



# JUDICIAL COUNCIL OF CALIFORNIA

EXECUTIVE AND  
PLANNING COMMITTEE

[www.courts.ca.gov/epmeetings.htm](http://www.courts.ca.gov/epmeetings.htm)  
[executiveandplanning@jud.ca.gov](mailto:executiveandplanning@jud.ca.gov)

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## EXECUTIVE AND PLANNING COMMITTEE

### NOTICE AND AGENDA OF OPEN MEETING

Open to the Public (Cal. Rules of Court, rule 10.75(c)(1) and (e)(1))

THIS MEETING IS BEING CONDUCTED BY VIDEOCONFERENCE

THIS MEETING IS BEING RECORDED

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**Date:** Wednesday, August 31, 2022  
**Time:** 12:10 to 1:00 p.m.  
**Public Videocast:** <https://jcc.granicus.com/player/event/1310>

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Meeting materials will be posted on the advisory body web page on the California Courts website at least three business days before the meeting.

Members of the public seeking to make a recording of the meeting must submit a written request at least two business days before the meeting. Requests can be e-mailed to [executiveandplanning@jud.ca.gov](mailto:executiveandplanning@jud.ca.gov).

Agenda items are numbered for identification purposes only and will not necessarily be considered in the indicated order.

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#### I. OPEN MEETING (CAL. RULES OF COURT, RULE 10.75(C)(1))

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##### Call to Order and Roll Call

##### Approval of Minutes

Approve the following draft minutes:

- June 21, 2022, open meeting;
- June 30, 2022, action by email; and
- July 5, 2022, action by email.

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#### II. PUBLIC COMMENT (CAL. RULES OF COURT, RULE 10.75(K)(1))

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This meeting will be conducted by videoconference with a livestream available for the public. As such, the public may submit comments for this meeting in writing only. In accordance with rule 10.75(k)(1) of the California Rules of Court, written comments pertaining to any agenda item of a regularly noticed open meeting can be submitted up to one complete business day before the meeting. For this specific meeting, comments should be emailed to [executiveandplanning@jud.ca.gov](mailto:executiveandplanning@jud.ca.gov). Only written comments received by 12:10 p.m. on Tuesday, August 30, 2022, will be provided to the committee members prior to the meeting.

**III. DISCUSSION ITEMS**

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**Item 1**

**Agenda Setting for September 20, 2022, Judicial Council Meeting (Action Required)**

Review draft reports and set the agenda for the Judicial Council meeting in September.

*Presenters: Various*

**Item 2**

**Real Estate Policies Subcommittee: Third-Party Vendors' Requests for Waivers of License Fees Due to COVID-19 Impacts and/or Building Closures (Action Required)**

Review a recommendation from the subcommittee to grant license fee waivers from May 2021 through May 2022 requested by various third-party vendors as a result of COVID-19 impacts and building closures.

*Presenters: Hon. David M. Rubin, Chair, Real Estate Policies Subcommittee  
Ms. Mary Bustamante, Facilities Services*

**Item 3**

**Real Estate Policies Subcommittee: Disposition of Courthouses in Plumas, Sacramento, and Stanislaus Counties (Action Required)**

Review a recommendation from the subcommittee to the council to seek special legislative authority for the non-surplus disposition of three courthouses in the Superior Courts of Plumas, Sacramento, and Stanislaus Counties. Seeking authorization to be part of the Legislation Committee's proposals for Judicial Council-sponsored legislation to be brought to the November council meeting, or, if not included with the Legislation Committee's proposals, proceed by submitting the recommendation to be considered for placement on the November council business meeting agenda as a stand-alone item.

