project development by eliminating the need for reiterative submissions to and review by the council for each site selection and site acquisition for each court facility capital project. This will save time in the overall project development and limit unnecessary delays and related anticipated cost escalations.

Each Project Advisory Group will determine whether a particular site selection or acquisition is controversial for any reason. Controversial selections and/or acquisitions of sites for new court facilities will be submitted to the Administrative Director of the Courts for consideration and resolution by AOC staff on behalf of the Project Advisory Group. As appropriate, some controversial matters subsequently may be issued to the Executive and Planning Committee and the Judicial Council for resolution, at the discretion of the Administrative Director of the Courts. Controversial matters may include unresolved issues or disputes about criteria, cost, location, or any other feature of a specific site or sites, by members of the Project Advisory Group, the court or courts involved in the project, the local or regional jurisdictions, and public or private business entities.

In September 2005, AOC staff met with the task force to review and discuss issues related to site selection criteria for new court facilities. Discussion and feedback by the task force included comments about the authority of Project Advisory Group to determine specific ranking and weighting of individual criteria to establish minimum thresholds for solicitation of site proposals; and consideration of potential free or discounted properties in evaluating potential sites. Following that meeting, staff further developed a list of primary and secondary criteria for site selection.

Since then, the criteria have been considered in connection with projects under feasibility study and have been applied successfully and consistently to site identification and

selection for funded projects that have been submitted to the council for site selection authority. Those criteria have been incorporated into the policy document, attached.

Consistent with the policy, AOC staff will provide the Project Advisory Group the list of proposed site selection criteria and the sample ranking and evaluation form for determining the appropriate requirements for each site for each approved project. The site criteria will be developed and approved by the Project Advisory Group established for the capital project under the California Rules of Court, rule 10.184(d), subject to approval by the Administrative Director of the Courts as described in the recommendations of this report.

As referenced above, the Judicial Council has approved site selection for appellate and trial court capital-outlay projects that have been funded. These sites include a property for the Court of Appeal, Fourth Appellate District, in Santa Ana[2] at no cost; a property in Plumas County-Portola for the future, Plumas-Sierra Cross-Jurisdictional project[3], which has been offered at no cost to the state; a site in Mono County-Mammoth Lakes[4] for the future Mono-Mammoth Lakes New Court facility project, which has been offered to the state at a substantially discounted purchase price; and a site in Contra Costa County-Pittsburg, for the New East Contra Costa Court[5], which has been offered to the state at no cost. In each of these site selections, the criteria for site selection were established by the Project Advisory Group, and at least two, comparable properties which met the established site selection criteria were solicited.

Consistent with these prior approvals, it is appropriate for AOC staff to solicit, pursue, and negotiate terms of acquisitions for at least two or more, potential sites for a new court facility. The sites must meet all of the identified and approved site location criteria. Other features may also be considered, including, but not limited to, free sites; discounted sites; cost-sharing, and other unique and creative development opportunities. The criteria for location of a court facility and selection of a site for a new court facility, previously recommended, must be the primary consideration, economic opportunity notwithstanding.

In those cases where multiple sites are not available, where specific sites have been offered to the state at no cost, or where there is an economic or other benefit to the state of a single site, a sole source justification for that property may be prepared by the Project Advisory Group for consideration and approval by the Administrative Director of the Courts.

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[2] Fourth District Court of Appeal: Judicial Council Approval on May 16, 2005; Site Acquisition finalized on September 20, 2005.

[3] Site selection was approved by Judicial Council on June 30, 2006; site acquisition is pending Judicial Council approval on June 29, 2007.

[4] Site selection was approved by Judicial Council on June 30, 2006.

[5] East Contra Costa site selection approved by circulating order on June 6, 2006: site acquisition approved on February 23, 2007.

Comments From Interested Parties

This policy and process was published for comment by the courts and the public from April 23 through May 11, 2007. The AOC received comments from nine courts and three members of the public. A summary of court and public comments are attached.

Alternative Actions Considered

One alternative would be for the Judicial Council to require successive submissions and approvals of all site selections and acquisitions, preceding required approvals by the SPWB, consistent with procedures acceptable to the Department of Finance. This alternative would add time to the project schedules and result in increased construction and overall project costs.

A second alternative action would be for the Judicial Council to consider and approve for negotiation one preferred site at a time for each future trial court capital-outlay or appellate court project. If any single negotiation were unsuccessful, this alternative would lengthen the project schedule and increase costs by requiring future iterative approvals by the council, followed by requisite incremental approvals by the SPWB, as well as negotiation for successive additional sites. This alternative would preclude timely and competitive negotiation for the below–market rate properties or other properties available at market, which could result in higher site acquisition costs, longer schedules, and ultimately, higher construction costs to the state.

Implementation Requirements and Costs

While the AOC has not definitively estimated the ultimate cost to each project of reiterative approvals and successive or noncompetitive negotiations for purchase, widely published costs in the construction industry have continued to document the steady increase in land costs, as well as the consistent escalation of construction labor and materials, to be approximately 10–12 percent per year. Where appropriate for donated or conveyed properties, or for non-controversial site purchases, increasing the discretion and authority of the AOC staff and the Administrative Director of the Courts would help limit unnecessary delays and associated costs.

