

**JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS**
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Report

TO: Members of the Judicial Council

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DATE: August 14, 2009

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

Issue Statement

The Judicial Council adopted the *Site Selection and Acquisition Policy for Court Facilities* on June 29, 2007. Since then, the Administrative Office of the Courts (AOC) has been using the policy to guide the site selection and acquisition for nine new courthouse projects initially funded in fiscal year 2007–2008. Based on this experience, AOC staff recommends several refinements to the policy to identify the conditions in which sites with various characteristics may or may not be considered, selected, or acquired for court capital projects and to clarify responsibilities of the AOC, the local court, and the project advisory group (PAG) in site evaluation and selection.

With the passage of Senate Bill 1407 (Perata), the AOC will be responsible for evaluating, selecting, and acquiring sites for approximately 34 new construction projects. An update to the June 2007 policy is timely and will facilitate this process for the benefit of all participants, including the AOC, the local courts, the PAG, the local community, and private landowners.

Recommendation

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

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

Rationale for Recommendation

The siting of a new courthouse is one of the most important decisions in the development of a project, and is—after funding approval—the next key milestone in the planning and design process for judicial branch buildings. The criteria used to select and acquire court facility sites and will help leave a legacy for years to come, long after the building has been designed, constructed, and occupied. The choice of a site affects the cost, placement, form, schedule, and completion of the new courthouse, as well as the long-term cost of ownership to the branch. The site selection also profoundly and irrevocably affects the future operation of the courts, such as access to justice and the quality of the courthouse environment. It also potentially affects the vitality of each community that loses or gains a court facility.

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). Consistent with procedures currently required by the Department of Finance, AOC staff submits documentation to the SPWB for approval to proceed to site selection and then again for site acquisition.

For the past two years, AOC staff has been implementing the June 2007 policy to evaluate, select, and acquire sites for nine new courthouses initially funded in fiscal year 2007–2008. The following issues have arisen based on this experience:

- The June 2007 policy does not clearly identify capital-outlay project goals and principles and their relationships to selecting and acquiring a site.
- The June 2007 policy does not provide guidance to staff on questions of how to approach siting of courthouses in various locations or with certain characteristics, including:
 - Downtown areas
 - Near jail locations
 - Greenfields (undeveloped lands)
 - Contaminated sites
 - Sites that have one or more of the following characteristics:
 - Violate the Alquist-Priolo Earthquake Fault Zoning Act
 - Are located within a 100-year floodplain.

- Are located in a town with a known or anticipated water, development, or sewer moratorium,
 - Require acquisition through eminent domain;
 - Require additional costs—infrastructure, cleanup—to develop that would result in a need to augment, through the DOF/SPWB current capital-outlay system, the total project budget;
 - Will result in cost increases to the project that would, therefore, result in a reduction of project scope; and
 - Create schedule delays that will negatively affect court operations in substantial ways.
- The June 2007 policy does not clearly distinguish the individual and collective roles of the AOC, the local court, and the PAG in determining which sites will be evaluated for possible selection, making the final site selection determination, and acquiring a site for a new judicial branch facility.
 - The June 2007 policy does not clearly determine how local interests should be considered in evaluating, selecting, and acquiring a site for a new judicial branch facility.

The June 2007 policy has been modified to address these issues, each of which were discussed with the Judicial Council at an issues meeting on August 14, 2008.

In updating the policy to address the issues listed above, key features of the June 2007 policy remain intact, including:

- Delegates authority for approval of selections and acquisitions of sites for court facilities to the Administrative Director of the Courts—without the requirement for successive approvals by the Judicial Council in order to streamline the approval process and save time;
- Site selections 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, or others before review and resolution by the Judicial Council ¹;
- Establishes a standardized and consistent process by which each project advisory group under the leadership of the project manager, assigned by the AOC evaluates criteria appropriate to the selection and location of real property for new court facilities;
- Requires 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; and

¹ 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.

5. Provides for sole source justification of single sites— in some cases, because of limited availability—that are proposed for donation or discount or that provide economic or other benefits to the state.

Comments From Interested Parties

This policy and process was published for comment by the courts and the public from April 6 through May 5, 2009. The AOC received comments from 10 courts and four members of the public. A summary of court and public comments is attached.

Comments from the courts and the public were taken into consideration in the revisions incorporated into the revised policy. Salient comments include such areas as:

- Respective AOC and court roles in the project decision-making.
- Authority of the project advisory group under the California Rules of Court.
- Disqualification of certain sites from consideration because of specific site features.
- Use of eminent domain.
- Delegation by the presiding judge of a designee to represent the court in site selection and acquisition.
- The inclusion of a county security transportation cost allocation as a condition of a site's consideration, or exclusion.

Certain sections of the attached policy were revised to address specific comments:

- Article 1, Goal 5: The AOC works in partnership with the court on the project.
- Article 4, Section 4.2: The AOC project manager chairs the project advisory group.
- Article 4, Section 4.4: The presiding judge or a designee may represent the court in site selection and acquisition.
- Article 5, Section 5.3.4: The exclusion of a provision requiring that the contribution of county security transportation savings resulting from the location of a certain court facility, go to the ongoing operational and utility costs for certain projects.

Alternative Actions Considered

One alternative would be for the Judicial Council to direct the AOC to continue to implement the June 2007 policy. This alternative does not address the various issues that have been identified by AOC staff while implementing the June 2007 policy to evaluate, select, and acquire sites for nine new courthouses initially funded in fiscal year 2007–08.

Implementation Requirements and Costs

Clarifying the circumstances in which various types of sites will be evaluated, selected, and acquired for court facilities will support the goals of maximizing the efficiency of each dollar appropriated for capital projects by making timely decisions and avoiding project scope reductions that would jeopardize the quality and functionality of the buildings constructed by the judicial branch.

Attachments:

- Site Selection and Acquisition Policy for Court Facilities – August 14, 2009
- Site Selection and Acquisition Policy for Court Facilities – June 29, 2007
- Summary of Comments



Site Selection and Acquisition Policy for Judicial Branch Facilities

AUGUST 14, 2009



ADMINISTRATIVE OFFICE
OF THE COURTS

OFFICE OF COURT CONSTRUCTION
AND MANAGEMENT

1. Goals and Principles Guiding Site Selection and Acquisition

Successful implementation of the trial and appellate court capital outlay program is grounded in the following goals and principles to be applied to each capital outlay project in the context of selecting a site for a new court facility:

- 1.1. Strive to maximize the efficiency of each dollar appropriated by making timely decisions.
- 1.2. The scope of the project shall not be reduced, which would jeopardize the quality and functionality of the building.
- 1.3. Projects should be sited in areas that are accessible to the public.
- 1.4. As long as the three goals and principles (stated above) are met, siting a new courthouse should strive to meet historical and local preferences.
- 1.5. The AOC will work in partnership with the court(s) to implement this policy.

2. Definitions

- 2.1. Acquisition: Purchase or conveyance of land and/or building for court facilities.
- 2.2. Contaminated Sites: Sites that are directly or indirectly polluted.
- 2.3. 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.
- 2.4. Court Facilities: Buildings or other structures used for court operations or functions, including grounds appurtenant and/or parking.
- 2.5. Eminent Domain: The right of government to take private property for public purpose. Eminent domain is governed by California Code of Civil Procedure, sections 1230.010 et seq.
- 2.6. Lease: Term-based transaction with third party for land, buildings and/or parking for court facilities.
- 2.7. Priority Criteria: Those project, technical, or economic criteria that must be met to support a project that meets the goals and principles of site selection and acquisition articulated in Section 3. Decision Making Authority. (See section 9.1.)
- 2.8. Site Selection: The process of establishing appropriate criteria, potential locations, and evaluation of options for locating for new court facilities.
- 2.9. State Public Works Board (SPWB): Under the Trial Court Facilities Act of 2002 (SB1732-Dunn), Section 70304 (b), acquisition and construction of court facilities is subject to the Property Acquisition Law, Government Code Section 15850 et seq. Under that statute, site acquisitions are subject to approval by the SPWB. The SPWB was

created by the California Legislature to oversee the fiscal matters associated with construction of projects for state agencies, and to select and acquire real property for state facilities and programs.

3. Decision Making Authority – Role of the Administrative Director of the Courts

- 3.1. Whenever a capital project for a Judicial Branch facility is funded in the State Budget for site selection and acquisition, the Administrative Director of the Courts (ADOC) or his or her designee will, upon recommendation by staff of the Administrative Office of the Courts (AOC):
 - 3.1.1. Have the authority to establish criteria for selection of sites for specific projects;
 - 3.1.2. Approve sole source justification of any specific site;
 - 3.1.3. Have the authority to approve selection of sites prior to submittal to the SPWB;
 - 3.1.4. Have the authority to approve negotiated terms of acquisition prior to submittal to the SPWB;
 - 3.1.5. Have the authority to acquire court facility sites and to execute required documentation to acquire those sites without further Judicial Council approval; and
 - 3.1.6. Refer to the Judicial Council the approval decision for the selection and 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 2 or as otherwise required or deemed appropriate by the Administrative Director of the Courts, or by the Executive and Planning Committee of the Judicial Council.¹

4. Role of the Project Advisory Group (PAG) in Site Evaluation and Selection

- 4.1. The PAG is established by California Rules of Court, rule 10.184(d).²
- 4.2. The AOC Project Manager chairs the PAG.
- 4.3. For new Judicial Branch facilities, the PAG will provide input to the AOC. Input may include participating in: (a) defining objective and consistent site selection criteria; (b) determining which sites should be evaluated prior to site selection; and (c) determining the preferred and alternative site or sites or sites to be submitted to the SPWB. In every case the ADOC shall make the final site selection, except for those site selection decisions referred to the Judicial Council in section 3.1.6 above.

¹ California Rules of Court, rule 10.11 outlines responsibilities of Executive and Planning Committee:

² California Rules of Court, rule 10.184(d): “Advisory group for construction projects: The Administrative Office of the Courts, in consultation with the leadership of the affected court, must establish and work with an advisory group for each court construction or major renovation project. The advisory group consists of court judicial officers, other court personnel, and others affected by the court facility. The advisory group must work with the Administrative Office of the Courts on issues involved in the construction and renovation, from the selection of a space programmer and architect through occupancy of the facility.”

- 4.4. The Presiding Judge or a designated sitting judge shall represent the Court and other non-AOC members of the Project Advisory Group and will sign off on the site selection criteria and recommended site presented to the Administrative Director of the Courts.

5. Evaluation and Selection of Site Types

This section identifies the characteristics of sites, and the conditions under which such sites may or may not be selected for new Judicial Branch facilities.

- 5.1. Conditions and Characteristics of Sites to be Evaluated and Selected. This section identifies the conditions under which certain types of sites shall be evaluated and selected as prospective sites for new judicial branch facilities. Each of these site types will have certain merits and some site types introduce potential risks, schedule delays, or associated higher costs to the project. In developing the conditions under which each site type may be selected for a new Judicial Branch facility, the Judicial Council's intent is to support the goals and principles articulated in Section 1.
- 5.2. Downtown Site. Downtown sites include sites in densely developed areas of large cities and those compact areas in smaller cities that are locally known as the downtown. They may include civic center areas and other areas of concentrated office, governmental, or institutional uses.