*Presenters: Hon. David M. Rubin, Chair, Real Estate Policies Subcommittee  
Ms. Mary Bustamante, Facilities Services*

**IV. ADJOURNMENT**

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**Adjourn**



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## EXECUTIVE AND PLANNING COMMITTEE

### MINUTES OF OPEN MEETING

Tuesday, June 21, 2022

11:00 a.m. to Noon

Videoconference

**Advisory Body Members Present:** Hon. Marsha G. Slough (Chair), Hon. Samuel K. Feng (Vice-chair), Hon. Marla O. Anderson, Hon. Stacy Boulware Eurie, Hon. Carin T. Fujisaki, Hon. Dalila C. Lyons, Ms. Gretchen Nelson, Hon. David M. Rubin, and Hon. Theodore C. Zayner

**Advisory Body Members Absent:** Mr. Kevin Harrigan and Hon. Ann C. Moorman

**Committee Staff Present:** Ms. Amber Barnett and Mr. Cliff Alumno

**Staff Present:** Ms. Michele Allan, Ms. Deirdre Benedict, Mr. James Barolo, Ms. Jennifer Chappelle, Mr. Blaine Corren, Ms. Angela Cowan, Ms. Shelley Curran, Ms. Nicole Davis, Mr. Douglas Denton, Mr. Michael Giden, Mr. Jason Haas, Ms. Jackie Henke, Ms. Nou Her, Ms. Savet Hong, Mr. Cyrus Ip, Mr. David Kukesh, Mr. Chris Magnusson, Ms. Cassandra McTaggart, Ms. Pella McCormick, Ms. Kelly Meehleib, Ms. Shirley Mohammed, Ms. Fran Mueller, Ms. Felizia Nava-Kardon, Ms. Brandy Olivera, Ms. Tiana Osborne-Gauthier, Mr. Corey Rada, Ms. Anne Ronan, Mr. Brian Simeroth, Ms. Laura Speed, Ms. Heather Staton, Mr. Zlatko Theodorovic, Ms. Millicent Tidwell, Ms. Oksana Tuk, Mr. Don Will, Mr. Catrayel Wood, Mr. John Wordlaw, Ms. Carrie Zoller

#### OPEN MEETING

##### Call to Order and Roll Call

The chair called the meeting to order at 11:00 a.m. Mr. Alumno took roll call and made the opening announcements.

##### Approval of Minutes

The committee reviewed the following draft minutes:

- May 18, 2022, open meeting with closed session;
- June 1, 2022, closed session; and
- June 2, 2022, closed session.

**Action:** *With one abstention, the committee approved the minutes listed above. (Ms. Nelson abstained from voting on the May 18, 2022, minutes because she was not in attendance.)*

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**DISCUSSION AND ACTION ITEM**

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**Item 1**

**Agenda Setting for July 15, 2022, Judicial Council Meeting (Action Required)**

The committee reviewed available draft reports and set the agenda for the Judicial Council action by e-mail via circulating order.

**Action:** *The committee set the agenda for the July 15, 2022, Judicial Council meeting by approving reports for placement on the business meeting agenda.*

**Item 2**

**Sabbatical Leave Request: Hon. Jo-Lynne Q. Lee, Superior Court of Alameda County (Action Required)**

The committee reviewed and considered a request submitted by Human Resources for an unpaid sabbatical leave for Judge Jo-Lynne Lee, Superior Court of Alameda County, from January 1 through May 31, 2023.

**Action:** *The committee approved for submission to the Judicial Council for its consideration during its July 15, 2022, business meeting a recommendation for an unpaid sabbatical leave for Judge Jo-Lynne Lee, Superior Court of Alameda County, from January 1 through May 31, 2023.*

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**ADJOURNMENT**

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Before adjourning the meeting, Justice Slough announced the retirement of Ms. Roma Cheadle, Supervising Analyst, Judicial Council and Trial Court Leadership, effective July 1, 2022, after 22 years of service with the Judicial Council. She thanked Ms. Cheadle for her service, let her know she will be missed, and wished her congratulations. Justice Fujisaki, Judge Anderson, and Judge Rubin also expressed their appreciation for her service and congratulated Ms. Cheadle on her retirement.

With the business concluded, the meeting was adjourned at 11:45 a.m.

Approved by the committee on [insert date].



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## EXECUTIVE AND PLANNING COMMITTEE

### MINUTES OF ACTION BY E-MAIL

Thursday, June 30, 2022

4:00 p.m.