Attachments:

Site Selection and Acquisition Policy for Court Facilities

Summary of Comments

Site Selection and Acquisition Policy for Court Facilities

JUNE 29, 2007

ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF COURT CONSTRUCTION AND MANAGEMENT

1. Site Selection and Acquisition Policy

1.1. Whenever the Judicial Council approves a request of funding of a capital project for a court facility and the project is subsequently funded by the legislature (or State Budget) for site selection and acquisition, the Administrative Director[1] of the Courts or his or her designee will, upon recommendation by staff of the Administrative Office of the Courts (AOC):

1.1.1. Have the authority to approve criteria established for selection of sites for specific court facility projects and have the authority to approve negotiated terms of acquisition, for selection and acquisition of new court facility sites.

1.1.2. Have the authority to acquire court facility sites and to execute required documentation to acquire those sites without further Judicial Council approval; and

1.1.3. Refer to the Judicial Council the approval decision for the selection and/or acquisition of those recommended sites that the Administrative Director of the Courts, in his or her discretion, with input from the AOC staff, determines are controversial, as that term is defined in Section II.C.

1.2. AOC staff and the Project Advisory Group[2] assigned to a specific project will establish objective and consistent site selection criteria for location of trial and appellate court facilities and will evaluate potential sites based on those criteria.

1.3. In all site selections, AOC staff will seek to identify at least two or more sites that meet the agreed-upon criteria and will have the authority to negotiate terms of acquisition with two, or multiple, sellers. Consistent with the Judicial Council's *Prioritization Methodology for Trial Court Capital-Outlay Projects* (August 2006), AOC staff will consider and recommend sites for selection and acquisition that meet the established criteria, including sites, locations, and proposals that will provide specific economic benefit or opportunities to the state. In those cases where multiple sites are not available, where specific sites have been offered to the state at no cost, or where there is a specific economic or other benefit to the state of a single site, a sole source justification for that property may be prepared by the Project Advisory Group for consideration and approval by the Administrative Director of the Courts.

2. Purpose of the Site Selection Criteria and Process

The criteria for site selection are provided to deliver objective and consistent guidelines by which the Judicial Council and the AOC shall evaluate real property sites for location of new appellate and trial court capital-outlay facilities.

[1] Requires modification to California Rule of Court, rule 10.15(a) and (b)(5)
[2] California Rules of Court, rule 10.184(d)

The use of standardized criteria for selection of sites, the creation of a standard process of competitive solicitation of properties, and the objective and consistent evaluation of available properties shall guide AOC staff in recommendations to the Administrative Director of the Courts and to the Judicial Council, as appropriate, for site acquisitions for facilities.

2.1. The criteria shall:

2.1.1. Establish consistent and objective primary measures for identifying project-specific site requirements for new appellate and trial court facilities;

2.1.2. Provide a structured and comprehensive tool to guide the Project Advisory Group for each capital project in determining the general and specific site location criteria for that project; and

2.1.3. Provide demonstrable measures for competitive evaluation of potential sites that have been identified.

2.2. The criteria have three main components;

2.2.1. Project requirements, which delineate the necessary, desirable, and undesirable features, location and size of future potential sites, including demographics, location, neighborhood character, environmental sustainability, and site size, security, traffic impacts and public transit features, local planning requirements, and schedule/availability.

2.2.2. Technical requirements, which delineate the physical elements which contribute to its viability for selection; and

2.2.3. Economic factors, including: capital cost of purchase; impacts and costs of required improvements to local infrastructure and on-going infrastructure costs such as utilities, road maintenance, etc; and economic incentives, both public and private.

3. Definitions

3.1. Acquisition: Purchase or conveyance of land and/or building for court facilities.

3.2. Lease: Term-based transaction with third party for land and/or buildings for court facilities.

3.3. Controversial Sites: Sites or matters related to site selection and/or acquisition for new court facilities, which include unresolved issues or disputes about criteria, cost, location, potential environmental impacts or any other feature of a specific site or sites, which are raised by members of the staff of the AOC, the Project Advisory Group, the court or courts involved in the project, the local or regional jurisdictions, the public or private business entities.

4. Evaluation Process for Acquisition

4.1. Use of the Standardized Site Criteria: For all new trial court capital-outlay and appellate court facilities, the Site Selection Criteria and Evaluation Process will be applied by the project team. Once a Project Advisory Group for a project is selected and convened, it shall confirm the site requirements for a particular project that were identified in the superior court facilities master plan[3] or in a subsequent feasibility study prepared by AOC staff for a particular project, and to consider those criteria by order of importance, including weighting and overall priority. This task shall be completed prior to initiating/conducting any property identification or solutions. Criteria development will be approved by members of the court and the confirmed by the Project Advisory Group, subject to recommendation by the AOC's project manager and approval by the Administrative Director of the Courts under this policy.