Preference may be given to siting a new Judicial Branch facility in a downtown area, presuming said site meets other high priority criteria, upon the following:

- 5.2.1. The acquisition can be accomplished within the appropriated site acquisition budget, does not increase the total project budget, and does not result in schedule delays; or
 - 5.2.2. The acquisition results in an increase of no more than 5% to the appropriated site acquisition budget (still requires DOF/PWB augmentation under the current capital outlay system) and does not increase the total project budget (i.e., savings are found in the design and construction of the project to offset increase in the site acquisition costs), and does not delay the project schedule; or
 - 5.2.3. All project cost increases resulting from the acquisition are paid for by other public and/or private entities, including but not limited to cost increases due to infrastructure updates, environmental due diligence, escalation resulting from schedule delays and related costs; and
 - 5.2.4. There are no alternative sites that meet high priority criteria available for the courthouse within the demographic area to be served by the project.
- 5.3. Site Near Jail Facility. Sites near county and city jails are those that are directly adjacent or on the same parcel as an existing jail facility. Preference may be given to siting a new Judicial Branch facility near a jail facility, presuming said site meets other high priority criteria, only if:
 - 5.3.1. The acquisition can be accomplished within the appropriated site acquisition budget, does not increase the total project budget, and does not result in schedule delays; or

- 5.3.2. The acquisition results in an increase of no more than 5% to the appropriated site acquisition budget (still requires DOF/PWB augmentation under the current capital outlay system) and does not increase the total project budget (i.e., savings are found in the design and construction of the project to offset increase in the site acquisition costs), and does not delay the project schedule; or
 - 5.3.3. All project cost increases resulting from the acquisition are paid for by other public and/or private entities, including but not limited to cost increases due to providing unanticipated infrastructure to support the new courthouse and escalation resulting from schedule delays;
 - 5.3.4. The County commits to maintaining primary in-custody housing at the jail site for the anticipated lifecycle of the new courthouse; and
 - 5.3.5. There is adequate public transportation serving the jail and its immediate vicinity.
- 5.4. Greenfield Site. Greenfield sites are sites that are undeveloped and may require the project to fund infrastructure (e.g., roads, electrical, water, sewer) to support the courthouse project. Preference may be given to siting a new Judicial Branch facility on a Greenfield site, presuming said site meets other high priority criteria, only if:
- 5.4.1. The acquisition can be accomplished within the appropriated site acquisition budget, does not increase the total project budget, and does not result in schedule delays; or
 - 5.4.2. The acquisition results in an increase of no more than 5% to the appropriated site acquisition budget (still requires DOF/PWB augmentation under the current capital outlay system) and does not increase the total project budget (i.e., savings are found in the design and construction of the project to offset increase in the site acquisition costs), and does not delay the project schedule; or
 - 5.4.3. All project cost increases resulting from the acquisition are paid for by other public and/or private entities, including but not limited to the cost increases due to providing unanticipated infrastructure to support the new courthouse, site clean-up, and escalation resulting from schedule delays; and
 - 5.4.4. There is adequate public transportation serving the site or within a reasonable proximity.
- 5.5. Conditions and Characteristics of Sites That Will Not Be Selected. State law and sound fiscal policy dictate not siting Judicial Branch facilities on sites with specific conditions. The AOC shall not site new Judicial Branch facilities on sites that meet one or more of the following:
- 5.5.1. Violate the Alquist-Priolo Earthquake Fault Zoning Act (Public Resources Code sections 2621 et seq.).
 - 5.5.2. Are located within a 100-year floodplain, as defined by the U.S. Army Corps of Engineers, unless adequate and appropriate mitigation measures are approved by the AOC, incorporated into the project and substantially reduce or eliminate the specific conditions.

- 5.5.3. Are contaminated sites, or sites that are directly or indirectly polluted. These sites may or may not qualify as a “brownfield” under the Brownfield Act.
- 5.5.4. Are located in an area with a known or anticipated water, development, or sewer moratorium, unless an express waiver from these restrictions can be promptly secured from the authorized entity.
- 5.5.5. Require additional costs—infrastructure, clean-up—to develop that would result in a need to augment, through the DOF/PWB current capital outlay system, the total project budget.
- 5.5.6. Will result in cost increases to the project that will not be paid for by either another entity or the current property owner and would, therefore, result in a reduction to project scope.
- 5.5.7. Create schedule delays that will unreasonably negatively affect court operations and potentially increase construction costs.

6. Use of Eminent Domain

Use of eminent domain by other governmental entities to assemble or acquire properties for courthouses may be appropriate as determined by the AOC in consultation with the local court.

7. Selection of Competitive Sites for PWB Approval

- 7.1. In all site selections, AOC staff will seek to identify at least two or more sites that best meet the site selection criteria and will have the authority to negotiate terms of acquisition with two, or multiple, sellers.
- 7.2. In those cases where multiple sites are not available, where specific sites which meet the high priority criteria 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 which meets the high priority criteria, a sole source justification for that property may be prepared by AOC for consideration and approval by the ADOC, as indicated in Section 3 above. The sole source justification will describe the basis of site location subject to the standardized site criteria for evaluation 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 financial considerations or other features.

8. Site Selection Criteria

- 8.1. This policy provides sample criteria for site selection to support objective and consistent guidelines by which the AOC shall evaluate and ultimately select real property sites for location of new Judicial Branch facilities.
- 8.2. AOC staff will consider and recommend sites for selection and acquisition that best meet the established criteria, including sites, locations, and proposals that will provide specific economic benefit or opportunities to the state.
- 8.3. The use of standardized criteria for selection of sites, the objective and consistent evaluation of available properties against these criteria, and the creation of a standard

process of competitive solicitation of 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.

- 8.4. The AOC, in selecting specific criteria, shall:
 - 8.4.1. Establish consistent and objective priority criteria for identifying project-specific site requirements for new Judicial Branch facilities;
 - 8.4.2. Provide a structured and comprehensive method to determine the general and specific site location criteria for a project; and
 - 8.4.3. Provide demonstrable measures for competitive evaluation of potential sites that have been identified.

9. Site Evaluation, Selection, and Acquisition Process

This section outlines the process for evaluating sites for possible selection, selecting sites for presentation to the SPWB, and acquiring sites for new Judicial Branch facilities.

- 9.1. Use of Standardized Site Criteria: For all new Judicial Branch facilities, the AOC shall select sites for preliminary evaluation based on site selection criteria. The AOC will approve the priority and full set of final criteria prior to conducting any property identification or solutions. The AOC will develop a weighting system for each project to identify priority criteria. The AOC may establish unique weighting to reflect the specific requirements of a project. The AOC must describe the basis for the weighing of criteria for each project. For each project, the Presiding Judge will approve the weighing system.
- 9.2. Identification of a Potential Site or Sites: Once the priority and full set of criteria are approved by the AOC for a particular project, the AOC will solicit and identify competitive proposals for sites that meet the site criteria. In the case of projects in which a specific site has been proposed for donation, or discounted purchase, or which provide some other specific and unique economic or other benefit or opportunity to the state, the AOC will also solicit competitive proposals that meet the site criteria to provide an alternative if the donation or discounted purchase cannot be accomplished.
- 9.3. Evaluation of Identified Sites: Once a site or sites have been identified, the AOC will determine which sites will be pursued competitively. The sites will be given a priority by the weighting and point-assignment system developed in the criteria stage described in Section 8. 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, one site may be evaluated, for which a sole source justification will be prepared, as described in Section 7 above, if that sole source site meets the identified high priority selection criteria.
- 9.4. Site Investigation/Due Diligence: Once a site or sites have been identified for further evaluation the AOC will engage in due diligence activities on each site. Due diligence will include but not be limited to: title review; environmental review; appraisal; and may

also include surveys; geotechnical studies; and other additional studies/testing as warranted.

- 9.5. Administrative Director of the Courts Approves Site Selection: AOC staff shall submit to the ADOC a memorandum summarizing the site selection criteria and recommendation for selection of the preferred and one or more alternate sites or the justification for a sole source selection. After resolving any “Controversial Sites” issue, if any, pursuant to section 3.1.6, the ADOC will direct staff to proceed to presenting the site selection to the SPWB by signing approval on the staff memorandum.
- 9.6. Selection of Sites and Presentation to SPWB: AOC staff presents the preferred and one or more alternate sites to the SPWB for approval.
- 9.7. Negotiation of Terms: Terms of acquisition will be negotiated by the AOC after approval of selection by the SPWB.
- 9.8. Administrative Director of the Courts Approves Site Acquisition: After negotiation of terms is concluded, AOC staff present to the ADOC for approval all acquisition related documents.
- 9.9. Site Acquisition Approval and Presentation to the SPWB: After the ADOC approves all acquisition related documents, AOC staff present the proposed acquisition to the SPWB for approval.

10. Site Selection Criteria, Ranking, and Approval Form

The following pages present a form that will be used for initially recording the site selection criteria, and then scoring those criteria, ranking a minimum of two sites, and indicating the approval of the Presiding Judge for the court, the Director of the AOC Office of Court Construction and Management, and the Administrative Director of the Courts.

Site Selection Criteria

Superior Court of California - County of _____, New _____ Courthouse

Date of Advisory Team Meeting: Month, Day, Year

	SITE SELECTION CRITERIA (% indicates weighted importance)	DEFINITIONS			Site 1 (Name)	Site 2 (Name)	REMARKS
SITE FEATURES		Preferred	Acceptable or Neutral	Not Preferred	Points	Points	
SC 1.	Required Site Area/Site Coverage						
SC 1.1	Minimum site area identified is ____ acres	Site area is within ____% of optimum area (____ ac)	Area is between ____% of optimum area (____ AC)	Site area is ____% over or under of optimum area (____AC)			
SC 1.2	Parking for ____ vehicles	Site has ability for required parking (____ spaces)	Site has potential for _____ vehicles	Site has potential for less than ____ vehicles			
SC 1.3	Expansion Capability for future addition(s) of building	Site has expansion potential	Site has limited expansion potential	Site has no expansion potential			
SC 1.4	Expansion Capability for Parking	Site has expansion potential	Site has limited expansion potential	Site does not have expansion potential			
SC 2.	Location Preferences/Adjacencies (modify depending on project scope/case type)						
SC 2.1	Existing or proposed new pre-trial Holding Facility	Just adjacent to site	Within ____ blocks walking distance (<____ mi) of site	Beyond ____ mile of site			
SC 2.2	District Attorney	Just adjacent to site	Within ____ blocks walking distance (<____ mi) of site	Beyond ____ mile of site			
SC 2.3	Public Defender	Just adjacent to site	Within ____ blocks walking distance (<____ mi) of site	Beyond ____ mile of site			
SC 2.4	Probation	Within ____ mile radius (safe transport of detainees)	Within ____ miles of site (w/ access to major roads)	Beyond ____ miles of site (Difficult to transport detainees)			
SC 2.5	Local retail and eating areas	Within courthouse site or just adjacent to site	Within ____ blocks walking distance (< ____ mi) of site	Beyond ____ mile of site			
SC 2.6	Social Services	Within courthouse site or just adjacent to site	Within ____ blocks walking distance (<____ mi) of Site	Site beyond ____ mile of Site			
SC 2.7	Public Transportation	Just adjacent to site	Within ____ blocks walking distance (< ____ mi) of site	Site beyond ____ mile of Site			
SC 2.8	Public Open Space	Site adjacent to POS	Site within ____ blocks walking distance (<____ mi) of POS	Site beyond ____ mile of POS			
SC 3.	Security Concerns						
SC 3.1	Ability to provide a 20' setback if required	Site provides for more than ____' setback	Site provides for ____' setback	Site provides for less than ____' setback			
SC 4.	Sustainability/LEED Credits						
SC 4.1	Site Elevation	Site elevation greater than 5ft above 100-yr flood'	Site elevation is at 5 ft above 100-yr flood	Site elevation not 5 ft above 100-yr flood			
SC 4.2	Solar orientation	Site/surrounds enhance natural daylight to project	Site/surrounds partially support natural daylight to project	Site/surrounds prevent natural daylight to project			
SC 4.3	Re-Use	Site has potential for re-use	Site has some potential for re-use	Site has little potential for re-use			