**Advisory Body Members Who Participated:** Hon. Marsha G. Slough (Chair), Hon. Samuel K. Feng (Vice-chair), Hon. Marla O. Anderson, Hon. Stacy Boulware Eurie, Hon. Carin T. Fujisaki, Mr. Kevin Harrigan, Hon. Dalila C. Lyons, Hon. Ann C. Moorman, Ms. Gretchen Nelson, Hon. David M. Rubin, and Hon. Theodore C. Zayner

**Advisory Body Members Who Did Not Participate:** None

**Committee Staff:** Ms. Amber Barnett and Mr. Cliff Alumno

#### ACTION BY E-MAIL

As provided in the California Rules of Court, rule 10.75 (o)(1)(B), the chair concluded that prompt action was needed. This action by e-mail concerned a matter that would otherwise be discussed in an open meeting; therefore, in accordance with rule 10.75(o)(2), public notice and the proposal were posted on Wednesday, June 29, 2022, to allow at least one complete business day for public comment before the committee took action. No public comments were received.

#### OPEN DISCUSSION AND ACTION ITEM

##### **Agenda Setting for July 15, 2022, Judicial Council Business Meeting (Action Required)**

The committee reviewed the following draft reports to consider for placement on the discussion agenda of the July 15, 2022, Judicial Council business meeting:

- 22-130 (Collections | Outdated Policy on Civil Assessments (Action Required)); and
- 22-127 (Trial Court Budget | 2022-23 Civil Assessment Allocation Methodology (Action Required)).

**Action: The committee unanimously approved the council reports for discussion items 22-130 and 22-127 for placement on the July 15, 2022, Judicial Council business meeting agenda.**

#### CLOSURE OF ACTION

The action by e-mail concluded at 9:15 a.m. on Friday, July 1, 2022.

Approved by the committee on [insert date].



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## EXECUTIVE AND PLANNING COMMITTEE

### MINUTES OF ACTION BY E-MAIL

Tuesday, July 5, 2022

10:00 a.m.

**Advisory Body Members Who Participated:** Hon. Marsha G. Slough (Chair), Hon. Samuel K. Feng (Vice-chair), Hon. Marla O. Anderson, Hon. Stacy Boulware Eurie, Mr. Kevin Harrigan, Hon. Dalila C. Lyons, Hon. Ann C. Moorman, Hon. David M. Rubin, and Hon. Theodore C. Zayner

**Advisory Body Members Who Did Not Participate:** Hon. Carin T. Fujisaki and Ms. Gretchen Nelson  
**Committee Staff:** Ms. Amber Barnett and Mr. Cliff Alumno

#### ACTION BY E-MAIL

As provided in the California Rules of Court, rule 10.75 (o)(1)(B), the chair concluded that prompt action was needed. This action by e-mail concerned a matter that would otherwise be discussed in an open meeting; therefore, in accordance with rule 10.75(o)(2), public notice and the proposal were posted on Friday, July 1, 2022, to allow at least one complete business day for public comment before the committee took action. No public comments were received.

#### OPEN DISCUSSION AND ACTION ITEM

##### **Agenda Setting for July 15, 2022, Judicial Council Business Meeting (Action Required)**

The committee reviewed the following draft report to consider for placement on the consent agenda of the July 15, 2022, Judicial Council business meeting, which would be contingent upon the approval of the Rules Committee:

*22-119 (Rules and Forms | Unlawful Detainer: Form Revisions Under Code of Civil Procedure section 1179.11 (Action Required))*

**Action: The committee approved Item 22-119 for placement on the July 15, 2022, Judicial Council business meeting agenda, which would be contingent upon the Rules Committee's approval. During a simultaneous e-mail action, the Rules Committee also approved the proposal, and it recommended Judicial Council action and placement on the council's July 15, 2022, business meeting agenda.**

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**CLOSURE OF ACTION**

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The action by e-mail concluded at 10:00 a.m. on July 6, 2022.

Approved by the committee on [insert date].



# Judicial Council of California

## Meeting Agenda

### Judicial Council

Please visit  
courts website at  
[www.courts.ca.gov](http://www.courts.ca.gov)  
to view live meeting on  
September 20, 2022

Meeting materials  
are available through  
the hyperlinks in  
this document.