4.2. Identification of a Potential Site or Sites: Once the criteria are developed for a particular project, the AOC staff will represent the Project Advisory Group in identifying or in soliciting competitive proposals for sites that meet the specified site criteria, or in confirming the availability of specific sites which have been proposed for donation, or discounted purchase, or which provide some other specific and unique economic or other benefit or opportunity to the state.

4.3. Evaluation of Identified Sites: Once a site or sites have been identified, the AOC staff, working with the Project Advisory Group for a particular project, and in consultation with the real estate team, will determine which sites will be pursued competitively. The sites will be given a priority by the agreed-upon weighting and point-assignment system developed in the criteria stage. Specific sites which have been proposed for donation, or discounted purchase, or which provide some other specific and unique economic or other benefit or opportunity to the state, shall be evaluated by the same criteria as competitively solicited sites; except that in those cases where multiple sites are not available, where specific sites have been offered to the state at no cost, or where there is a specific economic or other benefit to the state of a single site, only one site may be evaluated, for which a sole source justification will be prepared.

4.4. Negotiation of Terms: Terms of acquisition will be negotiated by the AOC project team in consultation with the Project Advisory Group.

4.5. Approval: The Administrative Director of the Courts will approve the criteria for selection, ranking of sites, and recommendations and subsequent negotiation of terms, or sole source justification of specific sites for which competitive proposals have not been sought. The sole source justification will describe the basis of site location subject to the standardized site criteria for evaluation agreed upon by the Project Advisory Group, and will explain and defend the economic or other benefit or opportunity of the site selection and acquisition to the state, based on its unique cost or other features.

[3] In 2002-2004, a facilities master plan was prepared for each superior court.

For those site selections and/or acquisitions that are determined to be controversial by the Administrative Director of the Courts, the Judicial Council will approve the criteria for selection, ranking of sites, and recommendations and subsequent negotiation of terms, or sole source justifications of specific sites for which competitive proposals have not been sought.

5. Categories of Site Selection Criteria for Delineated Area

			Required[4]	Preferred	Not Desirable
5.1.	Project Requirements - Site Features				
5.1.1.	Required Site Area	Define minimum/maximum site area Define buildable area Overall developed/developable ▪ Site Geometry ▪ Site Contiguity Define building size and height assumptions Define expansion capabilities Parking requirements, including cost benefit			
5.1.2.	Location Preferences	Define delineated area proximities and adjacencies, to other services (agencies, transit, jail, residential/public served, local businesses, etc.)			
5.1.3.	Site Coverage	Define site coverage and open space requirements			
5.1.4.	Security Requirements	Define setbacks and other security requirements Define proximity/adjacencies to jail, other secure functions			
5.1.5.	Sustainability	Review redevelopment and rehabilitation potential cost benefit-time Analyze alternative transit availability Evaluate energy efficiency or reduction in usage-utility service areas, solar/wind opportunities Consider habitat preservation or improvement Determine LEED credit potential			
5.1.6.	Neighborhood Character	Establish neighborhood compatibility with existing uses			
5.1.7.	Immediate Surroundings	Define nature and quality of the environment and context ▪ Favorable/Unfavorable Surroundings ▪ Improving/Declining Neighborhood ▪ Demographics: Population densities			
5.1.8.	Traffic & Transportation	Define requirements/proximity for ▪ Public Transit/Pedestrian Access ▪ Bike Paths ▪ Public Parking Areas ▪ Overall Road/Traffic Capacity			

[4] If a site does not offer or meet these criteria, it shall be removed from consideration.

			Required[4]	Preferred	Not Desirable
5.1.9.	Image & Visibility	Establish appropriate character/image for project Location of adjacent use types of buildings and businesses			
5.1.10.	Local Planning Requirements	Determine consistency with comprehensive land use plan			
5.1.11.	Initiatives	Determine potential to support local planning initiatives			
5.1.12.	Budget	Review Pro forma for development and related documents			
5.1.13.	Schedule	Determine site availability requirements Ownership thresholds (ground lease, title, etc.)			
5.1.14.	Special Considerations	Political or government interest			
5.2.	Project Requirements - Technical and Physical Features				
5.2.1.	Site Context/Location Information	Review context from ▪ Area Map and Aerial Photos ▪ Local Street and Topographic Maps ▪ City Master Planning Map(s) ▪ Proximity to court-related functions, jails Preview project impact on local goals, programs, and issues			
5.2.2.	Physical Elements	Hydrology Check for: ▪ Existing Floodplains and Watersheds ▪ Wetlands ▪ Drainage Problems ▪ Stream Valley Buffers Topography ▪ Determine Impact on Development Patterns Physical Features ▪ Identify Unique Features or Landmarks ▪ Identify Existing Improvements and Buildings ▪ Evaluate Potential of Existing Structures Vegetation and Landscape ▪ Evaluate Potential of Existing Vegetation and Landscape Archaeological Features ▪ Determine Known Archaeological/Cultural Districts/Areas Environmental Hazards ▪ Determine Known Hazards Threatened, Rare, and Endangered Species ▪ Determine Existence of Known Species Sustainability ▪ Determine Consistency With Sustainable Design Principles Conservation Program and Regulations ▪ Determine Known Conservation Regulations, Initiatives, and Areas			