Site Selection Criteria

Superior Court of California - County of _____, New _____ Courthouse

Date of Advisory Team Meeting: Month, Day, Year

	SITE SELECTION CRITERIA (% indicates weighted importance)	DEFINITIONS			Site 1 (Name)	Site 2 (Name)	REMARKS
SITE FEATURES		Preferred	Acceptable or Neutral	Not Preferred	Points	Points	
SC 5.	Neighborhood Character/Immediate Surroundings						
SC 5.1	Neighborhood Compatibility Parameters:	Courthouse on this site fits surrounding use	Courthouse on this site may fit surrounding use	Courthouse on this site does not fit surrounding use			
SC 5.2	Neighborhood Use Compatibility Parameters:						
SC 5.2.a	Residential (Single Family)	Beyond __ blocks (__ mile) of site	Within __ blocks walking distance (< __ mi) of site	Just adjacent to site			
SC 5.2.b	Local Retail Area	Within __ blocks walking distance (< __ mi) of site	Within __ blocks walking distance (__ mi) of site	Beyond __ mile of site			
SC 5.2.c	Large Scale Retail: Malls	Beyond __ miles of site	Within __ miles of site	Within __ mile of site			
SC 5.2.d	Governmental Buildings/Center	Within __ blocks walking distance (1/4 mi) of site	Within __ mile of site	Greater than __ mile from site			
SC 5.2.e	Industrial Areas	Beyond __ miles of site	Within __ miles of site	Within __ miles of site			
SC 5.2.f	Neighborhood Concerns to adjacent courthouse	No neighborhood concerns	Some neighborhood concerns	Extensive neighborhood concerns			
SC 6.	Traffic and Transportation						
SC 6.1	Proximately to public transportation	Within 1 - 3 blocks walking distance (< 1/8 mi) of site	Within __ blocks walking distance (__ mi) of site	Beyond __ mile of site			
SC 6.2	Proximately to public parking	Within 1 - 3 blocks walking distance (< 1/8 mi) of site	Within __ blocks walking distance (__ mi) of site	Beyond __ mile of site			
SC 7.	Image and Visibility						
SC 7.1	Visibility of Site to Public	Site is visible and easy to find	Site has moderate visibility	Site is remote and difficult to find			
SC 8.	Local Planning Requirements/Initiatives						
SC 8.1	Compliance with local comprehensive land use plan	Project at site would fully comply with land use plan	Project at site would partially comply with land use plan	Project at site does not comply with land use plan			
SC 9.	Initiatives						
SC 9.1	Site for courthouse supports County and City planning initiatives	Supports County and City planning initiatives	Somewhat supports County and City planning initiatives	Contrary to County and City planning initiatives			
SC 10.	Budget						
SC 10.1	Site Acquisition Cost	Donated	Under-market value	Market value			

Site Selection Criteria

Superior Court of California - County of _____, New _____ Courthouse

Date of Advisory Team Meeting: Month, Day, Year

	SITE SELECTION CRITERIA (% indicates weighted importance)	DEFINITIONS			Site 1 (Name)	Site 2 (Name)	REMARKS
SITE FEATURES		Preferred	Acceptable or Neutral	Not Preferred	Points	Points	
SC 10.2	Existing buildings and site improvements	Clear of buildings & other site improvements	Minor demolition required to clear site	Buildings/ improvements to be demolished			
SC 10.3	Utility improvements available	Existing service or available at property line	Utility service within ___ mile of site	Utility service greater than ___ mile			
SC 10.4	Local Economic Development Impact	Courthouse on this site supports economic revitalization	Courthouse is compatible with local economic levels	Courthouse on this site disrupts local economic levels			
SC 11.	Environment						
SC 11.1	Environmental mitigation measures required	CEQA Negative Declaration	Moderate mitigation required	Extensive Mitigation Required			
SC 11.2	If any existing structures are to be demolished is abatement necessary?	No abatement necessary	Some abatement necessary	Extensive abatement necessary			
SC 11.3	Previous environmental concerns, e.g. industrial, farming, wetlands	No previous environmental concerns	Some previous environmental concerns	Extensive previous environmental concerns			
SC 11.4	Archeological/cultural area	Site has no archeological or cultural issues	Some Archeological or cultural issues	Conflicting archeological or cultural issues			
SC 12.	Physical Elements						
SC 12.1	Topographic and hydrologic characteristics of the site	Site is generally leveled with proper drainage	Moderate earth movement required to level and drain site	Extensive earth movement req. or poor drainage			
SC 12.2	Unique Features or Landmarks, if on site	Courthouse complements unique features or landmarks	Courthouse does not conflict with existing landmarks	Courthouse conflicts with unique features/landmarks			
SC 12.3	Existing improvements and buildings	Minimum demolition and removal	Moderate demolition and removal	Extensive demolition and removal			
SC 12.4	Existing vegetation and landscape	Minimum demolition and removal	Moderate demolition and removal	Extensive demolition and removal			
SC 13.	Public Streets and Alleys						
SC 13.1	Adjacent right of way improvements required	Fits in existing grid without additional requirements	Moderate re-work of existing grid is required	Extensive road and street work is required			
SC 13.2	Traffic control devices/improvements required	No additional traffic control improvements required	Moderate traffic control improvements required	Extensive traffic control improvements required			

Site Selection Criteria

Superior Court of California - County of _____, New _____ Courthouse

Date of Advisory Team Meeting: Month, Day, Year

	SITE SELECTION CRITERIA (% indicates weighted importance)	DEFINITIONS			Site 1 (Name)	Site 2 (Name)	REMARKS
SITE FEATURES		Preferred	Acceptable or Neutral	Not Preferred	Points	Points	
SC 14.	Subsurface/Geotechnical Conditions						
SC 14.1	Determine local geotechnical, subsurface and soils conditions	Soil conditions are favorable and ready for construction	Soil conditions may require moderate preparation	Soil conditions are uncertain or of potential high risk			
SC 14.2	Availability of Geotechnical reports	Geotechnical reports are readily available	Geotechnical study is underway	No geotechnical study has been started			
SC 15.	Seismic Conditions/Requirements						
SC 15.1	Determine state and local seismic requirements, parameters and zones	Standard seismic considerations	Moderate seismic considerations	High risk of seismic activity			
SC 15.2	Availability of seismic assessment reports	Seismic study conducted & report is readily available	Seismic study started; report is not yet available	No seismic study has been conducted at all			
SC 16.	Utility Infrastructure/Local Systems' Capacity/Condition						
SC 16.1	Power	Power available in top condition	Power may require upgrade	Power not available or may require additional resources			
SC 16.2	Sewer	Sewer available into condition	Sewer may require upgrade	Sewer not available or may require additional resources			
SC 16.3	Storm Runoff	Storm Runoff available in top condition	Storm Runoff may require upgrade	Storm runoff not available/may require add'l resources			
SC 16.4	Water	Water available in top condition	Water may require upgrade	Water not available or may require additional resources			
SC 16.4	Gas	Gas available in top condition	Gas may require upgrade	Gas not available or may require additional resources			
SC 16.5	Telephone	Telephone available in top condition	Telephone may require upgrade	Telephone not available/may require add'l resources			

Site Selection Criteria

Superior Court of California - County of _____, New _____ Courthouse

Date of Advisory Team Meeting: Month, Day, Year

	SITE SELECTION CRITERIA (% indicates weighted importance)	DEFINITIONS			Site 1 (Name)	Site 2 (Name)	REMARKS
SITE FEATURES		Preferred	Acceptable or Neutral	Not Preferred	Points	Points	
SC 17.	Existing Use, Ownership and Control						
SC 17.1	Current use of site	Currently vacant	Partially vacant and able to relocate	Occupied, not able to relocate			
SC 17.2	Current ownership	Public/Private ownership, single entity	Public/Private ownership, limited entities	Private ownership, multiple entities			
SC 17.3	Control	Available for negotiation or sale	Has been offered for sale	Not offered for sale			
SC 18.	Final Site Score						

Footnotes: Explanation of point ranking/rating/weighting

Approvals:

 Presiding Judge
 Superior Court of
 _____ County

 Director
 Office of Court Construction and
 Management

 Administrative Director of the Courts

Date: _____

Date: _____

Date: _____



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 Director¹ 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 Group² 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 plan³ 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 <ul style="list-style-type: none"> ▪ 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 <ul style="list-style-type: none"> ▪ Favorable/Unfavorable Surroundings ▪ Improving/Declining Neighborhood ▪ Demographics: Population densities 		
5.1.8.	Traffic & Transportation	Define requirements/proximity for <ul style="list-style-type: none"> ▪ 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 <ul style="list-style-type: none"> ▪ 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	<u>Hydrology Check for:</u> <ul style="list-style-type: none"> ▪ Existing Floodplains and Watersheds ▪ Wetlands ▪ Drainage Problems ▪ Stream Valley Buffers <u>Topography</u> <ul style="list-style-type: none"> ▪ Determine Impact on Development Patterns <u>Physical Features</u> <ul style="list-style-type: none"> ▪ Identify Unique Features or Landmarks ▪ Identify Existing Improvements and Buildings ▪ Evaluate Potential of Existing Structures <u>Vegetation and Landscape</u> <ul style="list-style-type: none"> ▪ Evaluate Potential of Existing Vegetation and Landscape <u>Archaeological Features</u> <ul style="list-style-type: none"> ▪ Determine Known Archaeological/Cultural Districts/Areas <u>Environmental Hazards</u> <ul style="list-style-type: none"> ▪ Determine Known Hazards <u>Threatened, Rare, and Endangered Species</u> <ul style="list-style-type: none"> ▪ Determine Existence of Known Species <u>Sustainability</u> <ul style="list-style-type: none"> ▪ Determine Consistency With Sustainable Design Principles <u>Conservation Program and Regulations</u> <ul style="list-style-type: none"> ▪ 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. <u>Required Site Area</u>	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. <u>Location Preferences</u>	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. <u>Site Coverage</u>	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. <u>Security Requirements</u>	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. <u>Sustainability</u>	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.	<u>Neighborhood Character</u> Establish neighborhood compatibility parameters (Favorable/Unfavorable Surroundings)			
6.7.	<u>Immediate Surroundings</u>			
6.8.	<u>Traffic & Transportation</u> 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.	<u>Budget</u> 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.	<u>Schedule</u> 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
May, 2009 (Final copy 6/22/09)**

