JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS
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Report

TO: Members of the Judicial Council

FROM: Administrative Office of the Courts
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DATE: May 22, 2006

SUBJECT: Site Selection for Mono and Plumas/Sierra Counties (Action Required)

Issue Statement

The Judicial Council adopted the *Judicial Branch Assembly Bill 1473 Five-Year Infrastructure Plan for Fiscal Year 2007–2008* (the plan) on February 24, 2006. Based on this plan, the Administrative Office of the Courts (AOC) has progressed toward accomplishing various aspects of the program for improving court facilities. These include planning and budgeting for two new court projects that require land acquisition and for which funding has been requested: the New Portola/Loyalton Court for Plumas and Sierra Counties, and the New Mammoth Lakes Court for Mono County.

Under rule 6.15(a) and (b)(5) of the California Rules of Court, the AOC requests that the Judicial Council review and provide consultation to the AOC regarding the site selection for these two projects. Under these rules, the AOC has met, reviewed, and consulted with the Interim Court Facilities Panel (the panel), on behalf of the Judicial Council, regarding the site selection for both projects, and it has received approval from the panel to proceed to site selection.

Recommendation

The Administrative Office of the Courts recommends that the Judicial Council, effective June 21, 2006, take the following actions:

1. Direct AOC staff to proceed with the site selection process for the Plumas/Sierra Counties New Portola/Loyalton Court. The process will include negotiation for one of three identified properties: one in the city of Portola, one at the Woodbridge

development, and one on Highway 70. The process will conclude with a recommendation to the council to purchase a single property.

2. Direct AOC staff to proceed with the site selection process for the Mono County New Mammoth Lakes Court. The process will include negotiation for one or more identified property: a portion of the U.S. Forest Service site that has been identified for the development of the Mammoth Lakes Government Center campus by Southern Mono Health Care District, the town of Mammoth Lakes, and Mono County. The process will conclude with a recommendation to the council to purchase a single property.

Rationale for Recommendation

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. Under that law, Government Code section 15850 et seq., all proposed acquisitions are brought to the State Public Works Board (SPWB) for site selection and acquisition by negotiation. Consistent with that law, OCCM will schedule each project on the agenda of the SPWB for approval to proceed to site selection, that is, to negotiate with sellers of potential properties that have been identified for acquisition. This report has been prepared in anticipation of that process, to facilitate progress on site acquisition and thus accelerate the overall project schedule.

Recommendation 1

The cross-jurisdictional court project for Plumas and Sierra Counties is ranked number 1 in the Trial Court Capital Outlay Plan. The transfer of the Plumas Portola Courthouse has been approved by the Plumas County Board of Supervisors and was completed on April 7, 2006. The project will replace two part-time branch court services centers in the Sierra Valley, providing shared service for the superior courts of both Plumas and Sierra Counties. The functions now provided in the existing, one-courtroom branch court in Portola (Plumas County) and the existing leased branch court service center in Loyalton (Sierra County) will in future be provided in a new, one-courtroom, branch court in the city of Portola. The proposed “shared,” or cross-jurisdictional, court facility will serve as a model for other trial courts. Existing judicial officers and staff from each jurisdiction will coordinate for full-time occupancy and use of the facility. The new courthouse will support a civil caseload in both counties, including miscellaneous civil, traffic, small claims, and matters of all types involving self-represented litigants. The criminal caseload of each county will continue to be served by existing courthouses at the county seats, in Downieville (Sierra County) and in Quincy (Plumas County); however, full court service will for the first time be available to residents of the Sierra Valley in Sierra County, eliminating the need for travel to Downieville, through the Yuba Pass, which is often inaccessible in winter months.

The AOC submitted a funding authorization request to the Department of Finance (DOF) for fiscal year (FY) 2006–2007 for the site acquisition and preliminary plan phases of the New Portola/Loyalton cross-jurisdictional court. Approval of the funding request is pending legislative review. The total project cost is estimated at $6.024 million, which is sufficient to acquire either recommended site.

