



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: August 21, 2015

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Title	Agenda Item Type
Judicial Council: Court Public Parking Management Policy	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
None	August 21, 2015
Recommended by	Date of Report
Facilities Policies Working Group	August 11, 2015
Hon. Douglas P. Miller, Chair	Contact
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### Executive Summary

The Judicial Council controls a number of parking spaces that were either acquired through the Trial Court Facilities Act of 2002 (Sen. Bill 1732; Stats. 2002, ch. 1082) or provided in conjunction with new courthouse construction. Before SB 1732, the counties managed parking spaces, making some available for free and others for a fee. On-site parking provides an expedient feature for the employees, jurors, and other users of courts. The intent of the attached document is to initiate a branchwide policy to implement a methodical approach in developing paid parking at courthouses where feasible.

### Recommendation

Adopt the *Court Public Parking Management Policy* in order to institute a statewide approach to paid public parking at courthouses, effective August 21, 2015. The program will be managed by the Facilities Management Unit of Real Estate and Facilities Management. The courts may review and comment on plans or proposals to convert either existing free parking spaces to paid parking spaces, or existing paid parking spaces to free parking spaces.

Please see the attached policy for full scope and implications.

## **Previous Council Action**

The council controls a number of parking spaces that were either acquired through SB 1732 or provided in conjunction with new courthouse construction. Lot size and access vary based on original construction requirements and historical availability of parking within the local environs surrounding the court. Before SB 1732, the counties constructed and managed parking spaces, making some available for free and others for a fee.

Currently the Judicial Council manages 8,356 paid parking slots at 17 courthouses in three counties: Los Angeles, Santa Barbara, and Sacramento. Fourteen of the lots were transferred to the state as paid lots; three have been converted with the support of the local court since that time. The majority charge a flat daily rate of between \$5 and \$10 a day. Several offer monthly parking rates.

This is the first statewide public parking policy to be considered for implementation.

## **Rationale for Recommendation**

The policy will set forth a reasonable, consistent methodology for the management of branch-owned and/or -managed parking spaces. The branch benefits by generating revenue via paid public parking where feasible. The following sections of the Government Code provide authority for the policy.

Section 70391 provides that the Judicial Council shall “[e]xercise full responsibility, jurisdiction, control, and authority as an owner would have over trial court facilities the title of which is held by the state.” The “[c]ourt facilities” definition in section 70301(d) includes “[p]arking spaces historically made available to one or more users of court facilities.” Absent legal authority to the contrary, the owner of real property has the ability to license and lease property that it owns. In this case, charging for parking would be considered a license to use the property. We have found no authority that limits the Judicial Council’s authority as an owner to license court facilities.

The most appropriate fund for any revenue received from paid parking would be the Court Facilities Trust Fund as that fund is for purposes of operation, repair, and maintenance of court facilities. The agreements that generate this revenue are with parking management vendors that assist in the operation and management of the parking facilities on behalf of the Judicial Council.

In addition, this fund is most closely analogous to the Property Acquisition Law Money Account, which is where the Department of General Services deposits its parking revenue. Further, some parking revenue was in lieu of a county facilities payment that would have been deposited in the Court Facilities Trust Fund. Because the revenue is in lieu of a portion of the county facilities payment in some counties and is collected in conjunction with the management and operations of court facilities, it should probably be deposited into the Court Facilities Trust Fund.

## **Comments, Alternatives Considered, and Policy Implications**

The Facilities Policies Working Group (FPWG) discussed the policy at three of its meetings and, at its meeting on May 19, 2015, recommended the policy to move forward for adoption by the Judicial Council. During FPWG discussion, the following two alternatives for the approval and oversight of changes were presented:

1. As proposed in the recommended policy, the Judicial Council would consider all actions related to parking based on recommendations of the Real Estate and Facilities Management staff.
2. The Judicial Council would delegate to the Trial Court Facility Modification Advisory Committee (TCFMAC) the authority to consider and determine all actions related to parking based on recommendations of the Real Estate and Facilities Management staff. This option was determined by Legal Services to not be an appropriate item to delegate to the TCFMAC.

The policy was also reviewed, at the suggestion of Executive & Planning, by the Trial Court Presiding Judges Advisory Committee/Court Executive Officer Court Facilities Subcommittee at its July 1, 2015 meeting. The subcommittee suggested strengthening the language that provides for court approval for parking usage and oversight for dispute resolution. These suggestions have been added to the policy and the subcommittee concurred with the revisions.