SUBJECT-TOPIC	PAGE #	PARAGRAPH	COMMENT/PROPOSED MODIFICATION	NAME	RESPONSE/COMMENTS
1. COMMENTS FROM COURTS					
Entire Site Selection and Acquisition Policy	1 - 7		<p>We agree with policy language in Section 1. Goals and Principles Guiding Site Selection and Acquisition, and specifically Section 1.4., which states that "siting a new courthouse should strive to meet historical and local preferences." However, we strongly disagree with the overall policy language which does not support the principle of input from local courts. Despite many verbal assurances from the AOC that site selection and acquisition will be a collaborative process, policy language makes it quite clear that decision making authority rests solely with the ADOC.</p> <p>Although the Project Advisory Group's role is to provide input to the AOC, that role is severely limited by having the AOC chair the group and by limiting the group's scope of participation. While the ADOC will, upon recommendation by <u>staff of the AOC</u> have decision making authority, there is no similar language to support recommendations from local courts or the PAG.</p> <p>Other than in Section 4. there is no reference to the PAG or any active role that it plays in site selection and acquisition. The PAG appears to be merely a formality rather than a viable partner in this process.</p> <p>As a whole, the policy language of the Site Selection and Acquisition Policy for Judicial Branch Facilities belies the notion that this is a collaborative process and this court finds it highly objectionable.</p> <p>Please see the following comments on specific sections.</p>	Yolo Superior Court David Rosenberg, PJ, James B. Perry, CEO & Shawn Landry, ACEO	CRC 10.184(a) and (b) provide that AOC is responsible for acquisition consistent with statute, JCC policies and Rules of Court. Govt. Code 70391(f) provides for JCC to establish and consult with local project advisory group, including the trial court. Participants from the local court are vital members of the project advisory group and their input in determining site criteria will be key toward the acquisition of a future courthouse site.

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SUBJECT-TOPIC	PAGE #	PARAGRAPH	COMMENT/PROPOSED MODIFICATION	NAME	RESPONSE/COMMENTS
Definitions	1	2.3	The definition of "Controversial Sites" is too broad in scope. The definition allows any member of the public to raise any concern and have it deemed "controversial". There is a potential for unnecessary costly delays in order to resolve these issues.	Yolo Superior Court David Rosenberg, PJ, James B. Perry, CEO & Shawn Landry, ACEO	
Definitions	1	2.7	Priority Criteria – Suggest that a reference to Section 9.1. (explanation on identifying priority criteria) be included in the definition.	Yolo Superior Court David Rosenberg, PJ James B. Perry, CEO & Shawn Landry, ACEO	Change incorporated.
Decision Making Authority – Role of AOC	2	3.1 3.1.1.	Decision making authority is given to the ADOC upon recommendation by staff of the AOC without any requirement for local court or PAG input. Also, authority to identify priority criteria is not mentioned in 3.1.1. Revise 3.1.1 to read: "Have the authority to establish criteria and identify priority criteria for selection of sites for specific projects in consultation and agreement with local court."	Yolo Superior Court David Rosenberg, PJ, James B. Perry, CEO & Shawn Landry, ACEO	Site criteria weighting will be established with approval by the Presiding Judge (See Policy section 9.1)
Decision Making Authority – Role of AOC	2	3.1.1 through 3.1.6.	Too broad of authority is given to the ADOC with only AOC staff recommendations. Policy language needs to state that decisions will be made "upon recommendation by staff of the AOC in consultation and agreement with the local court and PAG."	Yolo Superior Court David Rosenberg, PJ, James B. Perry, CEO & Shawn Landry, ACEO	Recommendation by staff of the AOC that the policy will be revised to include information on position of local court and PAG.
Role of Project Advisory Group	2	4.2.	Having the AOC chair the PAG is too restrictive. Revise 4.2. to read: " <i>PJ or designee</i> chairs the PAG." This will ensure that the PAG can function as an effective advisory group representing local concerns.	Yolo Superior Court David Rosenberg, PJ, James B. Perry, CEO & Shawn Landry, ACEO	CRC 10184(b)(1) provides that AOC must establish and work with advisory group. As the entity responsible for the new courthouse project, it is appropriate for the AOC to take the lead role. Section 4 of the policy has been revised to further clarify the role of the PAG.
Role of PAG – Presiding Judge to represent Court and other non-AOC members of PAG	2	4.4.	Revise 4.4. to read: "The <i>PJ or designee</i> shall ..."	Yolo Superior Court David Rosenberg, PJ, James B. Perry, CEO & Shawn Landry, ACEO	Section 4.4 of the policy will be revised to read that the "... P.J. or designated sitting judge shall represent the Court ..."

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SUBJECT-TOPIC	PAGE #	PARAGRAPH	COMMENT/PROPOSED MODIFICATION	NAME	RESPONSE/COMMENTS
Eval. and Selection of Site Types – Downtown Sites	3	5.2.4	Revise 5.2.4. to add "or limited" so that it reads: "There are no <i>or limited</i> alternative sites that meet high priority criteria.....".	Yolo Superior Court David Rosenberg, PJ, James B. Perry, CEO & Shawn Landry, ACEO	Availability of alternative sites may negate the parameters provided in 5.2.1, 5.2.2 or 5.1.3.
Eval. and Selection of Site Types – Near Jail Facility	4	5.3.4.	Requirement for County security transportation cost savings to be contributed to the project's ongoing operational and utility cost (or a minimum of 50% of savings) will be difficult to assess and monitor. Is there a plan for how to enforce this?	Yolo Superior Court David Rosenberg, PJ, James B. Perry, CEO & Shawn Landry, ACEO	Section 5.2.4 has been deleted. AOC will strive to negotiate with counties to share cost savings.
Eval. and Selection of Site Types – Sites that Will Not be Selected	4	5.5.2.	Stating without qualification that a site will not be selected if it is located within a 100-year floodplain, as defined by the U.S. Army Corps of Engineers, may restrict the ability of some courts to select an otherwise appropriate site. Suggest that if site is within a 100-year floodplain, required modifications will be made pursuant to California State Building Standards Code.	Yolo Superior Court David Rosenberg, PJ, James B. Perry, CEO & Shawn Landry, ACEO	Section 5.5.2 has been modified to allow exception for mitigation measures.
Eval. and Selection of Site Types – Sites that Will Not be Selected	5	5.5.4	Remove "promptly" from the sentence to read: "...unless an express waiver from these restrictions can be promptly secured from the authorized entity."	Yolo Superior Court David Rosenberg, PJ, James B. Perry, CEO & Shawn Landry, ACEO	Site acquisition must stay on schedule in order to stay within budget.
Use of Eminent Domain	5	6.	Revise to read: "...may be appropriate as determined by the AOC, in consultation and agreement with local court."	Yolo Superior Court David Rosenberg, PJ, James B. Perry, CEO & Shawn Landry, ACEO	Section 6 of the policy has been revised to read "...may be appropriate as determined by the AOC, in consultation with local court."
Selection of Competitive Sites for PWB Approval	5	7.1.	Revise to read "In all site selections, <i>when possible</i> , AOC staff, <i>in consultation and agreement with local court</i> , will seek to identify..." .	Yolo Superior Court David Rosenberg, PJ, James B. Perry, CEO & Shawn Landry, ACEO	Govt. Code 70374(b) provides that AOC is the implementing agency for acquisition [and construction] of court facilities. See revised Section 4 of the site policy regarding role of the PAG.

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SUBJECT-TOPIC	PAGE #	PARAGRAPH	COMMENT/PROPOSED MODIFICATION	NAME	RESPONSE/COMMENTS
Site Selection Criteria	5	8.1	Revise to read: "...AOC, <i>in consultation and agreement with local court</i> shall ..."	Yolo Superior Court David Rosenberg, PJ, James B. Perry, CEO & Shawn Landry, ACEO	Govt. Code 70374(b) provides that AOC is the implementing agency for acquisition [and construction] of court facilities. See revised Section 4 of the site policy regarding role of the PAG.
Site Selection Criteria	5	8.2.	Revise to read: "AOC staff, <i>in consultation and agreement with local court</i> shall ..."	Yolo Superior Court David Rosenberg, PJ, James B. Perry, CEO & Shawn Landry, ACEO	Govt. Code 70374(b) provides that AOC is the implementing agency for acquisition [and construction] of court facilities. See revised Section 4 of the site policy regarding role of the PAG.
Site Selection Criteria	5	8.3.	Revise to read: "...shall guide AOC staff and local courts in recommendations to the ADOC..."	Yolo Superior Court David Rosenberg, PJ, James B. Perry, CEO & Shawn Landry, ACEO	Govt. Code 70374(b) provides that AOC is the implementing agency for acquisition [and construction] of court facilities. See revised Section 4 of the site policy regarding role of the PAG.
Site Eval., Selection and Acquisition	6	9.1. through 9.9.	Revise each section to include <i>in consultation and agreement with local court</i> . For example, "...the AOC, <i>in consultation and agreement with local court</i> shall ..."	Yolo Superior Court David Rosenberg, PJ, James B. Perry, CEO & Shawn Landry, ACEO	Govt. Code 70374(b) provides that AOC is the implementing agency for acquisition [and construction] of court facilities. See revised Section 4 of the site policy regarding role of the PAG.
County Authority and Responsibility			GC 70393 provides that the county shall have authority and responsibility to make recommendations to the court and the Judicial Council for the location of new court facilities. This does not appear to be addressed in the policy. Further, the policy does not provide any authority or responsibility for the benefitting trial court to make recommendations to the ADOC/Judicial Council for the location of the new court facility. The trial court should be provided the same level of authority and responsibility that the county's have under the statute.	Calaveras Superior Court Mary Beth Todd, CEO	As stated, county authority is provided by statute. County and trial court authority is provided by statute or Rules of Court. (County – Govt. Code 70393; Court - CRC 10.184(c)) The site policy does not prohibit the counties from making recommendations to the project. The local court, as part of the Project Advisory Group, can make recommendations to the AOC and the Judicial Council on the location of new courthouses.