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*Requests for ADA accommodation should be directed to  
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Tuesday, September 20, 2022

San Francisco

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#### **CLOSED SESSION (RULE 10.6(b))—PLANNING, PERSONNEL, AND DISCUSSION PROTECTED BY THE ATTORNEY-CLIENT PRIVILEGE**

Session: 9:00 – 9:40 a.m.

Transitional Break: 9:40 a.m. – 10:00 a.m.

#### **OPEN SESSION (RULE 10.6(a)) — MEETING AGENDA**

*A link to the live videostream of the meeting will be available in the Meeting Information Center at the start of the open session. In the event the preceding closed session adjourns late, the start time of the public session may be delayed.*

Open Session Begins: 10:00 a.m.

#### **Call to Order**

*10 minutes*

#### **Swearing in of New and Reappointed Judicial Council Members**

*10 minutes*

*The Chief Justice will administer the oath of office to new and reappointed council members.*

#### **Approval of Minutes**

[22-143](#)

Minutes of July 15, 2022, Judicial Council Meeting

#### **Chief Justice's Report**

*20 minutes*



## Administrative Director's Report

### 22-137 Administrative Director's Report

20 minutes

## Judicial Council Internal Committee Presentations

### 22-141 Presentation | Rules Committee

**Speakers:** Hon. Carin T. Fujisaki, Chair

10 minutes

### 22-142 Written Reports

## CONSENT AGENDA

5 minutes

*A council member who wishes to request that any item be moved from the Consent Agenda to the Discussion Agenda is asked to please notify Amber Barnett at 916-263-1398 at least 48 hours before the meeting.*

### [22-181](#) **Allocations and Reimbursements to Trial Courts | Funding for Court Reporters in Family Law and Civil Law Case Types (Action Required)**

**Summary:** Senate Bill 170 amended the 2021 Budget Act and included \$30 million ongoing General Fund for the Judicial Council to establish a methodology to allocate the funding to all trial courts to increase the number of court reporters in family law and civil cases. The budget language in the 2022 Budget Act expanded the use of this funding; however, these changes do not impact how these funds are allocated to the courts. The Trial Court Budget Advisory Committee recommends approving a proportional allocation of the ongoing \$30 million to all trial courts for 2022-23.

### [22-180](#) **Allocations and Reimbursements to Trial Courts | Funding for Increased Transcript Rates (Action Required)**

**Summary:** Senate Bill 170 amended the 2021 Budget Act and included \$7 million ongoing General Fund for the Judicial Council to establish a methodology to allocate the funding to all trial courts to cover the costs associated with increased transcript rates under Assembly Bill 177 (Stats. 2021, ch. 257). The Trial Court Budget Advisory Committee recommends approving a proportional allocation based on the current council-approved methodology of the ongoing \$7 million to all trial courts to cover the costs associated with increased transcript rates for 2022-23.

[22-153](#)**Equal Access Fund | California Access to Justice Commission Grants (Action Required)****Summary:**

The Budget Act of 2022 (Assm. Bill 178, Stats. 2022, ch. 45) appropriated \$85,392,000 to the Judicial Council for the Equal Access Fund, \$5 million of which must be allocated to the California Access to Justice Commission for grants to civil legal aid nonprofits. These grants are to be used to support the infrastructure and innovation needs of legal services in civil matters for indigent persons.

[22-156](#)**Equal Access Fund | Distribution of Funds for Partnership Grants and IOLTA-Formula Grants (Action Required)****Summary:**

The Budget Act of 2022 includes \$40,874,00 million in the Equal Access Fund for general distribution to legal services providers and support centers. The Legal Services Trust Fund Commission recommends allocating the funds to the State Bar of California for distribution in accordance with the Budget Act: 90 percent to legal services agencies through the Interest on Lawyers Trust Account (IOLTA) formula, 10 percent to legal services agencies and court for partnership grant awards. In accordance with the Budget Act the Judicial Council and the State Bar will also reserve approximately 3 percent of the total for administration. These amounts are contingent on filing fee income received for Fiscal Year 2022-23 which constitutes approximately 13 percent of this allocation. The commission further requests approval of its findings that the proposed budget for each individual grant complies with statutory and other relevant guidelines.