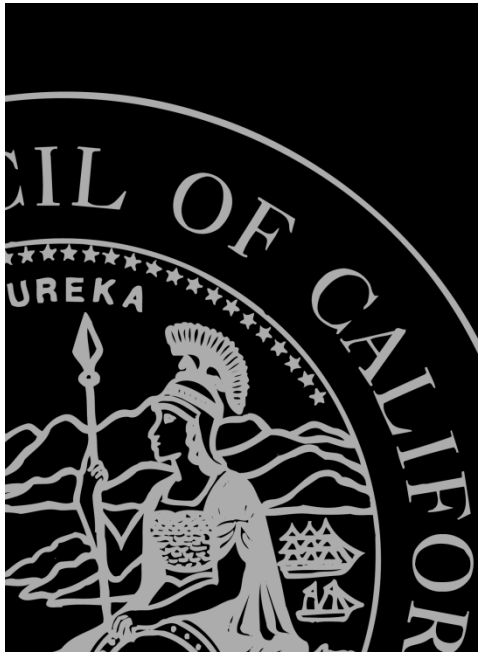
Annual revenues after expenses of operating the lots are about \$2.5 million. Revenues generated from parking spaces are deposited in the Court Facilities Trust Fund to be used for the operation, maintenance, utility service, insurance, rent, and non-capital repairs to court facilities throughout the state. The majority of this comes from lots transferred as paid lots. The anticipated revenue from these lots was a deduction from the county facility payments. Failure to continue operating the lots as paid lots would have a significant impact on the Judicial Council's ability to maintain the existing court facilities. No other options were considered.

## **Implementation Requirements, Costs, and Operational Impacts**

There will be very minimal cost to implement this policy. With the exception of the approval authority being moved from Real Estate and Facilities Management to the Judicial Council, the policy reflects current operational procedures. The only cost incurred will be staff cost to prepare recommendations to the council for any future changes. Other options considered would have the same impact.

## **Attachments**

1. *Court Public Parking Management Policy*



# Court Public Parking Management Policy

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EFFECTIVE AUGUST 21, 2015



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**1. Scope**

With the exceptions indicated below, this policy applies to parking lots and garages open to the public (collectively “parking spaces”) located within the boundaries of court properties owned or managed by the Judicial Council (Council).

**2. Exceptions**

The policy is not applicable to:

- a. those public parking lots and garages located near court facilities that are managed by various county agencies on behalf of the Council and courts;
- b. parking lots or garages or portions thereof located at court facilities that are owned or managed by the Council but that are not open to the public (e.g. reserved and secured parking for judicial officers);
- c. Council-owned or -managed parking lots or garages on the property of closed court facilities, which may or may not be accessible to the general public;
- d. Council-owned land that may be safely and securely utilized for parking until such time as required for use during a capital construction project or the commencement of court operations;
- e. parking for court-approved third-party uses or off-site events or activities occurring during non-business hours; and
- f. the Long Beach parking structure located at 101 Magnolia Avenue, Long Beach, California, during the term of the existing agreement between the Judicial Council and Long Beach Judicial Partners, LLC. Said agreement defines binding terms of service to be provided to the public during the term.

**3. Background**

The Council controls a number of parking spaces that were either acquired through the Trial Court Facilities Act of 2002 (Sen. Bill 1732; Stats. 2002, ch. 1082) or provided in conjunction with new courthouse construction. Lot size and access vary based on original construction requirements and historical availability of parking within the local environs surrounding the court. Before SB 1732, the counties constructed and managed parking spaces, making some available for free and others for a fee.

## Court Public Parking Management Policy

Revenues generated from parking spaces are deposited in the Court Facilities Trust Fund to be used for the operation, maintenance, utility service, insurance, rent, and non-capital repairs to court facilities throughout the state.

On-site parking provides an expedient feature for the employees, jurors, and other users of courts.

### **4. Authority for Policy**

The Judicial Council may both license and charge for the use of parking spaces under the broad language in Government Code section 70391(a), which provides that the Council shall exercise “full responsibility, jurisdiction, control, and authority as an owner would have over trial court facilities the title of which is held by the state, including, but not limited to, the acquisition and development of facilities.” The definition of “[c]ourt facilities” in Government Code section 70301(d) includes “[p]arking spaces historically made available to one or more users of court facilities.”

Under Government Code section 70391(g), the Judicial Council is responsible for managing court facilities in consultation with the courts. Under rule 10.182(b)(1)(A) of the California Rules of Court, the Judicial Council staff is required to take action on the operation of court facilities, including the day-to-day operation of a building and maintenance of a facility.

Under Government Code section 70392, the Judicial Council staff has the responsibility to, among other things, “provide the ongoing oversight, management, operation, and maintenance of facilities used by the trial courts” and to “[c]arry out the Judicial Council’s policies with regard to . . . court facilities . . . .”

The Judicial Council may both license and charge for the use of parking spaces under the broad language in Government Code section 70391(a), as quoted at the beginning of this section of the policy.