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SUBJECT-TOPIC	PAGE #	PARAGRAPH	COMMENT/PROPOSED MODIFICATION	NAME	RESPONSE/COMMENTS
Goals and Principles Guiding Site Selection and Acquisition	1	1.1 – 1.4	<p>The guiding principles appear to have been heavily influenced by “lessons learned” and are worded somewhat defensively. Recommend more proactive and overarching language be considered.</p> <ul style="list-style-type: none"> ◆ <u>Projects must be sited in locations that will best facilitate the delivery of services to the public and provide for the efficient operations of the trial court.</u> ◆ <u>The site must adequately accommodate the project size and scope.</u> ◆ <u>Acquisition can be accomplished within the site acquisition budget and there must not be any issues with the site that would result in schedule delays. (See section 5.)</u> ◆ <u>The site will contribute to the cost-effective operation and maintenance of the facility.</u> ◆ Projects should be sited in areas that are <u>easily accessible to the public and for which there is or will be adequate public transportation</u> 	<p>Calaveras Superior Court</p> <p>Mary Beth Todd, CEO</p>	<p>A primary goal of the judicial branch program is to maximize the state’s resources appropriated for court buildings. The site policy addresses this goal in the enumerated principles.</p> <p>The guiding principles already encompass the substance of the features characterized by the first four bullets, in a different order of priority.</p> <p>The principles are broad. The fifth bullet included with this comment addresses a particular criterion, which is location and site specific, and will thus be addressed on a project-by-project, and a case-by-case basis, not warranting inclusion in the principles.</p>
Decision Making Authority - ADOC	2	3.1	<p>Add “...will, upon recommendation by staff of the Administrative Office of the Courts (AOC) <u>after consultation with the Project Advisory Group and presiding judge:</u>”</p>	<p>Calaveras Superior Court</p> <p>Mary Beth Todd, CEO</p>	<p>Site criteria weighting will be established with approval by the Presiding Judge (See Policy section 4 regarding the PAG and section 9.1 regarding approvals).</p>
Decision Making Authority - AOC	2	3.1.6	<p>Add “...Administrative Director of the Courts, in his or her discretion, with input from the AOC staff, <u>Project Advisory Group and presiding judge.</u>”</p>	<p>Calaveras Superior Court</p> <p>Mary Beth Todd, CEO</p>	<p>Input by AOC staff includes information on position of local court and PAG. See revised Section 4 of the policy regarding the role of the PAG.</p>

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Role of the Project Advisory Group	2	4.2	The policy provides little if any weight on the local trial court's preference in site selection. To give the local trial court more of a role in this process, it is recommended the PJ or designee serve as co-chair of the PAG. Add "The AOC <u>and presiding judge or designee co-chair</u> the PAG."	Calaveras Superior Court Mary Beth Todd, CEO	CRC 10184(b)(1) provides that AOC must establish and work with the project advisory group. As the entity responsible for the new courthouse project, it is appropriate for the AOC to take the leadership role.
Role of the Project Advisory Group	2	4.3	Add "In every case the AOC shall make the final site selection <u>however the input and recommendation of the PAG and presiding judge may not be disregarded without reasonable grounds.</u> "	Calaveras Superior Court Mary Beth Todd, CEO	AOC's final site decisions will be based on a number of factors including specific site selection criteria prepared with input from the PAG; evaluation of sites with input from the PAG; and determination of preferred and alternate sites with input from the PAG.
Eval. and Selection of Site Types	3	5.1-5.4	The purpose for these sections and the reason for distinguishing these site types is not clear. It is difficult to determine whether the policy is intended to discourage or encourage selection of these site types.	Calaveras Superior Court Mary Beth Todd, CEO	Comment only; no proposed modification requested.
Use of Eminent Domain	5	6.	The policy should state the AOC's position on the use of eminent domain – Is the AOC without authority to use eminent domain or is it the policy of the AOC not to use eminent domain directly.	Calaveras Superior Court Mary Beth Todd, CEO	To date, the judicial branch does not have the authority to exercise eminent domain.
Use of Eminent Domain	5	6.	Add "...as determined by the AOC <u>and in consultation with the presiding judge.</u> "	Calaveras Superior Court Mary Beth Todd, CEO	Revised to read "...may be appropriate as determined by the AOC, in consultation with local court." See revised Section 4.
Selection of Competitive Sites for PWB Approval	5	7.1	Add "... AOC staff, <u>in consultation with the project advisory group and presiding judge</u> will seek to identify at least two or more sites..."	Calaveras Superior Court Mary Beth Todd, CEO,	See revised Section 4.

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Selection of Competitive Sites for PWB Approval	5	7.2	Add "...In those cases where multiple sites are not available, where specific sites <u>which meet the high priority criteria</u> 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 <u>which meets the high priority criteria</u> , a sole sources justification..."	Calaveras Superior Court Mary Beth Todd, CEO	See revised Section 7.2.
Site Selection Criteria	5	8.1	Add "...by which the AOC, <u>PAG, and local trial court</u> shall evaluate and ultimately select real property sites..."	Calaveras Superior Court Mary Beth Todd, CEO	CRC 10184(b)(1) provides for AOC to be responsible for acquisition of new sites.
Site Selection Criteria	5	8.3	Add "...shall guide <u>the PAG and</u> AOC staff in recommendations..."	Calaveras Superior Court Mary Beth Todd, CEO	CRC 10184(b)(1) provides for AOC to be responsible for acquisition of new sites.
Site Selection Criteria	6	8.4	Add "The AOC <u>in consultation with the PAG and presiding judge</u> , in selecting specific criteria, shall:"	Calaveras Superior Court Mary Beth Todd, CEO	CRC 10184(b)(1) provides for AOC to be responsible for acquisition of new sites.
Site Eval., Selection and Acquisition	6	9.1	Add "The AOC, <u>in consultation with the PAG and presiding judge</u> will develop a weighting system for each project to identify priority criteria. The AOC <u>in consultation with the PAG and presiding judge</u> may include unique weighting to reflect the specific requirements of a project.	Calaveras Superior Court Mary Beth Todd, CEO	AOC is responsible as implementing agency for acquisition of court facilities (Govt. Code 70374[b] and CRC 10184[b][1]).
Site Eval., Selection and Acquisition	6	9.3	Add "...one site may be evaluated, for which a sole source justification will be prepared, as described in Section 7 above <u>if the site meets the high priority selection criteria.</u> "	Calaveras Superior Court Mary Beth Todd, CEO	See revised Section 9.3.

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Goals and Principles Guiding Site Selection and Acquisition	1	1.1	<p>The site should first and foremost enhance the court's ability to serve its constituents.</p> <p>It does not seem right to have the number 1 criteria be cost efficiency. The Facilities master plan effort and design goals aspire to more than cost efficiency. I would like to see this criteria lower on the list.</p> <p>Operational costs associated with a site should be considered as well as costs for the acquisition, design, construction of the facility.</p>	<p>San Bernardino Superior Court</p> <p>Tressa Kentner, Exec Officer</p>	<p>A primary goal of the judicial branch program is to maximize the state's resources appropriated for court buildings. The site policy addresses this goal in the enumerated principles.</p> <p>The guiding principles already encompass the substance of the features characterized by the first four bullets, in a different order of priority.</p> <p>The principles are broad. The fifth bullet included with this comment addresses a particular criteria, which is location and site specific, and will thus be addressed on a project-by-project, and a case-by-case basis, not warranting inclusion in the principles.</p>
Eval. and Selection of Site Types – Near Jail Facility	3	5.3	<p>If a county agrees to provide funding based on transportation savings related to a jail site for a courthouse, the agreement must ensure that county actually contributes to agreed upon funding. We have found counties don't always abide by their agreements.</p>	<p>San Bernardino Superior Court</p> <p>Tressa Kentner, Exec officer</p>	<p>Section 5.3.3 deleted.</p>
Eval. and Selection of Site Types – Near Jail Facility	3	5.3	<p>Need to add a criteria for jail sites that the site must ensure that the courthouse is seen as independent from the jail and not simply an extension of the jail.</p>	<p>San Bernardino Superior Court</p> <p>Tressa Kentner Executive Officer</p>	<p>Courthouse design will ensure that the judicial branch facility is not considered an extension of the county jail.</p>
Role of the Project Advisory Group	2	4.4	<p>What happens if the Court position differs from that of another non-AOC member of the PAG? Does the PJ chose which position he or she represents?</p>	<p>San Bernardino Superior Court</p> <p>Tressa Kentner, Executive Officer</p>	<p>CRC 10.184(a) and (b) provide that AOC is responsible for acquisition consistent with statute, JCC policies and Rules of Court. Govt. Code 70391(f) provides for JCC to establish and consult with local project advisory group, including the trial court. Participants from the local court are vital members of the project advisory group and their input in determining site criteria will be key toward the acquisition of a future courthouse site.</p>

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Goals and Principles Guiding Site Selection and Acquisition	1		I would like to see an aspirational statement that site selection is a partnership between the local courts and the AOC. Although the funding entity clearly has the final say, the tone of this document should reinforce the need for a partnership.	San Bernardino Superior Court Tressa Kentner, Executive Officer	Goal Number 1.5 has been added to the policy.
			Agree with policy language	San Diego Superior Court Michael Roddy, Executive Officer	Comment only.
Goals and Principles Guiding Site Selection and Acquisition	1	1.2	The scope of the project shall not be reduced, which would jeopardize the quality and functionality of the building, <u>especially as it pertains to future growth and needs. The project should focus on the needs at the time of completion of the project and at least five years beyond.</u>	Ventura Superior Court Michael Planet, Executive Officer	Pursuant to DOF requirements, judicial branch is permitted to acquire site sufficient for future expansion as long as acquisition budget permits; however judicial branch is not permitted to build for future expansion.
Eval. and Selection of Site Types – Downtown Sites	3	5.2.3	All project cost increases resulting from the acquisition are paid for by other public and/or private entities, including but not limited to cost increases due to <u>providing unanticipated infrastructure to support the new courthouse, site clean-up, and</u> escalation resulting from schedule delays; and <i>[Subsections 5.2.3, 5.3.3, and 5.4.3 should all read the same.]</i>	Ventura Superior Court Michael Planet, Executive Officer	See revised Section 5.2.3. Downtown sites are generally considered to have infrastructure capable to support the new courthouse. Infrastructure and site clean-up costs would also be specifically addressed during the PAG's review of site criteria. Project budget may also be a factor which results in a site being rejected due to cost of supplementing insufficient infrastructure or necessary clean-up.
Eval. and Selection of Site Types – Downtown Sites	3	5.2.5	<u>[NEW] There is adequate public transportation serving the site or within a reasonable proximity.</u> <i>[This is in the Site Selection Check List and it is recommended that it be included in the policy.]</i>	Ventura Superior Court Michael Planet, Exec Officer	This item would also be specifically addressed during the PAG's review of site criteria as it is a site-specific item. Downtown sites are generally considered to have adequate public transportation in place; rural and suburban locations may not have public transportation systems.