			Required[4]	Preferred	Not Desirable
5.2.3.	Public Streets and Alleys	Determine special requirements for roadways and streets			
5.2.4.	Subsurface/Geotechnical Conditions	Determine local geotechnical, subsurface, and soil conditions			
5.2.5.	Seismic Conditions/ Requirements	Determine state and local seismic requirements/parameters/zones			
5.2.6.	Energy Conservation/Utilities	Determine utility/infrastructure requirements for project. Assess local systems' capacities and conditions			
5.2.7.	Sewer	Determine local sanitary sewer capacity and condition Determine local storm water regulations and capacity			
5.2.8.	Historic Preservation/Site History	Determine existing historic or cultural districts Identify local historic planning groups and programs			
5.2.9.	Existing Use, Ownership, and Control	Determine impacts of existing use, ownership, and control			
5.2.10.	Community Services	Establish proximity requirements to community services			
5.3.	Financial Factors				
5.3.1.	Site Acquisition and Relocation Costs	Establish site acquisition budget			
5.3.2.	Demolition/Remediation Costs	Establish range of site demolition/remediation costs			
5.3.3.	Site Construction and Preparation Costs	Establish range of site construction and preparation costs			
5.3.4.	Infrastructure Improvements	Review plans for local infrastructure improvements			
5.3.5.	Local Economic Development Impact	Establish target local economic development impact goals			
5.3.6.	Funding Sources Through Partnerships	Establish target funding levels/percentages creative financing, including partnerships			

6. Sample Site Selection Criteria From

Points and weight or relative ranking of criteria determined by Project Advisory Group

This is a sample of potential ranking criteria. Specific criteria relative weighting will be determined and justified by each Project Advisory Group.

Minimum Threshold Requirements		**established by Project Advisory Group:**	**Points**	**Weight**	**Total**
6.1.	Required Site Area	The Minimum site area is _____ sq. ft. or acres			
		The Maximum site area is _____ sq. ft. or acres			
		Any restrictions on site geometry? YES / NO If yes, site must be_____ (flat, min width, min depth)			
		Any required contiguous elements? YES / NO Must be adjacent to _____ (example: the "XYZ Detention facility") Must not be adjacent to _____			
		The proposal must include _____ number of secured parking spaces for judges and _____ number of spaces for court staff and _____ spaces made available for jurors (during the hours of _____)			
6.2.	Location Preferences	The court service area is _____ (within a _____-mile radius of the City of "X", within _____ miles of the detention facility, near the existing "X" courthouse, no less than ft from _____)			
6.3.	Site Coverage	The maximum Floor Area Ratio is _____. Site must allow for at least _____ sq. ft. of landscaped open space in addition to parking and the building.			
6.4.	Security Requirements	A setback of _____ ft. is required on all sides of the maximum probable building footprint. Underground tunnels ARE / ARE NOT allowed. Public utility easements are / are not allowed. Private easements are/ are not allowed. Adjacent off site structures may be no taller than _____ ft.			
6.5.	Sustainability	Site must be in a redevelopment area? YES / NO			
		Site may be in a habitat preservation zone? YES / NO			

Minimum Threshold Requirements	established by Project Advisory Group:	Points	Weight	Total
6.6. Neighborhood Character	Establish neighborhood compatibility parameters (Favorable/Unfavorable Surroundings)			
6.7. Immediate Surroundings				
6.8. Traffic & Transportation	Requirements/proximity for :			
	Public bus service must be available to site within _____ mile. (1/8, 1/4) Public parking must be available within _____ mile of site. Bike path access is required? YES / NO / DESIRABLE Site must be within _____ miles of Highway/Road (I-5, Hwy 101) Site must have improved road access minimum of _____ lanes.			
6.9. Budget	Acquisition cost of site must be no more than $_____. Demolition of any existing buildings must be included in the offer and price? YES / NO Re-use of existing buildings IS / IS NOT acceptable.			
6.10. Schedule	Site must be ready to close escrow within _____ days of acquisition agreement or lease/property ready for occupancy by _____. Must have all parcels assembled under offer or control at time of proposal? YES / NO Any required seller's environmental mitigation measures must be completed within _____ days of close of escrow / before close of escrow.			
	TOTAL SCORES			

6.11. Comments/Justifications: Describe rationale of ranking and weighting system here.

6.12. **APPROVALS:**

_____

Project Advisory Group

_____

Director of Office of Court Construction and Management

_____

Administrative Director of Courts

Summary of Court and Public Comments
Site Selection and Acquisition Policy for Court Facilities
June 29, 2007