[22-154](#)**Equal Access Fund | Distribution of New Funding for Housing and Consumer Debt Issues (Action Required)****Summary:**

The Budget Act of 2022 (Assembly Bill 178; Stats. 2022, ch. 45, Ting) includes two new allocations to the Equal Access Fund for distribution to legal services providers and support centers to provide civil legal services for indigent persons. One allocation is for \$15 million for services related to consumer debt matters affected by the COVID-19 pandemic and the other is for \$30 million for legal services related to housing issues. The Legal Services Trust Fund Commission requests approval of the distribution of those funds, less administrative costs, through a competitive grant process as set forth in the Budget Act.

[22-155](#)**Equal Access Fund | Federal Coronavirus Fiscal Recovery Fund for Housing Issues-Distribution Report (Action Required)****Summary:**

The Budget Act of 2022 (Senate Bill 154; Stats. 2022, ch. 43) includes \$20 million of federal funding from the Coronavirus Fiscal Recovery Fund of 2021 in the Equal Access Fund for distribution to legal services providers and support centers to assist with issues relating to housing matters including eviction defense or other landlord-tenant disputes, or services to prevent foreclosure for homeowners. The State Bar Legal Services Trust Fund Commission requests approval of the distribution of the \$20 million, less administrative costs, as set forth according to the formula specified in the Budget Act.

[22-126](#) **Judicial Branch Administration | Judicial Branch Contracting Manual (Action Required)**

**Summary:** The Advisory Committee on Audits and Financial Accountability for the Judicial Branch recommends that the Judicial Council adopt proposed revisions to the *Judicial Branch Contracting Manual*. The proposed revisions include new requirements for the Disabled Veteran Business Enterprise program and the addition of a cross-reference to the financial policies manual to facilitate courts' access to information on encumbering funds in connection with contracting and procurement.

[22-115](#) **Jury Instructions | Criminal Jury Instructions (2022 Supplement) (Action Required)**

**Summary:** The Advisory Committee on Criminal Jury Instructions recommends approving for publication the revised criminal jury instructions prepared by the committee under rule 2.1050 of the California Rules of Court. These changes will keep the instructions current with statutory and case authority. Once approved, the revised instructions will be published in the 2022 supplement of the *Judicial Council of California Criminal Jury Instructions*.

[22-152](#) **Juvenile Law | Fiscal Year 2022-23 Funding Allocation for California Court Appointed Special Advocate Association (Action Required)**

**Summary:** The Family and Juvenile Law Advisory Committee recommends approving the allocation of \$20 million in Court Appointed Special Advocate program grant funding, included in the Budget Act of 2022, to the California Court Appointed Special Advocate Association for fiscal year 2022-23.

[22-173](#) **Report to the Legislature | California Community Corrections Performance Incentives Act of 2009 (Action Required)**

**Summary:** The Criminal Justice Services office recommends that the Judicial Council receive the 2022 *Report on the California Community Corrections Performance Incentives Act of 2009: Findings from the SB 678 Program*, and direct the Administrative Director to submit this annual report to the California Legislature and Governor, as mandated by Penal Code section 1232. Under the statute, the Judicial Council is required to submit a comprehensive report on the implementation of the program-including information on the effectiveness of the act and specific recommendations regarding resource allocations and additional collaboration-no later than 18 months after the initial receipt of funding under the act and annually thereafter.

[22-176](#) **Rules and Forms | Appellate Procedure and Juvenile Law: Transfer of Jurisdiction to Criminal Court and Appeal from Transfer Orders (Action Required)**

**Summary:** In 2018, the Legislature passed Senate Bill 1391 (Lara; Stats. 2018, ch. 1012), which amended Welfare and Institutions Code section 707 to provide that a minor must be at least 16 years of age to be considered for transfer of jurisdiction to

criminal court unless the individual for whom transfer is sought was 14 or 15 at the time of the offense, the offense is listed in section 707(b), and the individual was not apprehended until after the end of juvenile court jurisdiction. The Judicial Council took action to implement these age-related changes in the jurisdiction of the juvenile court in 2019 but revoked that action when a split of authority within the California Courts of Appeal arose as to whether these changes were enacted in a constitutional manner. That split was resolved by the California Supreme Court in 2021 in favor of the constitutionality of the legislation. Additionally, legislation was enacted in 2021 to provide an expedited review on the merits from an order granting a motion to transfer. The Appellate Advisory Committee and the Family and Juvenile Law Advisory Committee propose adopting a new rule of court, amending several other rules, and revising two forms pertaining to the transfer-of-jurisdiction process and juvenile appeals to reflect both legislative changes to the transfer statutes.