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Eval. and Selection of Site Types – Near Jail Facility	4	5.3.3	All project cost increases resulting from the acquisition are paid for by other public and/or private entities, including but not limited to cost increases due to providing unanticipated infrastructure to support the new courthouse, <u>site clean-up</u> , and escalation resulting from schedule delays; and <i>[Subsections 5.2.3, 5.3.3, and 5.4.3 should all read the same.]</i>	Ventura Superior Court Michael Planet, Exec Officer	See revised Section 5.3.3 regarding use of the phrase “including but not limited to” to include site clean-up costs.
Site Eval., Selection and Acquisition	6	9.5	<u>Administrative Director of the Courts Approves Site Selection Criteria and recommendations:</u> AOC staff shall submit to the ADOC a memorandum summarizing the site selection criteria and recommendation for selection of the preferred and one or more alternative sites for the justification for a sole source selection. The ADOC directs staff to proceed to presenting the site selections to the SPWB by signing approval on the staff memorandum. <i>[The purpose of this change is to distinguish this bullet title from 9.8, which has the same title.]</i>	Ventura Superior Court Michael Planet, Exec Officer	Section 9.8 has been revised to read: “Administrative Director of the Courts Approves Site Acquisition”
Role of the Project Advisory Group	2	4.4	What does “The Presiding Judge shall represent the Court and the other non-AOC members of the Project Advisory Group ...” mean? Should that portion be deleted and the balance of the section added to section 9? It seems to us that the recommendations in the current draft are appropriate. Only by the use of neutral and objective decision makers can a community be sure all the relevant factors are considered and weighed and that a fair and impartial decision will be made. Having the Judicial Council, the ADOC, and the AOC be the final decision makers assures this result. It makes sense to have judges involved in the design process because judges have the experience and knowledge regarding what is needed in a well designed courtroom and courthouse, and what needs to be avoided. In the design process they can be of great assistance to architects and builders.	Shasta Superior Court Melissa Fowler-Brady, Executive Officer	By signing off on the site selection criteria, the PJ is representing the “local” members of the PAG. The policy being addressed in the Site Selection and Acquisition document relates only to the selection and location of the future courthouse site. The space planning and design of the future courthouse will be administered by the AOC and its architect, in close consultation with the local court.

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Goals and Principles Guiding Site Selection and Acquisition	1	1.4	Change the word "After" to "As long as". Siting a Courthouse is a 50 year decision and impacts the local community. Local preferences, including the preferences of the local Court are important and should be part of the decision, not an "after thought."	Merced Superior Court Kathleen Goetsch, Executive Officer	See revised Section 1.
Decision Making Authority – Role of the AOC	2	3.1.6	Insert the words "or local Presiding Judge" after "with input from the AOC staff," and before "determines are controversial" Given that the local Court may raise issues that set out a "Controversial Site" as noted in 2.3, the local Court should have input into whether or not a specific site selection decision is referred to the Judicial Council.	Merced Superior Court Kathleen Goetsch, Executive Officer	See revised Section 4.
Role of the Project Advisory Group	2	4.1	Spell out the full text and effective date of California Rule of Court 10.184(d). It is short and would make the document more readable.	Merced Superior Court Kathleen Goetsch, Executive Officer	Change incorporated into the footnote on Page 2, Paragraph 4.1.
Role of the Project Advisory Group	2	4.2	Add the words "Members consist of the local Court, local Justice Partners, and local or regional jurisdictions." That is how the PAG has been described to the Courts and it would be clearer in meaning to spell this out.	Merced Superior Court Kathleen Goetsch, Executive Officer	CRC 10.184(d) defines the members of the PAG.
Role of the Project Advisory Group	2	4.3	Add the words at end of the section "except for those site selection decisions referred to the Judicial Council in section 3.1.6 above." This phrase is needed to be consistent.	Merced Superior Court Kathleen Goetsch, Executive Officer	Change incorporated into Section 4.3.
Role of the Project Advisory Group	2	4.4	Add the sentence at the end of this section "Any unresolved issues should be documented by the Presiding Judge in his or her sign-off of the recommended site selection criteria and recommended site."	Merced Superior Court Kathleen Goetsch Executive Officer	The Presiding Judge is free to submit additional comments separate from the site criteria.
Site Eval., Selection and Acquisition	6	9.2	Add a sentence "The AOC will consult with the PAG to identify potential sites."	Merced Superior Court Kathleen Goetsch Executive Officer	PAG is involved in identification of potential sites. See revised Section 4.

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

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Site Eval., Selection and Acquisition	6	9.3	Add a sentence "The AOC will consult with the PAG to evaluate identified sites."	Merced Superior Court Kathleen Goetsch Executive Officer	PAG is involved in determining specific site criteria. See revised Section 4.
Site Eval., Selection and Acquisition	6	9.5	Add a sentence "The AOC will document PAG input into the process and attempt to resolve any PAG concerns with site selection."	Merced Superior Court Kathleen Goetsch, Executive Officer	PAG involvement is documented in the memorandum submitted to ADOC. See revised Section 3.
Site Eval., Selection and Acquisition	6	9.5	Insert the words "After resolving any "Controversial Sites" as described in section 2.3" before the words "The ADOC directs staff...."	Merced Superior Court Kathleen Goetsch, Executive Officer	See revised Section 9.5. Sentence will now read: "After resolving any "Controversial Sites" issue, if any, pursuant to section 3.1.6, the ADOC will direct staff..."
			General Comment: We are better off including the local Justice Partners in the beginning and hear what they have to say rather than have them object after the fact. Clearly the local Court and the AOC and the SPWB have the final say but localities often have new or different information and including them will be helpful in the long run.	Merced Superior Court Kathleen Goetsch, Executive Officer	This is consistent with AOC practice and experience, and fulfills the intent of the Rule of Court.

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	General		<u>General Comments:</u> It is of great concern that throughout this draft policy the participation of the local court and the Project Advisory Committee (PAG) is virtually nonexistent. From a policy perspective, this is misguided and will create unacceptable risk to the successful outcome of each project. The 2007 Site Selection and Acquisition Policy and CRC 10.184 both acknowledge the practical importance of a strong AOC/Court partnership in leading these projects from initiation to completion and a collaborative model should serve as the foundation for the revised policy. Local court leadership's insights and experience with the needs of the court and community are essential for ensuring the selected site is the best suited for the new courthouse. The role and responsibilities of the PAG as contained in the 2007 policy provides a much better and more realistic model than what is described in the current draft.	Butte Superior Court James F. Reilley, Presiding Judge and Sharol H. Strickland, Executive Officer	Active participation of the local court via the PAG is welcomed, subject to the AOC's ability to deliver the site within the budget and project timeline. See revised Section 4.
Goals and Principles Guiding Site Selection and Acquisition	1	1.3	A new goal should be added (or this goal amended) to address the importance of the site selection process taking into consideration the access needs of justice partners and service providers in addition to those of the general public.	Butte Superior Court James F. Reilley, Presiding Judge and Sharol H. Strickland, Executive Officer	The specific site selection criteria as evaluated by the PAG will address the access needs of justice partners, service providers, and the public. Goal #1 of the Strategic Plan for California's Judicial Branch is access to justice.
Decision Making Authority of the AOC	2	3.1.6	In addition to input from AOC staff, the ADOC should give considerable weight to the input from the local court and the Project's Advisory Group (PAG).	Butte County Court James F. Reilley, Presiding Judge and Sharol H. Strickland, Executive Officer	As stated in 3.1, AOC staff prepares a recommendation as to site selection, which recommendation includes a description of input received from the PAG. See Section 4, revised.

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Role of the Project Advisory Group	2	4.2	The presiding judge is the appropriate person to select the PAG chairperson. The PJ will have the necessary understanding of the local court's needs, priorities and political environment to know who would be best to serve in this important leadership role. Naming the AOC as chair doesn't make sense. The AOC is not a person, it is an organization made up of many people. The AOC staff person assigned to an individual project may or may not have the necessary experience or knowledge to effectively chair the group. The PJ may determine that another judicial officer, the CEO, the project manager or other AOC staff member should serve as chair. The decision should lay with the PJ. In the event the PJ selects an AOC staff person to chair the group, appropriate AOC management should certainly be consulted and given an opportunity to recommend another staff member.	Butte County Court James F. Reilley, Presiding Judge and Sharol H. Strickland, Executive Officer	CRC 10184(b)(1) provides that AOC must establish and work with advisory group. As the entity responsible for the new courthouse project, it is appropriate for the AOC to take the lead role.
Role of the Project Advisory Group	2	4.3	Input from the PAG on items a, b, c should be required and not discretionary elements of the process. The last sentence of this section needs to be stricken as it is in conflict with Section 3. Section 3 provides for the ADOC or JC (for controversial sites) to make the final selection.	Butte Superior Court James F. Reilley, Presiding Judge and Sharol H. Strickland, Executive Officer	PAG provides input in subsections as follows: (a) including specific site selection criteria prepared with input from the PAG; (b) evaluation of sites with input from the PAG; and (c) determination of preferred and alternate sites with input from the PAG. Last sentence to be revised to "in every case the ADOC shall make the final site selection." The AOC project manager chairs the PAG. See Section 4.2 revised.
Role of the Project Advisory Group	2	4.4	If the purpose of this section is to clarify that the PJ is to sign the Exhibit Form once site selection criteria and preferred sites have been identified by the PAG, then it duplicates Section 10 of the policy. If it has other meaning, then it needs to be clarified	Butte Superior Court James F. Reilley, Presiding Judge and Sharol H. Strickland, Executive Officer	This section was included to provide clarity that the PJ is the designated representative for all local PAG members (both court and non-court), not including AOC staff.

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Eval. and Selection of Site Types – Near Jail Facility	4	5.3.4	Site selection may or may not impact county inmate transportation costs. In most instances locating the courthouse nearer to the county jail will facilitate cost avoidance, but not necessarily cost savings over selecting a site further away from the jail. There is other value to the court in locating facilities nearer the jail. These include less delay in court proceedings due to transport issues and reduced congestion in court holding facilities as multiple transports can be economical facilitated. Each project needs to be evaluated separately. I would agree that transport costs need to be considered when establishing the selection criteria and establishing the weighted evaluation elements. The requirement that any county transportation cost savings are to be contributed to the project's ongoing operational and utility costs, is unrealistic and would likely create an adversarial relationship between the state and the county. In some instances it may be worth it to the county to offer this up as an inducement to siting the facility near the jail. However, in many instances courthouses placed in proximity to jails are of great benefit to the court and local justice system as a whole.	Butte Superior Court James F. Reilley, PJ and Sharol H. Strickland, CEO	Section 5.3.4 has been deleted.