SUBJECT-TOPIC	PAGE #	PARAGRAPH	COMMENT/PROPOSED MODIFICATION	NAME	RESPONSE/COMMENTS
1. COMMENTS FROM COURTS					
1.1. Policy Statement-Authority to Administrative Director of the Courts	1	1	I have a question concerning whether the "designee" may be someone other than AOC staff. If it is, I recommend that it not be limited to AOC staff.	Hon. Roger W. Boren, Administrative Presiding Judge, 2nd District Court of Appeal, Los Angeles (by Joseph Lane, Clerk of the Court)	"Designee" will be determined by the Administrative Director of the Courts.
1.2. Policy Statement-AOC staff to identify two or more sites	1	3	Insert in the first line after AOC 'staff' and before 'will': . . . "in consultation with the Project Advisory Group (rules 10.184(d))." So that the first part of the first sentence would read: "In all site selections, AOC staff will, in consultation with the Project Advisory Group (Rules 10.184(f)), seek to identify at least two or more sites . . ."	Hon. Roger W. Boren, Administrative Presiding Judge, 2nd District Court of Appeal, Los Angeles (by Joseph Lane, Clerk of the Court)	Change incorporated.
1.3. Policy Statement-Concept	1	1	The policy relies on AOC staff and a Project Advisory Group; I can only assume that this group will include members of the local court as the make up of the group is not defined.	Tamara Beard, Court Executive Officer, Superior Court of Fresno County	Project Advisory Group is defined in the California Rules of Court, and will include members of the local court.
1.4. Process	0	General comment	I am unclear on the semantics of the entire process however, this policy only takes place after the approval of the funding for the acquisition and construction of the capital project. As we know there are projects on the books whether approved by the Legislature or not, it seems that it would be more cost effective to identify and even purchase property prior to the construction project approval. This would save a lot of time knowing that the facility is coming, although it may be years away, securing the property would ensure that it remains available to the court for future use.	Tamara Beard, Court Executive Officer, Superior Court of Fresno County	No change required. Purchase of land some years in advance of design and construction is subject to Executive and Legislative Branch approval.
1.5. Process-Evaluation of Sites	4, 5, 6	Categories of Criteria for Evaluation	No mention of eminent domain, although "controversial acquisitions" is defined	Tamara Beard, Court Executive Officer, Superior Court of Fresno County	No change-not applicable.

Page # and Paragraph # refer to location, paragraph or topic in posted document.

Summary of Court and Public Comments
Site Selection and Acquisition Policy for Court Facilities
June 29, 2007

SUBJECT-TOPIC	PAGE #	PARAGRAPH	COMMENT/PROPOSED MODIFICATION	NAME	RESPONSE/COMMENTS
1.6. Process-Evaluation of Sites	4, 5, 6	Categories of Criteria for Evaluation	There is no policy statement on revitalization or infill areas, which I think might be important both politically and in reality	Tamara Beard, Court Executive Officer, Superior Court of Fresno County	Included in criteria for sustainable sites/designs.
1.7. Policy Statements	1	Intent	Given the importance of these decisions impacting trial courts, as beneficiaries of site selection, they should a vote in the final decision. At minimum, the Presiding Judge should be consulted. What would happen if the Court does not agree with AOC's staff recommendations? Would the Director or designee simply ignore the Court's perspective or wishes? What would be the appeal process if the project advisory group does not agree with the staff recommendations? What is the Court's recourse/appeal process if differences arise between the Court's Choice and AOC's choice?	Jose Octavio Guillen, Court Executive Officer, Superior Court of Imperial County	No change regarding Court participation because Court is part of the Project Advisory Group. No change regarding appeals because all controversial matters will be reviewed and referred to the council.
1.8. Purpose-Criteria	2	Criteria for evaluation	Should create a separate criteria for joint use of joint venture projects. These projects will get lost in the broad economic factors criteria. Bonus points should be given to those projects as they are more cost effective to all involved.	Jose Octavio Guillen, Court Executive Officer, Superior Court of Imperial County	No change. How this issue is addressed is determined by the Project Advisory Group.
1.9. Purpose-Definitions	3	Master Plan	Presuming the Court' s master plan is no longer viable, how can they update its entire master plan	Jose Octavio Guillen, Court Executive Officer, Superior Court of Imperial County	Not applicable to this policy; master plans will be regularly updated per SB1732.
1.10. Evaluation Process3	3	Appeals	There needs to be some appeal process for trial courts if advisory groups and AOC are not in agreement	Jose Octavio Guillen, Court Executive Officer, Superior Court of Imperial County	No change-per above, re: Controversial matters are referred to the Judicial Council.
1.11. Evaluation Process	3	Authority	This gives the director absolute power without due process to a trial court. Additionally, there is no time period specified to complete the approval process. It should state that the approval process should not take longer than 90 days.	Jose Octavio Guillen, Court Executive Officer, Superior Court of Imperial County	No change-per above, re: Controversial matters are referred to the Judicial Council; Timeframes for project approvals are dictated by funding appropriation limits.