### **5. Purpose**

- a. To set forth a reasonable, consistent methodology for the management of branch-owned and/or -managed parking spaces.
- b. To provide guidance on when parking spaces may be provided for free and when they may be provided for a fee, including the establishment of a process and methodology for determining: (i) whether to convert either existing free parking

## Court Public Parking Management Policy

spaces to paid parking spaces, or existing paid parking spaces to free parking spaces, and (ii) the amount to be charged for any paid parking spaces.

- c. To define the respective roles of courts, Council staff, various facilities-related committees, and the Council relative to parking operations.

### **6. Management Practices**

- a. Available parking spaces and structures (as appropriate) shall be maintained in a condition that provides for a reasonable level of safe and secure access and operation, including regular maintenance and renovation of facility parking equipment and infrastructure systems.
- b. Available parking spaces and structures (as appropriate) shall be operated to allow for access to the court and public, as needed and based on both local operational requirements and the requirements for supporting special community-based events.
- c. Where applicable, parking spaces and associated parking space allocations shall be maintained in accordance with requirements set forth in transfer-related Joint Occupancy Agreements or Memoranda of Understanding.
- d. Where applicable, parking rates for parking spaces shall be determined on the basis of commercial parking rates charged by comparable lots or structures.
- e. The Council may contract with one or more vendors to manage court parking operations (collectively “parking vendors”). Solicitations for parking vendors will be conducted in accordance with Council contracting policies and practices.
- f. Any contracts with vendors for special events will include post-event cleanup prior to the beginning of the next day.

### **7. Role of the Judicial Council**

- a. The Council will review and update this policy as needed.
- b. The Council will consider and act on any parking-related issues based on recommendations made by Council staff.



**8. Role of Judicial Council Staff**

- a. The Council staff is responsible for managing both paid and unpaid parking spaces.
- b. The Council staff is responsible for providing active management and oversight of parking vendors. Management and oversight includes solicitation and award of contracts to parking vendors; ensuring accurate revenue collection; providing oversight of parking vendors to ensure that the parking vendors comply with the terms of the contract; and conducting performance management reviews of parking vendors.
- c. Council staff will coordinate parking hours of operation with the courts. Usage for special events will be discussed and coordinated with the courts. Courts’ consent must be obtained prior to approval being given for special events.”
- d. Council staff will coordinate changes to parking services with court leadership prior to submission to the Council for consideration.
- e. Council staff will review and act on recommendations of courts regarding parking issues not requiring further review and consideration.
- f. Council staff will prepare reports or proposals for consideration by one or more of the following, as appropriate: court staff, Council senior management, various facilities-related committees, the Executive and Planning Committee, and the Judicial Council. Proposals may include facility modification projects, such as restriping to reconfigure parking lots to add or delete spaces; changing paid parking rates in one or multiple parking facilities, converting unpaid parking to paid parking, and amending this policy.

**9. Role of Courts**

- a. Courts may provide input on the performance of parking vendor services.
- b. Where applicable, the courts will coordinate with parking vendors and their staff regarding providing free jury parking within any paid parking spaces (e.g. coordination with respect to providing permits to be used by jurors in paid parking areas, etc.).
- c. The courts may review and comment on plans or proposals to convert either existing free parking spaces to paid parking spaces, or existing paid parking spaces to free parking spaces. If the courts and the JCC do not agree, council staff is required to prepare a report in compliance with section 10.c.ii and provide it

along with court comment and input to the appropriate advisory to the appropriate working group or advisory committee of the council. The courts may choose to present a separate report to said committee in conjunction with the council staff report.

**10. Determination of Parking Rates**

- a. Council staff shall periodically initiate an evaluation of parking charges based on local market factors for the potential to (i) convert existing free parking spaces to paid parking spaces, or existing paid parking spaces to free parking spaces, and (ii) make adjustments to parking rates.
- b. The evaluation will consist of the following components:
  - i) parking studies based on local market conditions and practices, a survey of parking facilities including identification of paid and free parking facilities, data on comparable parking rates, supply and demand characteristics, and other industry and customary practices;
  - ii) analysis of local economic and business conditions, including potential impacts to public customers, the adjacent businesses, and the local economy; and
  - iii) recommendations with regard to charges, facility modification, etc., depending on comparable charges and usage statistics for the area.
- c. Proposals for changes in parking operations will be shared and reviewed with courts with a view to evaluation of potential local and branch impacts.
  - i) If both the court and Council staff concur that a proposal to convert either existing free parking spaces to paid parking spaces, or existing paid parking spaces to free parking spaces, is in the best interest of the branch, Council staff will prepare a recommendation to the appropriate Council working group or advisory committee(s).
  - ii) In the event court and Council staff does not agree on the nature of the lot or the rate to be paid, council staff must bring the issue to the attention of the appropriate working group or advisory committee(s) of the Council for a determination.