[22-157](#)**Rules and Forms | CEQA Actions: New Projects and Fees for Expedited Review (Action Required)****Summary:**

As mandated by the Legislature, the Judicial Council previously adopted rules and established procedures that implemented a statutory scheme for the expedited resolution of actions and proceedings brought under the California Environmental Quality Act (CEQA) challenging certain projects that qualified for such streamlined procedures. The Appellate Advisory Committee and the Civil and Small Claims Advisory Committee recommend amending several California Rules of Court to implement new and reenacted legislation requiring inclusion of additional projects for streamlined review. The committees also recommend rule amendments to implement statutory provisions requiring that, in cases under two of the statutes, the council, by rule of court, establish fees to be paid by those project applicants to the trial court and Court of Appeal for the costs of streamlined CEQA review.

[22-161](#)**Rules and Forms | Civil Law and Family Law: Request to Enter Default Forms Under the Servicemembers Civil Relief Act (Action Required)****Summary:**

The Civil and Small Claims Advisory Committee and the Family and Juvenile Law Advisory Committee jointly propose that the Judicial Council revise six forms so that they comply with the Servicemembers Civil Relief Act (SCRA) and reflect the act's current title and legal citation. The revisions are intended to address concerns by courts that the forms are noncompliant with the act because they do not include a declaration as to how the petitioner/plaintiff determined the respondent's/defendant's nonmilitary status before requesting default judgment, and to make other minor technical revisions as appropriate. The joint proposal seeks to ensure that the declarations of nonmilitary status on civil and family law forms are consistent to the extent appropriate.

[22-162](#)**Rules and Forms | Court Records: Retention of Reporters' Transcripts in Felony Appeals (Action Required)****Summary:**

To better align the length of time reporters' transcripts must be kept with the length of time they may be needed and to conform to a recent statutory change, the Appellate Advisory Committee recommends amending the rule regarding retention of Court of Appeal records. The amendments would extend the time the Court of Appeal must keep the original or an electronic copy of the reporter's transcript from 20 years to 75 years in cases affirming a felony conviction. The amendments would also reflect the statutory presumption that an original reporter's transcript is in electronic form, not paper form.

[22-094](#)**Rules and Forms | Criminal Procedure: Motion and Order to Vacate Conviction or Sentence (Action Required)****Summary:**

The Criminal Law Advisory Committee recommends revisions to two optional Judicial Council forms in response to recent amendments to Penal Code section 1473.7(a)(1). Additionally, the revisions implement case law to (1) clarify the out-of-custody requirement; (2) include a request for appointment of counsel; and (3) add and clarify provisions around timeliness in filing the motion. The revisions also include nonsubstantive, technical amendments to simplify the language in the motion to aid self-represented petitioners and conform to the statutory language.

[22-170](#)**Rules and Forms | Domestic Violence: Rule and Form Changes to Implement New Laws (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends adopting five new Judicial Council forms and revising 19 forms to implement new laws enacted by Senate Bill 320 (Rubio; Stats. 2021, ch. 685), Assembly Bill 1621 (Gipson; Stats. 2022, ch. 76), Senate Bill 374 (Min; Stats. 2021, ch. 135), Senate Bill 24 (Caballero; Stats. 2021, ch. 129), Senate Bill 538 (Rubio; 1 Stats. 2021, ch. 686), and Assembly Bill 277 (Valladares; Stats. 2021, ch. 457). The committee also recommends revoking one form, which will be combined with an existing form, and repealing rule 5.495 of the California Rules of Court, which has been codified by SB 320.