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Summary of Court and Public Comments
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SUBJECT-TOPIC	PAGE #	PARAGRAPH	COMMENT/PROPOSED MODIFICATION	NAME	RESPONSE/COMMENTS
1.12. Categories-Economic	3	Joint-funded projects	A specific joint use criteria should be provided and given higher weight	Jose Octavio Guillen, Court Executive Officer, Superior Court of Imperial County	No change-Each Project Advisory Group can decide how to weight and rank criteria.
1.13. Site Criteria Evaluation Form	8, 9, 10	Ranking/Weighting	The Court has reviewed the Site Selection and Acquisition Pollicy and is in general agreement with the overall document. With the minor exception of a few typographical and formatting errors, the document seems to comprehensively address the essential areas in selecting courthouse sites. My concern lies in the area of the weighting of categories in the Proposed Site Selection Criteria Form on Pages 8, 9 and 10 of the document. The note on Page 10 addes that ranking/weighting is to be justified by each project team which I presume to mean each project advisory group (PAG). If that is the case, I believe that the AOC representative should establish the weighting based on group discussion and then adjust per the group's instruction. Any other individual in the gorup who could be responsible for this weighting may unknowingly skew the ranking/weights based on personal preferences and biases. If the AOC representative is responsible for the weighting and makes the adjustments based on comments from the group, then I believe the proper checks and balances are in place. If this is the original intent of the policy, then please disregard the above.	John Van Whervin, Facilities Director, Superior Court of Los Angeles County	No change-Intent of the policy matches this comment.
1.14. Categories of Evaluation-Physical Elements	6		Hydrology Checklist is repeated	Benjamin Stough, Superior Court of Mendocino County	Duplication deleted.
1.15. Site Ranking form	7, 8	Form and use	It is unclear why the criteria used on this form are still blank, if this is intended to be a standardized process. Who determines how the blanks will be filled in, and when? Who determines the ranking point and weight system, and when? A Court/County/(AOC) group looking at siting issues today would need sufficient foreknowledge of these criteria in order to engage in meaningful joint planning exercises for projects 2-5 years in the future.	Benjamin Stough, Superior Court of Mendocino County	No change-Per Task Force, each Project Advisory Group will apply and rank criteria for each site. The policy does not intend to standardize criteria or ranking/weighting of criteria.

Page # and Paragraph # refer to location, paragraph or topic in posted document.

Summary of Court and Public Comments
Site Selection and Acquisition Policy for Court Facilities
June 29, 2007

SUBJECT-TOPIC	PAGE #	PARAGRAPH	COMMENT/PROPOSED MODIFICATION	NAME	RESPONSE/COMMENTS
1.16. Misc. comments			Superior Court of Mendocino County is actively engaged in a site planning process with the County of Mendocino and the City of Ukiah for a comprehensive Justice Center. Understanding OCCM's site acquisition policy and criteria is critical for this process to succeed.	Benjamin Stough, Superior Court of Mendocino County	No change.
1.17. Categories of Evaluation-Site Features	4, 5	Various Categories	Regarding Sustainability, the criteria should be consistent with AB32, the California Global Warming Solutions Act of 2006 and Mass. V. Environmental Protection Agency et al (U.S. Supreme Court, 2007) . Consider including guidance in the sustainability section for suggesting consideration be given for the reduction and/or minimization of the release of greenhouse gases (e.g. CO2).	Bill Revely, Facilities Director, Superior Court of Monterey County	No change-Judicial Council Trial Court Facility Guidelines address sustainable design, but application of criteria is up to the individual team.
1.18. Categories of Evaluation-Technical and Physical Features	4, 5	Various Categories	Environmental hazards: To enlighten and broaden the vision of the people affected by the Site Selection and Acquisition Policy document, under "Environmental Hazards," consider changing the line to read, "Investigate and assess for known and unknown environmental hazards both underground and above-ground (i.e. buildings).	Bill Revely, Facilities Director, Superior Court of Monterey County	No change-Due diligence would be required to screen these hazards; no individual criteria need to be listed, but issues could be included in evaluation checklist for a particular property.
1.19. Site Ranking form	7, 8	Site Ranking form	Sustainability: Siting in redevelopment or preserve area is local land use issue. Not sure why AOC would have a requirement or what that requirement would be. Most other sustainability items handled in building construction standards. Service area and location preferences should be established during master planning.	Peter Conlon, Principal Staff Analyst, Superior Court of Orange County	No change-Comment accounted for in process of site evaluation.

Page # and Paragraph # refer to location, paragraph or topic in posted document.