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Eval. and Selection of Site Types – Downtown Sites	4	5.4.2	It is not uncommon in rural areas for Greenfield Sites to be the only viable sites available for large capital projects. During the development of each project's feasibility study and subsequent budget development, I am not clear on how site acquisition costs were estimated for budget purposes. Were these calculated by formula or local market factors at the time? I'm concerned that the 5% cap and schedule delay prohibition may render a project "site-less". Developed sites are often few and far between in rural locations. If there has been a change in the availability of sites during the period between feasibility/budget development and the actual commencement of the site selection and acquisition process, then application of this policy could be problematic. There needs to be more flexibility here in acknowledgement of the often limited infrastructure that exists in rural areas.	Butte Superior Court James F. Reilley, Presiding Judge and Sharol H. Strickland, Executive Officer	Modification incorporated. Added to end of first sentence in section 1 "... in the context of selecting a site <u>for a new court facility.</u> "
Selection of Competitive Sites for PWB Approval	5	7.2	The PAG should have input and approve AOC staff's sole source justification before it is sent to the ADOC. If there is disagreement between staff and the PAG, the PAG must be given the opportunity to address the disagreement.	Butte Superior Court James F. Reilley, Presiding Judge and Sharol H. Strickland, Executive Officer	See Section 4 revised.
	5	8	This entire section should be amended to include the PAG as participants in the evaluation/recommendation process.	Butte Superior Court James F. Reilley, Presiding Judge and Sharol H. Strickland, Executive Officer	The PAG does participate in the evaluation of the site criteria prior to site selection. See Section 4 revised.

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	6	8.4	Amend to read "The Project Advisory Group, in selecting specific criteria, shall..."	Butte Superior Court James F. Reilley, Presiding Judge and Sharol H. Strickland, Executive Officer	See Section 4 revised.
	6	8.4.2	This language is too vague. The language in Section 2.2.2 of the policy adopted in 2007 is more concise and helpful as it lists and defines three criteria components: 1. Project requirements; 2. Technical requirements; and 3. Economic factors.	Butte Superior Court James F. Reilley, Presiding Judge and Sharol H. Strickland, Executive Officer	The attached Site Selection Criteria include project and technical requirements (site area; location preferences; security; neighborhood; transportation; infrastructure; etc.) and economic factors (budget; infrastructure; existing use/ownership, etc.). This table has the same criteria as the original, 2007 version of the policy, albeit in a streamlined format of a single, combined spreadsheet for criteria weighting and ranking of sites with signature lines.
Site Eval., Selection and Acquisition	6	9.1	Once the AOC has identified sites for preliminary evaluation, the PAG should be involved in all evaluation and selection processes. AOC staff, in consultation with the PAG, should prepare weighting and evaluation tools to be used by the PAG in the selection process.	Butte Superior Court James F. Reilley, Presiding Judge and Sharol H. Strickland, Executive Officer	AOC will prepare specific site selection criteria for each project; PJ will approve the weighting system for the specific courthouse project; and PAG will complete the project specific site selection criteria worksheet. After PAG completes the project specific site selection criteria worksheet PJ will sign, signifying local court and PAG's approval. See Section 4 revised.
Site Eval., Selection and Acquisition	6	9.3	The PAG, with the assistance of AOC staff, should determine which sites will be pursued competitively.	Butte Superior Court James F. Reilley, Presiding Judge and Sharol H. Strickland, Executive Officer	AOC staff, with input from PAG, determines which sites are pursued for acquisition. CRC 10184(b)(1) specifically provides that AOC is responsible for the acquisition. See Section 4 revised.

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Site Eval., Selection and Acquisition	6	9.5	The first sentence should be amended to read: The AOC shall submit to the ADOC on behalf of the PAG	Butte Superior Court James F. Reilley, Presiding Judge and Sharol H. Strickland, Executive Officer	See Section 4 revised.
	Generally		The policy appears to assume a "find a site, acquire it, design a courthouse, bid the construction, build a courthouse" model. It does not appear to lend itself to a public private partnership model, or, alternatively, discourages such an arrangement. In particular, it appears to thwart a model whereby a proposal is sent out saying "bid a project meeting a design spec in a location in a set geographic area. Tell us what site you would acquire, and what it would cost to build the designed building on this site."	Orange Superior Court Alan Carlson, Court Executive Officer	As of the time of submitting this update to the site policy the judicial branch does not have approval to pursue any alternative method for new courthouse construction project other than the Long Beach project. It is anticipated that AOC will be working on the acquisitions of sites for 33 new SB1407 capital projects over the next 3 fiscal years. Nothing in the policy precludes any particular form of project delivery included in the Judicial Council's Contracting Policies and Procedures for facilities projects.
Goals and Principles Guiding Site Selection and Acquisition	1	1	Full transparency of what the policy implies would be achieved by adding as a principle: "The goal of this policy is to build new courthouses at the edge of town on empty, 'clean' lots where utility and sewage connections already exist, not downtown or where it might be more convenient and cost effective from an operations and on-going cost perspective." The normal phrase regarding real estate is "location, location, location". The phrase implied by this policy is "building cost, building cost, building cost".	Orange Superior Court Alan Carlson, Court Executive Officer	The Judicial Council has charged the AOC to build and renovate 41 courthouses within defined revenues and time constraints. The principles and goals embodied in this policy will support this charge.
Goals and Principles Guiding Site Selection and Acquisition	1	1	Add a goal that: The acquisition will be consistent with the operational needs of the Court as determined in consultations with the local court representatives.	Orange Superior Court Alan Carlson, Court Executive Officer	Section 1.2 addresses scope of the project. Prior to authorization for any new capital outlay project, AOC staff work closely with the local court in order to prepare a Project Feasibility Report which detail the proposed scope of each new project. The PFR is based upon numerous meetings and close collaboration with the affected court to satisfy the operational needs of that court, and is submitted as part of the funding request package to secure funding for the project.

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Goals and Principles Guiding Site Selection and Acquisition	1	1.3	Propose modifying to state: "Projects should be sited in areas that are convenient and readily accessible to the public, justice system partners, and those who will regularly visit or appear in the courthouse." (See 2002 Stats., Chapter 1082, section 1(c)(4) (SB1732))	Orange Superior Court Alan Carlson, Court Executive Officer	Section currently reads "Projects should be sited in areas that are accessible to the public." Use of "the public" is all inclusive and includes justice system partners, and those who will visit or appear in the court facility.
Definitions	2	2	A definition needs to be added, or clarification added elsewhere, as to whether the policy applies to a) completely new facilities, b) additions to existing facilities, c) modifications of existing facilities, or some combination of these	Orange Superior Court Alan Carlson, Court Executive Officer	Added to end of first sentence in section 1 "... in the context of selecting a site <u>for a new court facility.</u> "
Decision Making Authority - AOC	2	3.1	After "(AOC)" at the end, insert: "and Presiding Judge of the Court"	Orange Superior Court Alan Carlson, Court Executive Officer	See Section 3 revised.
Role of the PAG in Site Eval. And Selection	2	4	It should be stated here that this is where the local court's interests come into play. Citing Rule 10.184, by itself, does not signal explicitly that this is how the input from a local court is raised and channeled	Orange Superior Court Alan Carlson, Court Executive Officer	See Section 4 revised.
Role of the PAG in Site Eval. And Selection	2	4.3 and 4.4	This section and section 9 provide for a limited "sign-off" function for the local court. There should be an ongoing working relationship between the AOC staff, Presiding Judge, and Court Executive Officer during the site evaluation process.	Orange Superior Court Alan Carlson, Court Executive Officer	CRC 10.184(c) provides that an affected court <u>must</u> work with the PAG (emphasis added). See Section 4 revised.

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Evaluation and Selection of Site Types	3		<p>This section and the following section 5.3 place restrictions on the purchase of land which may make it difficult to expand existing courthouses in urban areas. This will have implications for local court efforts to consolidate or maintain unified operations over time.</p> <p>An important goal in transferring responsibility for facilities to the State was to coordinate facilities needs with operational needs for improved overall efficiency. (See 2002 Stats., Chapter 1082, section 1(c)(2) (SB1732).) One key consideration in planning an efficient operation is to avoid having too many locations. There are nonlinear, incremental costs each time a separate facility is opened, for example, security and facility maintenance. In urban or urbanizing areas, this suggests expanding existing courthouses rather than building (or leasing) new facilities in multiple locations.</p> <p>Purchasing land adjacent to an existing facility for expansion may result in additional costs and complications that might not be present when purchasing undeveloped land in less developed locations. This site acquisition policy states that any increased site cost is not allowed unless there are offsetting construction savings. This policy should be expanded to include consideration of offsetting operational savings. The AOC should prepare and consider a lifetime cost comparison (operational costs as well as construction) to see if the additional land cost is warranted. 'Operational costs' should include cost of on-going court operations, including security, as well as costs of operating the facility.</p>	<p>Orange Superior Court</p> <p>Alan Carlson, Court Executive Officer</p>	<p>The site policy and the funding approach of the Department of Finance for the Judicial Council takes into account purchasing sufficient land for future courthouse expansions, but the budget restrictions do not allow for designing and constructing buildings which incorporate future functional growth.</p>

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			<p>In general, it makes sense to avoid paying top dollar for an urban location when an alternative is available and when sitting a new facility to serve a new community or service needs. A master planned expansion project should not be set aside unless it appears that an expansion site is not available or would result in a cost that exceeded the life cycle operations cost savings when replacing an existing facility. The decision to purchase a parcel in an urban area for a building expansion vs. purchasing land in a less developed area for a new facility should be evaluated in facility master plans where the operational advantages and potential cost savings can be considered along with the community's service needs. A master planned expansion project should not be set aside unless it appears that an expansion site is not available or would result in a cost that exceeded the life cycle</p>		

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Eval. and Selection of Site Types – Downtown Sites	3	5.2.1	Does the appropriated site acquisition budget reflect local land values? The process for determining a site acquisition budget is not specified, and this could 'rig' an analysis against a downtown facility. How does the budget get revised to take into account variations in land costs due to the changing market and scarcity of land in certain locations? Does it take into account costs or savings related to infrastructure and operations?	Orange Superior Court Alan Carlson, Court Executive Officer	The site acquisition budget is determined based on local land values. AOC staff project variations in land costs due to the specific location and changing market. Land acquisition costs do not include cost of installation of offsite infrastructure or operational costs, unless budgeted for in advance in the construction budget on a case-by-case basis.
Eval. and Selection of Site Types – Downtown Sites	3	5.2.2	The 5% rule appears arbitrary and restrictive. The offsetting construction costs reductions would usually mean reducing scope which appears to be inconsistent with the goal/principle 1.2 on page 1.	Orange Superior Court Alan Carlson, Court Executive Officer	Each project must stay within scope and budget, and on schedule.
Eval. and Selection of Site Types – Downtown Sites	3	5.2.3	Is this assuming that another public agency is subsidizing the project in order to further their own goals? If so, that should be made clear. If that is the only reason to locate in a downtown location, this policy may be appropriate. Usually there are multiple reasons for such a decision and some flexibility is needed to allow for cost increases that benefit the court in the long term as well. One of the objectives of state take-over of courthouse construction was to relieve counties of the obligation. (See 2002 Stats., Chapter 1082, section 1(c) (SB1732).) What this policy does, in effect, is re-impose obligations on local government, on cities, as opposed to counties, if a local government wants to retain court operations in a traditional location. It can also create competition for courthouses in a way that the public is hardly likely to consider fiscal responsibility.	Orange Superior Court Alan Carlson, Court Executive Officer	No assumptions are being made. The AOC is cognizant of the objectives of the Trial Court Facilities Act of 2002 (SB1732) which relieved counties of the responsibility for providing facilities for the state court system.