[22-133](#)**Rules and Forms | Revision of Unlawful Detainer Summons for Use in Forcible Entry and Forcible Detainer Cases (Action Required)****Summary:**

The Civil and Small Claims Advisory Committee proposes that the Judicial Council revise form SUM-130, Summons--Unlawful Detainer--Eviction, to expand use of the mandatory form to expressly include forcible entry and forcible detainer proceedings. The revisions are intended to address confusion by courts and litigants as to whether form SUM-130 may be used in these types of proceedings.

[22-134](#)**Rules and Forms | Family Law: Child Custody and Visitation in Cases Involving Abuse by Parent and Child Testimony (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends amending four rules of court and revising three forms to comply with Senate Bill 654 (Stats. 2021, ch. 768). The bill amended Family Code section 3011 by extending the requirement that a court state its reasons when granting sole or joint custody to someone despite allegations of abuse or substance abuse against that person to orders granting unsupervised visitation to someone against whom there are allegations of abuse or substance abuse. The bill also amended Family Code section 3042 regarding child testimony to prohibit allowing the child to testify in front of the parties unless specific findings are made and to require that certain court professionals provide notice if a child changed their choice about addressing the court.

[22-160](#)**Rules and Forms | Family Law: Recognition of Tribal Court Orders Relating to Division of Marital Assets (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee and the Tribal Court-State Court Forum recommend that the Judicial Council, effective January 1, 2023, adopt two new forms to implement Assembly Bill 627 (Stats. 2021, ch. 58). This was Judicial Council-sponsored legislation that added section 2611 to the Family Code and revised various provisions of the Tribal Court Civil Money Judgment Act found in the Code of Civil Procedure. The provisions ensure that divorce or dissolution judgments issued by tribal courts that include division of pension assets are effective and, in particular, are recognized as meeting the requirements of the Employee Retirement Income Security Act of 1974 (ERISA). AB 627 mandated that the Judicial Council adopt forms to implement the legislation.

[22-168](#)**Rules and Forms | Guardianship Objection (Action Required)****Summary:**

The Probate and Mental Health Advisory Committee recommends approving one form for optional use by parents, relatives, and other interested persons to object to a petition to appoint a probate guardian for a child. In guardianship proceedings, most parties and interested persons are self-represented. The petitions, forms GC-210 and GC-210(P), provide a framework for petitioners to specify their requests and allegations in appropriate categories. There is currently no Judicial Council form for objecting to a guardianship petition. Courts and self-help centers have indicated that the lack of a simple, standard form places objectors at a disadvantage and often leaves courts unable to discern the bases for their objections. The proposed form is intended to address these concerns.

[22-165](#)**Rules and Forms | Juvenile Law: Housing and Food Security for Youth Exiting Foster Care (Action Required)****Summary:**

To conform to recent statutory changes, the Family and Juvenile Law Advisory Committee recommends revising, on three forms, (1) the information that must be

provided to the juvenile court about a youth's housing plans when exiting foster care, enacted by Assembly Bill 546; and (2) the written information that must be provided to the youth at the review hearing before the youth turns 18 years old, enacted by Assembly Bill 674.

[22-171](#)**Rules and Forms | Juvenile Law: Restraining Orders (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends amending three rules of the California Rules of Court, and adopting eight forms and revising five forms, to conform to recent statutory changes enacted by Senate Bill 1141 (Rubio; Stats. 2020, ch. 248) and Senate Bill 374 (Min; Stats. 2021, ch. 135) regarding the definition of “disturbing the peace” in restraining order cases and Senate Bill 320 (Eggman; Stats. 2021, ch. 685) and Assembly Bill 1621 (Gipson; Stats. 2022, ch. 76) regarding firearms and ammunition prohibitions. The proposal also provides separate application and order forms relating to restraining orders against a juvenile and includes one new proof of service form to ensure the juvenile restraining orders are entered into the California Law Enforcement Telecommunications System (CLETS) database. At the same time, the committee recommends converting the forms to plain-language forms so that they are consistent with other restraining order forms and are easier to understand, complete, and enforce.

