



Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF GOVERNMENTAL AFFAIRS

770 L Street, Suite 700 • Sacramento, California 95814-3393

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RONALD M. GEORGE
Chief Justice of California
Chair of the Judicial Council

WILLIAM C. VICKREY
Administrative Director of the Courts

RONALD G. OVERHOLT
Chief Deputy Director

CURTIS L. CHILD
Director, Office of Governmental Affairs

February 20, 2008

Hon. Ellen Corbett, Chair
Senate Judiciary Committee
State Capitol, Room 3092
Sacramento, California 95814

Subject: AB 1491 (Jones) – Co-Sponsor
Hearing: Senate Judiciary Committee – February 26, 2008

Dear Senator Corbett:

The Judicial Council is pleased to co-sponsor AB 1491 (Jones), which revives and extends the deadline for the transfer of court facilities from county to state governance, under the direction of the Judicial Council.

In 2002, the Trial Court Facilities Act (SB 1732 (Escutia), Stats. 2002, ch. 1082) was enacted to provide for the transfer of court facilities. In 2003, building-by-building negotiations began between courts, counties, and the Administrative Office of the Courts (AOC). Many issues initially proved more difficult than anticipated, including issues arising in shared-use facilities, the calculation of the required County Facilities Payment (CFP), and the seismic rating of many courthouses.

Subsequent legislation (SB 10 (Dunn), Stats. 2006, ch. 444) revised the Trial Court Facilities Act to allow the transfer of buildings with a seismic level V rating to the state so long as the county retains liability for all earthquake-related damage to the same extent as if the court facilities had not transferred to the state.

As a result of the collaborative approach to resolving the issues around the seismic ratings of courthouses and the enactment of SB 10, significant momentum developed, and 119 facilities were successfully transferred by the June 30, 2007, statutory deadline. Included within the 119 facilities transferred are all of the court facilities in the counties of Alameda, Calaveras, Humboldt, Lassen, Madera, Mariposa, Merced, Plumas, San Benito, Solano, and Yolo. In addition, court facilities in 19 other counties have transferred from the county to the state.

With the expiration of the statutory authorization to transfer court facilities, no facilities have been able to transfer since June 30, 2007. Nonetheless, in anticipation of legislation being enacted to once again allow the transfers, counties and the AOC have continued negotiations to keep the momentum moving forward as much as possible. The Judicial Council and the California State Association of Counties are co-sponsoring AB 1491 to revive the authority to transfer court facilities and extend the transfer deadline until December 31, 2009. We believe that with this extension, all of the court facilities can successfully transfer to the state. To address concerns about the need to ensure that facilities transfer timely, AB 1491 creates tiered payment structures that provide incentives to complete transfers by September 30, 2008. For facilities that transfer after that date, AB 1491 establishes a new method for calculating the CFP.

In addition, AB 1491 clarifies that the county and the AOC may transfer multiple court facilities within the county under a single transfer agreement. This has proven to be a smart, effective approach to addressing the transfer of some or all of the court facilities in a county.

Facility transfers must precede any state-funded courthouse improvement or new construction replacement projects. California's trial court facilities have critical life safety, operational, and security deficiencies that can only be cost effectively addressed through a statewide capital outlay program. Uniting responsibility for court operations and facilities management increases the judicial branch's fiscal and administrative accountability. These opportunities will be lost if the transfer deadline is not extended.

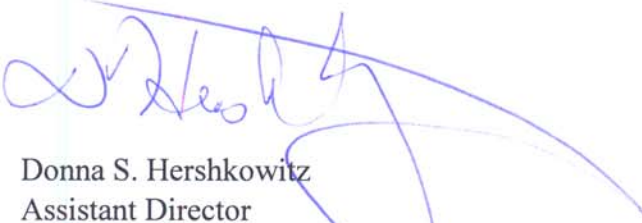
Hon. Ellen Corbett, Chair

February 20, 2008

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For these reasons, we urge your "aye" vote on AB 1491.