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Eval. and Selection of Site Types – Downtown Sites	3	5.2.4	This may be the policy that could trigger an exception that allows consideration of a high priority criteria promoting the consolidation of locations through building expansion. The preceding “and” would have to be replaced with an “or” and a suitable criteria added to the Site Selection Form. Can adjacency to the existing courthouse be added as a high priority criteria where the project is a planned expansion?	Orange Superior Court Alan Carlson, Court Executive Officer	Specific site criteria are prepared for each project and evaluated by the PAG.
Eval. and Selection of Site Types – Near Jail Facility	3-4	5.3	See comments on 5.2 – 5.2.4 regarding increased land costs balanced by reduced operating costs in urban area building expansions.	Orange Superior Court Alan Carlson, Court Executive Officer	See prior response.
Eval. and Selection of Site Types – Near Jail Facility	33	5.3.1	See comment under 5.2.1 above about the site acquisition budget	Orange Superior Court Alan Carlson, Court Executive Officer	See prior response.
Eval. and Selection of Site Types – Near Jail Facility	4	5.3.3	This appears to be an absolute requirement. This needs some flexibility to account for the fact that the Court may benefit from the location due to proximity to the jail (improved efficiency in scheduling hearings), proximity or connection to an existing courthouse or some other identified reason.	Orange Superior Court Alan Carlson, Court Executive Officer	If subsections 5.3.1 and 5.3.2 are inapplicable (i.e., the project cannot be completed within the appropriated budget, <u>or</u> the acquisition results in an increase of no more than 5% over the appropriated budget) then subsection 5.3.3 would be a requirement. All capital outlay projects must stay within their appropriated budget, scope and schedule.
Eval. and Selection of Site Types – Near Jail Facility	4	5.3.4	This appears to be an absolute requirement. This needs some flexibility to account for the fact that the Court may also benefit from the location due to proximity to the jail (improved efficiency in scheduling hearings), proximity or connection to an existing courthouse or for some other identified reason.	Orange Superior Court Alan Carlson, Court Executive Officer	Section 5.3.4 has been deleted.

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Eval. and Selection of Site Types – Sites that Will Not be Selected	4	5.5.1 and 5.5.2	These two items should be split from the following 5 since they are less amenable to remediation	Orange Superior Court Alan Carlson, Court Executive Officer	See prior comments.
Eval. and Selection of Site Types – Sites that Will Not be Selected	4	5.5.3 through 5.5.7	These items should be reorganized to make it clear that the restrictions apply if the costs for remediation are not absorbed by the seller.	Orange Superior Court Alan Carlson, Court Executive Officer	Dollar cost and responsible party are not the only factors at issue with these items. Potential schedule delays needed to address any individual item, which could result in DOF revoking approval of a project, is also a major factor.
Eval. and Selection of Site Types – Sites that Will Not be Selected	5	5.5.5 – 5.5.7	See discussion above. Cost of remediation should be considered if lifetime cost savings warrant added cost above budget.	Orange Superior Court Alan Carlson, Court Executive Officer	See prior comments.
Selection of Competitive Sites for PWB Approval	5	7.2	Does this allow some flexibility to overrule some or all of the restrictions in section 5? Is there a process to revise the budget?	Orange Superior Court Alan Carlson, Court Executive Officer	Appropriated site acquisition dollars may not be used to rehabilitate an otherwise unacceptable site.
Selection of Competitive Sites for PWB Approval	5	7.2	Does this cover, or can it be expanded to cover a sole source justification for an expansion to an existing courthouse based on operating cost savings?	Orange Superior Court Alan Carlson, Court Executive Officer	The main focus of this policy is to address site selection and acquisition for the construction of new facilities. In most instances, expansion of an existing facility would not necessitate the acquisition of an additional site. However, in the situation where an expansion would be impossible without acquiring the adjacent property a sole source justification could be used.
	General	1	I think the policy is generally very good. I am pleased to see that eminent domain is an acceptable method of acquisition.	Jay Farbstein,PHD, FAIA Jay Farbstein & Associates, Inc	The judicial branch does not have the legal authority to exercise eminent domain.

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	General		The list of evaluation factors includes some that are of great importance and others that are relatively minor. Apparently, the project team establishes weighting. I would like to see a clearer means of valuing downtown or in-town sites over suburban or ex-urban ones - including being able to pay more for them, given their potential benefits of access, amenities, centrality of justice, and support for (sometimes struggling) urban centers.	Jay Farbstein,PHD, FAIA Jay Farbstein & Associates, Inc	Each new courthouse Project Advisory Group to determine weighting for site locations.
Site Eval., Selection and Acquisition	6, 7	9	There needs to be a publicly viewable timeline for the whole decision making process (i.e., What happens when?), and it needs to be publicly viewable well enough in advance of any decisions made.	Charles W. Alexander	AOC posts status of projects on www.courtinfo.com
Eval. and Selection of Site Types – Downtown Sites	3	5.2.4	There are no alternative permitted sites that meet high priority criteria available for the courthouse within the county.	Scott Morgan, City Manager City of Anderson	Use of the phrase “within the demographic area to be served by the project” was intentional. Depending on the size of the county, the demographic to be served may necessitate a geographic limitation. Ex: court facilities in San Bernardino, Riverside or Los Angeles County. In any of those counties, it may take several hours to drive to any one city within the county.
Eval. and Selection of Site Types – Greenfield Site	4	5.4.4	There is adequate public transportation serving the site or within a reasonable proximity, <i>or public transportation can serve the site or within a reasonable proximity prior to court occupancy.</i>	Scott Morgan, City Manger City of Anderson	Public transportation availability (current or future) will be determined during site due diligence period.
Goals and Principles Guiding Site Selection and Acquisition	1	1.4	It is not clear why the goals and principles relating to historical and local preferences are of lesser importance than goals 1.1, 1.2, and 1.3. Seems like goal 1.4 should be on par with the first three goals, seems arbitrary.	Richard Knoll, Redevelopment, Housing and Economic Development Director, City of Lakeport	Pursuant to request from another responder, 1.4 is being revised to read: “as Long as the three goals and principles (stated above) are met, siting a new courthouse should strive to meet historical and local preferences.

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Eval. and Selection of Site Types – Sites that Will Not be Selected	4	5.5. and 5.5.2	<p>The unequivocal nature of Section 5.5 is too rigid and inappropriate and should be revised. It is recommended that the following language be added to the second sentence in Section 5.5 - "unless adequate and appropriate mitigation measure are approved by the AOC, incorporated into the project and substantially reduce or eliminate the specific conditions". Section 5.5.4 is an example of where this is already done; why not apply the approach to the entire section. There are good potential court site locations which are within or partially within flood zones or that may have a small amount of pollution, the impacts of which can be adequately mitigated in a cost effective manner. Don't throw the baby out with the bath water.</p> <p>Federal, State, and Local laws allow land development and construction of structures within 100 year floodplains, provided that certain conditions are incorporated into the new construction. It is not logical that the AOC would prohibit site selection (construction) of a new courthouse in a flood zone when compliance with local flood prevention ordinances (as approved by FEMA) is possible, probable and routine.</p> <p>Some communities require higher flood standards than what FEMA mandates. The City of Lakeport for example requires finished floor elevations in flood zones to be 1 foot above the 100 year flood elevation whereas the minimum FEMA finished floor elevation is at or above the 100 year flood elevation</p>	Richard Knoll, Redevelopment, Housing and Economic Development Director, City of Lakeport	Though not applicable to all of section 5.5, section 5.5.2 modified to incorporate comment on mitigation measures.
Site Selection Criteria spreadsheet	6	17.1	Under "Acceptable or Neutral" reword to "Partially or totally occupied but able to relocate." Under Not Preferred, wouldn't inability to relocate be a disqualification? Why include the parcel in the evaluation?	Orange Superior Court Alan Carlson, Court Executive Officer	Site Selection Criteria will be project specific and evaluated by each PAG in conjunction with AOC.

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Site Selection Criteria spreadsheet	1	2.2	District Attorney <i>[Under the "Preferred" column]: Just adjacent to site Within courthouse site or just adjacent to site [The point here is that it should be strongly encouraged to construct courthouses where the DA & PD have sufficient office space within the courthouse as an efficiency model.]</i>	Ventura Superior Court Michael Planet, Executive Officer	Site Selection Criteria will be project specific and evaluated by each PAG in conjunction with AOC.
Site Selection Criteria spreadsheet	1	2.3	District Attorney <i>[Under the "Preferred" column]: Just adjacent to site Within courthouse site or just adjacent to site [The point here is that it should be strongly encouraged to construct courthouses where the DA & PD have sufficient office space within the courthouse as an efficiency model.]</i>	Ventura Superior Court Michael Planet, Executive Officer	Site Selection Criteria will be project specific and evaluated by each PAG in conjunction with AOC.
Site Selection Criteria spreadsheet	3	6.3	[NEW] On-Site Parking Flat Garage Combination <i>[This new recommended section 6.3 should be distinguished from section 6.2 "Proximately to public parking" which questions distance. In terms of parking, on-site would be better if in the site selection affords sufficient space for such.]</i>	Ventura Superior Court Michael Planet, Executive Officer	AOC and local court's preference is to have on site parking (either surface parking or parking structure based on locale and budget). Individual Project Feasibility Report and Capital Outlay Budget Change Proposal includes details on specific project parking; section 6.2 is included to determine prospective availability of existing public parking.
Site Selection Criteria spreadsheet			<i>[It is recommended that you change the numbering scheme of the "Site Selection Criteria" so it does not match the numbering scheme of the "Policy"; such as, SC1., SC1.1, SC1.2, SC2, SC2.1, SC2.2, etc.]</i>	Ventura Superior Court Michael Planet, Executive Officer	Change incorporated.

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Site Selection Criteria spreadsheet	2	4.1	<p>The site elevation criteria in this section are unreasonable. It does not make sense to set a preference for a site elevation greater than 5 feet above a 100 year flood elevation.</p> <p>Local flood prevention ordinances which are required to be adopted and approved by FEMA allow for new development and substantial improvement within flood zones subject to flood proofing.</p> <p>Areas outside of a FEMA flood zone are designated as Zone X and are buildable without restriction.</p> <p>It is recommended that the site selection criteria be amended to allow for selection of courthouse sites within flood zones subject to compliance with local flood prevention ordinances, without reference to minimum elevation requirements.</p>	Richard Knoll, Redevelopment, Housing and Economic Development Director, City of Lakeport	See revised section 5.5.2.
Site Selection Criteria spreadsheet	6	17.3	Wouldn't unwillingness to sell disqualify a parcel? Why include the parcel in the evaluation? Is this anticipating a likely need for an eminent domain action, if the site is otherwise desirable?	Orange Superior Court Alan Carlson, Court Executive Officer	A property may not be offered for sale but upon inquiry, the property owner may express a willingness to sell.