Summary of Court and Public Comments
Site Selection and Acquisition Policy for Court Facilities
June 29, 2007

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1.20. Policy Statement-Concept	1	State Policy Regarding advance site purchase	Site selection in urbanizing areas is a multi-year process that should begin when new communities are planned. Many local jurisdictions plan civic centers in new planned communities or as part of redevelopment efforts and set land aside for known future public building needs. This land is often advantageously located and set aside before land values have escalated. The proposed policy assumes that no effort will be made to secure a suitable site before a project is approved. We believe this approach will not be successful in urban or rapidly urbanizing areas where the most suitable sites will be dedicated to other uses year or decades before a new courthouse is needed. Most local governments and special districts reserve properties that are convenient to the service areas and/or major transportation facilities.	Peter Conlon, Principal Staff Analyst, Superior Court of Orange County	No change required. Purchase of land some years in advance of design and construction is subject to Executive and Legislative Branch approval.
	1	1	Although state DOF policy prevents the AOC from purchasing land ahead of need, the AOC should partner with local courts and with the local agencies that provide other justice services and also control local land use policy to reserve land in appropriate areas as identified in master planning. Waiting until the Judicial Council approves funding for (design and) construction before looking for a building site guarantees that the state will pay top dollar. Waiting may also lead to poor siting due to limited availability of appropriate parcels. Since courts provide localized services, the AOC should explore with the DOF an exception to the current policy regarding early purchase or purchase options to reserve land ahead of need where there are clear economic or siting advantages.	Peter Conlon, Principal Staff Analyst, Superior Court of Orange County	Not a site acquisition policy issue. The AOC regularly discusses this matter with DOF staff.
1.21. Policy Statement-Authority to Administrative Director of the Courts	1	1	The Administrative Director should be given authority and direction to work with local courts and agencies to identify and reserve needed sites prior to Judicial Council approval of capital project funding consistent with project needs identified in court master plans	Peter Conlon, Principal Staff Analyst, Superior Court of Orange County	No change required. Local jurisdictions may reserve sites for future court development.

Page # and Paragraph # refer to location, paragraph or topic in posted document.

Summary of Court and Public Comments
Site Selection and Acquisition Policy for Court Facilities
June 29, 2007

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1.22. Policy Statement-Authority of Project Advisory Group to Assign Criteria	1	2	Criteria should be established locally in the Master Plan process based on local court needs. Conversations should take place between local court and local land use authorities regarding appropriate siting (GP/zoning) and availability of surplus or reserved parcels. In choosing a site, planned transportation routes and local growth projections are most important.	Peter Conlon, Principal Staff Analyst, Superior Court of Orange County	No change. Criteria are established by Project Advisory Group, when project is approved for site acquisition funding.
1.23. Purpose of policy-Criteria	2, 3, 4	Project, Technical and Economic Factors	Project requirements, Technical Requirements and Economic factors should be established during the Master Plan process	Peter Conlon, Principal Staff Analyst, Superior Court of Orange County	No change. Criteria are established by Project Advisory Group, when project is approved for site acquisiton funding.
1.24. Evaluation Process	7, 8	Criteria for Evaluation	Agree that the criteria should be consistent with master plan or feasibility study. However, potential sites should be sought during master planning along with an analysis of the long-term availability of appropriate parcels and an economic analysis that determines if there is a need to purchase or option land before it becomes uneconomical/unavailable	Peter Conlon, Principal Staff Analyst, Superior Court of Orange County	Project Advisory Group is defined in the California Rules of Court, and will include members of the local court.
1.25. Categories of Evaluation-Program Criteria	7, 8	Criteria for Evaluation	Should be established in Master Plan, particularly siting for public access, compatibility with land use plan, and opportunities to co-locate with other government facilities in civic centers or redevelopment	Peter Conlon, Principal Staff Analyst, Superior Court of Orange County	No change. Criteria are established by Project Advisory Group, when project is approved for site acquisiton funding.
1.26. Categories of Evaluation-Technical Criteria	5, 6	Criteria for Evaluation	Category repeated	Peter Conlon, Principal Staff Analyst, Superior Court of Orange County	Change incorporated.
1.27. Categories of Evaluation-Economic Criteria	7	Criteria for Evaluation	Land costs (escalation) and partnering should also be considered in earlier planning processes	Peter Conlon, Principal Staff Analyst, Superior Court of Orange County	No change. Criteria are established by Project Advisory Group, when project is approved for site acquisiton funding.

Page # and Paragraph # refer to location, paragraph or topic in posted document.

Summary of Court and Public Comments
Site Selection and Acquisition Policy for Court Facilities
June 29, 2007