Sincerely,



Donna S. Hershkowitz
Assistant Director

cc: Members, Senate Judiciary Committee
Ms. Alexandra Montgomery, Counsel, Senate Judiciary Committee
Mr. Mike Petersen, Counsel, Senate Republican Office of Policy
Mr. Chris Ryan, Deputy Legislative Affairs Secretary, Office of the Governor
Ms. Leora Gershenzon, Counsel, Assembly Judiciary Committee
Ms. Elizabeth Howard, Legislative Representative, California State Association of Counties



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February 27, 2008

Hon. Tom Torlakson, Chair
Senate Appropriations Committee
State Capitol, Room 2206
Sacramento, California 95814

Subject: AB 1491 (Jones) – Co-Sponsor/Support
Hearing: Senate Appropriations Committee

Dear Senator Torlakson:

The Judicial Council is pleased to co-sponsor AB 1491 (Jones), which extends the deadline for the transfer of court facilities from county to state governance, under the direction of the Judicial Council.

In 2002, the Trial Court Facilities Act (SB 1732 (Escutia), Stats. 2002, ch. 1082) was enacted to provide for the transfer of court facilities. The Act's legislative findings and declarations included the following:

- The judicial branch of government is now wholly responsible for its programs and operations, with the exception of trial court facilities. The judiciary should have the responsibility for all of its functions related to its

operations and staff, including facilities.

- Uniting responsibility for operations and facilities increases the likelihood that operational costs will be considered when facility decisions are made, and enhances economical, efficient, and effective court operations.
- Equal access to justice is a key underpinning of our society and the rule of law. It is also a paramount goal of the Judicial Council, the policymaking body of the judicial branch. The state can best ensure uniformity of access to all court facilities in California.

Following the enactment of the Trial Court Facilities Act, in 2003, building-by-building negotiations began between courts, counties, and the Administrative Office of the Courts (AOC). Unfortunately, many issues initially proved more difficult than anticipated, including issues arising in shared-use facilities, the calculation of the required County Facilities Payment (CFP), and the seismic rating of many courthouses.

Subsequent legislation (SB 10 (Dunn), Stats. 2006, ch. 444) revised the Trial Court Facilities Act to allow the transfer of buildings with a seismic level V rating to the state so long as the county retains liability for all earthquake-related damage to the same extent as if the court facilities had not transferred to the state.

As a result of the collaborative approach to resolving the issues around the seismic ratings of courthouses and the enactment of SB 10, significant momentum developed, and 119 facilities were successfully transferred by the June 30, 2007, statutory deadline. Included within the 119 facilities transferred are all of the court facilities in the counties of Alameda, Calaveras, Humboldt, Lassen, Madera, Mariposa, Merced, Plumas, San Benito, Solano, and Yolo. In addition, court facilities in 19 other counties have transferred from the county to the state. However, not all facilities were able to be transferred by the June 30, 2007, deadline set forth in the Trial Court Facilities Act.

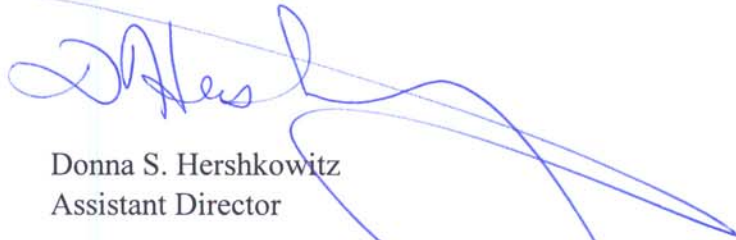
With the expiration of the statutory authorization, no facilities have been able to transfer since June 30, 2007. Nonetheless, in anticipation of legislation being enacted to once again allow the transfers, counties and the AOC have continued negotiations to keep the momentum moving forward as much as possible. The Judicial Council and the California State Association of Counties are co-sponsoring AB 1491 to revive the authority to transfer court facilities and extend the transfer deadline until December 31, 2009. We believe that with this extension, all of the court facilities can successfully transfer to the state. To address concerns about the need to ensure that facilities transfer timely, AB 1491 creates tiered payment structures that provide incentives to complete transfers by

September 30, 2008. For facilities that transfer after that date, AB 1491 establishes a new method for calculating the CFP.