A project advisory group, including members of the bench and court administration for each court as well as staff of the AOC, was convened under rule 6.183(d) to guide development of a project study. County officials and local government staff contributed to the work of that group. During that process the project advisory group selected an architectural consultant and completed a study of the project scope, including identification of numerous sites that meet the required criteria for location of the new, shared courthouse. The required criteria for site selection are proximity to local population concentrations for residents of both counties along or near Highway 70, access to county justice partners, ability to meet site programming needs for the building and parking, and cost of development. In that study, two properties in the city of Portola are recommended for the project: one at the Woodbridge development and one on Highway 70, in order of preference.

The private developer of the Woodbridge development has tentatively offered a two-acre site to the state at no cost. This is the preferred site of the two sites recommended since it is offered at no cost and is directly adjacent to the downtown area and close to the court's justice partners. The Woodbridge development includes substantial new housing, a community center, and an adjacent school and stipulates a requirement for a civic element, which is intended to be the new courthouse.

The AOC requests the council's approval to negotiate with the owner of a Highway 70 site if acquisition of the Woodbridge site cannot proceed. A site on that highway, immediately within the boundary of Portola and near its downtown, and equally accessible to residents of Sierra County, will also be an appropriate development near the town center and provide the required accessibility to the public in that location, as recommended in the project study.

Recommendation 2

The new, two-courtroom, full-service courthouse in Mono County is ranked number 7 in the Trial Court Capital Outlay Plan. The new facility will replace the existing leased space occupied by the court in a Mammoth Lakes shopping center. Transfer of the lease for the current facility to the state was completed on September 15, 2005.

A project advisory group, including members of the bench and court administration as well as staff of the AOC, was convened under rule 6.183(d) to guide development of a project study. Members of county and local government agencies contributed to that work. The study of the court's physical and operational requirements, including a cost-benefit analysis

of leasing and construction of a state-owned facility, has been completed. The study has confirmed the size and scope of the project. The study also identified required site criteria, including location in or near the town of Mammoth Lakes, sufficient land for the courthouse and its parking, proximity to justice partners, and cost.

The AOC has been asked to participate in a development that will result in an exchange of land between the U.S. Forest Service and the Southern Mono Hospital District, the town of Mammoth Lakes, and Mono County, resulting in a site for construction of a new government center that will offer sufficient land for a new court and meet the other location criteria. The land exchange is scheduled to occur in June 2006.

The site is being offered to the state at a below-market rate of approximately $500,000 per acre. Availability of privately owned and developable land is quite limited in the county, because the federal government owns much of the county's land. It is expected that no other suitable properties will be available for development of the new courthouse in Mammoth Lakes except very costly ones. The opportunity to collaborate with the hospital district, the town, and the county to create a government center is unique. Nevertheless, the AOC may wish to solicit alternate proposals for land that meets the site criteria for development, if the land exchange is unsuccessful or if the state is unable to negotiate successfully with the hospital district.

In February 2006 the AOC requested FY 2006–2007 funding for the land acquisition and preliminary design phases of this project from the DOF. Approval of the request is pending legislative review. The total project cost is estimated to be $15.075 million, including a budget for acquiring the hospital district site.

Comments From Interested Parties

This proposal has not been circulated for public comment.

Alternate Actions Considered

One alternative action would be for the Judicial Council to consider, and approve for negotiation with the seller, only one preferred site for each project. Further, if any single negotiation were unsuccessful, this alternative would lengthen the project schedule and increase costs by requiring future iterative approvals by the council as well as negotiation for successive additional sites.

Another alternative action would be for the Judicial Council to postpone approval of site selection for the two projects until the respective appropriations are made in the FY 2006–2007 Budget Act. This alternative would delay both projects' schedules and increase costs by extending the required, successive approvals to proceed.

Both alternatives 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, and ultimately higher construction costs, for the state.

Implementation Requirements and Costs

In developing studies and site selection criteria for each respective project, AOC staff and the advisory committee have selected the most functionally appropriate and cost-effective site alternatives that are responsive to the specific demographic and service needs of each court.

While the AOC has not definitively estimated the ultimate cost to each project of reiterative site negotiations, widely published costs in the industry have documented the continued increase in land costs, as well as consistent escalation of construction labor and materials, to be approximately 18 percent per year.

Therefore, the AOC recommends prompt action to proceed to competitive negotiation to acquire the properties for the two projects, which will potentially shorten the respective project schedules and help control associated construction costs.