SUBJECT-TOPIC	PAGE #	PARAGRAPH	COMMENT/PROPOSED MODIFICATION	NAME	RESPONSE/COMMENTS
1.28. Categories of Evaluation-Program Criteria	4	2	Location preferences: Define . . . Adjacencies, to other services (agencies, jail, transit, etc.)	Michael Roddy, Court Executive Officer, Superior Court of San Diego County (by Ming Yim)	Change incorporated.
1.29. Categories of Evaluation-Program Criteria	4	2	Image and Visibility: Location of adjacent use types of buildings, businesses and open space(s), (parks, squares, etc.)	Michael Roddy, Court Executive Officer, Superior Court of San Diego County (by Ming Yim)	Change incorporated.
1.30. Categories of Evaluation-Program Criteria	5	2	Special Considerations: Add, "design-build, creative financing, developer involvement, retail opportunity, local redevelopment agency financial consideration."	Michael Roddy, Court Executive Officer, Superior Court of San Diego County (by Ming Yim)	Change incorporated.
1.31. Policy Statement-Two or more sites required	1	3	Modify the restriction of "two or more" sites, to permit an alternative, or an exception. Small communities are likely not to have two or more sites conducive to construction of a governmental building/court facility that meet balance of the criteria. This is particularly important to local stakeholders who are in agreement on site selection.	Eileen ("Sam") Ledgerwood, Director of Projects, Superior Court of Tulare County	Change incorporated per Task Force
1.32. Final site recommendation	8	Ranking Form	Involve the end-user, (who is) the future building occupant, in the process by adding the agreement and signoff of the Presiding Judge, which will be included in the final AOC staff recommendation.	Eileen ("Sam") Ledgerwood, Director of Projects, Superior Court of Tulare County	Approval will include members of Project Advisory Group.
1.33. Policy Statement-Project Advisory Group to Assign Criteria, Rank Sites	1	2	AOC staff " . . . Will assist the local court Project Advisory Group assigned to a specific project to establish objective and consistent site selection criteria . . . "	Michael D. Planet, Court Executive Officer, Superior Court of Ventura County	No change-AOC will lead the project team, not just assist, although courts will be integral and full voting members of Project Advisory Groups.

Page # and Paragraph # refer to location, paragraph or topic in posted document.

Summary of Court and Public Comments
Site Selection and Acquisition Policy for Court Facilities
June 29, 2007

SUBJECT-TOPIC	PAGE #	PARAGRAPH	COMMENT/PROPOSED MODIFICATION	NAME	RESPONSE/COMMENTS
1.34. Categories of Evaluation-Process	3	III.C.	" . . . Once sites have been identified, the AOC staff, working with the local court Project Advisory Group for a particular project, and in consultation . . . "	Michael D. Planet, Court Executive Officer, Superior Court of Ventura County	Change incorporated.
1.35. Categories of Evaluation-Program Criteria	4, 5	Various Categories	Traffic and Transportation: Add "Traffic Lights"; Image and Visibility: Add "Signage"; Special Considerations: Add "County partnership, e.g. availability of space for ancillary court departments."	Michael D. Planet, Court Executive Officer, Superior Court of Ventura County	Specific features such as these could be incorporated by a Project Advisory Group for a particular project.
2. COMMENTS FROM THE PUBLIC, INCLUDING OTHER AGENCIES					
2.1. Categories of Evaluation-Site Selection Criteria	4, 5, 6	Disabled Access	Although I will not be able to attend (the meeting of the Court Facilities Transitional Task Force) tomorrow, I have had a few minutes today to review the binder materials. Of particular interest to me are site selection criteria behind Tab 16. The outline is fairly comprehensive, however, it does not address one issue which if not addressed at the outset of the acquisition and planning processes will continue to plague the court system with inadequate facilities. If access for persons with disabilities is not addressed at the very beginning, including at the site selection stage, any project will have a more difficult time provding access for persons with disabilities and providing that access may be more expensive. I recommend requiring that specific consideration be given to access for persons with disabilities under the caption "Required Site Area," "Location Preferences," and "Traffic and Transportation" (the ADA requires public projects to consider access to public transportation.)	Sam Overton, State of California, Department of Justice	Change incorporated to clearly reflect consideration of ADA is evaluation, although accessibility regulations are applicable to site and building designs

Page # and Paragraph # refer to location, paragraph or topic in posted document.

Summary of Court and Public Comments
Site Selection and Acquisition Policy for Court Facilities
June 29, 2007

SUBJECT-TOPIC	PAGE #	PARAGRAPH	COMMENT/PROPOSED MODIFICATION	NAME	RESPONSE/COMMENTS
2.2. Criteria for Evaluation-Site Considerations	3	Site Area	The Site Selection and Acquisition Policy looks good in general. However, there is one area that I think needs special attention. That is the site criteria for criminal courthouses, particularly in "smaller" counties that have one central jail. The site selection process should carefully consider the relationship to the main jail, because if the site is not located close enough to permit secure pedestrian transfer of prisoners via tunnel or secure walkway, the decision will make it necessary for the sheriff to start bussing prisoners, which will have long term financial implications for the county relative to staff and equipment acquisition, maintenance and storage costs.	Charles R. Drulis, AIA, Partner, RossDrulisCusenbery Architecture, Inc., Napa	Change incorporated in reference to jail, detention.
			Creating a need for bussing will also add costs to the courthouse construction budget, because a larger day holding component will be required. Napa County is an example of a good operational juxtaposition of courthouse and jail. Sonoma County is a good example of an opportunity for the Court to select a site next to the existing jail, or at a more remote location, which would require that the Sheriff bus prisoners daily.		
2.3. Criteria for Evaluation-Site Considerations	4	Misc. Criteria	Minimum Area should be "build-able"; Restrictions on geometry might consider steep and other difficult-to-build sites; Required adjacencies should be considered; Consider extraordinary traffic considerations.	Lorenzo Martin Lopez, AIA, Associate, Nacht & Lewis Architects, Sacramento	Some changes incorporated for clarify

Page # and Paragraph # refer to location, paragraph or topic in posted document.