Facility transfers must precede any state-funded courthouse improvement or new construction replacement projects. California's trial court facilities have critical life safety, operational, and security deficiencies that can only be cost effectively addressed through a statewide capital outlay program. Uniting responsibility for court operations and facilities management increases the judicial branch's fiscal and administrative accountability. These opportunities will be lost if the transfer deadline is not extended.

For these reasons, we urge your "aye" vote on AB 1491.

Sincerely,



Donna S. Hershkowitz
Assistant Director

cc: Members, Senate Appropriations Committee
Ms. Nora Lynn, Consultant, Senate Appropriations Committee
Mr. Matt Osterli, Consultant, Senate Republican Fiscal Office
Mr. Chris Ryan, Deputy Legislative Affairs Secretary, Office of the Governor
Ms. Leora Gershenzon, Counsel, Assembly Judiciary Committee
Ms. Elizabeth Howard, Legislative Representative, California State Association of Counties



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Director, Office of Governmental Affairs

March 19, 2008

Hon. Dave Jones, Chair
Assembly Judiciary Committee
State Capitol, Room 3146
Sacramento, California 95814

Subject: AB 1491 (Jones), as amended March 3, 2008 – Co-Sponsor
Hearing: Assembly Judiciary Committee – TBD

Dear Assembly Member Jones:

The Judicial Council is pleased to co-sponsor AB 1491 (Jones), which revives and extends the deadline for the transfer of court facilities from county to state governance, under the direction of the Judicial Council.

In 2002, the Trial Court Facilities Act (SB 1732 (Escutia), Stats. 2002, ch. 1082) was enacted to provide for the transfer of court facilities. In 2003, building-by-building negotiations began between courts, counties, and the Administrative Office of the Courts (AOC). Many issues initially proved more difficult than anticipated, including issues arising in shared-use facilities, the calculation of the required County Facilities Payment (CFP), and the seismic rating of many courthouses.

Subsequent legislation (SB 10 (Dunn), Stats. 2006, ch. 444) revised the Trial Court Facilities Act to allow the transfer of buildings with a seismic level V rating to the state as long as the county retains liability for all earthquake-related damage to the same extent as if the court facilities had not transferred to the state.

As a result of the collaborative approach to resolving the issues around the seismic ratings of courthouses and the enactment of SB 10, significant momentum developed, and 119 facilities were successfully transferred by the June 30, 2007, statutory deadline. Included within the 119

Hon. Dave Jones, Chair

March 19, 2008

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facilities transferred are all of the court facilities in the counties of Alameda, Calaveras, Humboldt, Lassen, Madera, Mariposa, Merced, Plumas, San Benito, Solano, and Yolo. In addition, court facilities in 19 other counties have transferred from the county to the state.

With the expiration of the statutory authorization to transfer court facilities, no facilities have been able to transfer since June 30, 2007. Nonetheless, in anticipation of legislation being enacted to once again allow the transfers, counties and the AOC have continued negotiations to keep the momentum moving forward as much as possible. The Judicial Council and the California State Association of Counties are co-sponsoring AB 1491 to revive the authority to transfer court facilities and extend the transfer deadline until December 31, 2009. We believe that with this extension, all of the court facilities can successfully transfer to the state. To address concerns about the need to ensure that facilities transfer timely, AB 1491 creates tiered payment structures that provide incentives to complete transfers by September 30, 2008. For facilities that transfer after that date, AB 1491 establishes a new method for calculating the CFP.

In addition, AB 1491 clarifies that the county and the AOC may transfer multiple court facilities within the county under a single transfer agreement. This has proven to be a smart, effective approach to addressing the transfer of some or all of the court facilities in a county.

Facility transfers must precede any state-funded courthouse improvement or new construction replacement projects. California's trial court facilities have critical life safety, operational, and security deficiencies that can only be cost effectively addressed through a statewide capital outlay program. Uniting responsibility for court operations and facilities management increases the judicial branch's fiscal and administrative accountability. These opportunities will be lost if the transfer deadline is not extended.

We thank you for your leadership on these issues, and we urge your "aye" vote on AB 1491.

Sincerely,



Donna S. Hershkowitz
Assistant Director

DSH/lb

cc: Members, Assembly Judiciary Committee

Ms. Leora Gershenzon, Counsel, Assembly Judiciary Committee

Mr. Mark Redmond, Counsel, Assembly Republican Office of Policy

Mr. Brent Jamison, Director of Legislation, Governor's Office of Planning and Research

Mr. Chris Ryan, Deputy Legislative Affairs Secretary, Office of the Governor

Ms. Elizabeth Howard, Legislative Representative, California State Association of Counties



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April 16, 2008

Hon. Arnold Schwarzenegger
Governor of California
State Capitol Building
Sacramento, California 95814

Subject: AB 1491 (Jones) – Request for Signature

Dear Governor Schwarzenegger:

The Judicial Council is pleased to co-sponsor AB 1491 (Jones), which extends the deadline for the transfer of court facilities from county to state governance, under the direction of the Judicial Council.

In 2002, the Trial Court Facilities Act (SB 1732 (Escutia), Stats. 2002, ch. 1082), was enacted to provide for the transfer of court facilities. In 2003, building-by-building negotiations began between courts, counties, and the Administrative Office of the Courts (AOC). Unfortunately, many issues initially proved more difficult than anticipated, especially issues surrounding the transfer of buildings with a seismic level V rating. As a result, 119 facilities transferred to the state before the expiration of the statutory deadline for transfers.

With the expiration of the statutory authorization, no facilities have been able to transfer since June 30, 2007. Nonetheless, in anticipation of legislation being enacted to once again allow the transfers, counties and the AOC have continued negotiations to keep the momentum moving forward as much as possible. The Judicial Council and the California State Association of Counties are co-sponsoring AB 1491 to revive the authority to transfer court facilities and extend the transfer deadline until December 31, 2009. We believe that with this extension, all of the

Hon. Arnold Schwarzenegger

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court facilities can successfully transfer to the state. To address concerns about the need to ensure that facilities transfer timely, AB 1491 creates tiered payment structures that provide incentives to complete transfers by September 30, 2008. For facilities that transfer after that date, AB 1491 would require the payment of a higher county facilities payment to support the ongoing costs of maintaining and operating the facility.

Facility transfers must precede any state-funded courthouse improvement or new construction replacement projects. California's trial court facilities have critical life safety, operational, and security deficiencies that can only be cost effectively addressed through a statewide capital outlay program. And, as we embark on this capital program, and consolidate several of the facilities currently in use, courts will be able to move from many of the older buildings, which are more costly to operate, to newer, more energy efficient buildings with reduced maintenance and operation costs. All of these opportunities will be lost if the transfer deadline is not extended.

Furthermore, uniting responsibility for court operations and facilities management increases the judicial branch's fiscal and administrative accountability.

For these reasons, the Judicial Council requests your signature on AB 1491.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Hersh", with a large, stylized loop extending from the end of the signature.

Donna S. Hershkowitz
Assistant Director

cc: Hon. Dave Jones, Member of the Assembly
Mr. Brent Jamison, Deputy Legislative Director, Office of Planning & Research
Mr. Chris Ryan, Deputy Legislative Affairs Secretary, Office of the Governor