[22-164](#)**Rules and Forms | Juvenile Law: Short-Term Residential Therapeutic Program Placement (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee proposes amending three rules and adopting, approving, and revising 30 Judicial Council forms, effective January 1, 2023, to finalize the implementation of Assembly Bill 153. AB 153 implements part IV of the federal Family First Prevention Services Act of 2018, which requires participating states to create a process of judicial review for each placement of a foster youth in a congregate care placement. This is the second time the proposal circulated for public comment. The proposal initially circulated in spring 2021, before AB 153 was signed into law. Additional requirements created by AB 153 for status review hearings and not addressed in the previous proposal are incorporated into this proposal.

[22-163](#)**Rules and Forms | Language Referring to Persons with Disabilities (Action Required)****Summary:**

The Appellate Advisory Committee recommends updating language in several rules and a form to reflect guidelines for referring to persons with disabilities, preferences within the disability community, and terminology changes in California statutes. The committee also recommends correcting several subdivision headings in one of the rule's advisory committee comments.

[22-147](#)**Rules and Forms | Miscellaneous Technical Changes (Action Required)**

**Summary:** Judicial Council staff have noted minor errors in *Confidential Child Custody Evaluation Report Under Family Code Section 3118* (form FL-329). Judicial Council staff recommend making corrections to that form to remove an extraneous check box and make other minor revisions to avoid causing confusion for the child custody evaluators, the parties, and judicial officers.

[22-146](#)

**Rules and Forms | Miscellaneous Technical Changes to Criminal Rules and Forms (Action Required)**

**Summary:** Judicial Council staff recommend amending standard 4.30 of the California Standards of Judicial Administration to refer to a renumbered form, and revising four criminal forms to incorporate changes resulting from legislation. The changes are technical, minor, and noncontroversial. Judicial Council staff recommend making the necessary corrections to conform to statutes and rules and avoid causing confusion for court users, clerks, and judicial officers.

[22-135](#)

**Rules and Forms | Parentage Actions Under AB 429 (Action Required)**

**Summary:** The Family and Juvenile Law Advisory Committee recommends the adoption of one new rule of court and a new confidential cover sheet, effective January 1, 2023, to comply with the mandate of Family Code section 7643.5, added by Assembly Bill 429 (Stats. 2021, ch. 52). The new form will be used by the petitioner to identify that the action or proceeding initially filed with the court to determine a parental relationship involves assisted reproduction under Family Code section 7613 or 7630(f), or sections 7960-7962, and include information about the limitations on access to documents in such actions.

[22-169](#)

**Rules and Forms | Probate Conservatorship (Action Required)**

**Summary:** The Probate and Mental Health Advisory Committee recommends adopting one rule of court, amending three rules, repealing three rules, revising two forms, and revoking one form to implement requirements in Assembly Bill 1194 (Stats. 2021, ch. 417), which amended the procedural and substantive law governing the establishment, court oversight, and termination of probate conservatorships. Amendment of one rule and revision of one form are expressly mandated by statute. The committee also recommends further amendments and revisions to conform to existing law.

[22-167](#)

**Rules and Forms | Probate Guardianship and Juvenile Dependency Information and Referral (Action Required)**

**Summary:** The Family and Juvenile Law Advisory Committee and the Probate and Mental Health Advisory Committee recommend adopting one form, approving two forms, and revising three forms to implement statutory amendments affecting the relationship between probate guardianships and juvenile dependency proceedings. The new mandatory information form fulfills the statutory requirement to develop a form explaining the nature of a guardianship, the rights and duties of a guardian, and the services and supports available to a probate guardian compared with those available



to a caregiver in the child welfare system and a guardian appointed by the juvenile court. One new optional form and two revised forms complete a thorough, up-to-date, and consistent set of information forms on probate guardianship and juvenile dependency cases. In addition, revisions to one form implement the amended process for probate court referral of a child who is the subject of a guardianship petition to the local child welfare agency for investigation of abuse or neglect and commencement of juvenile court proceedings. Approval of a new form gives the probate court an option for exercising its statutory authority to request juvenile court review of an agency's decision not to commence juvenile court proceedings in response to the court's referral.

[22-159](#)**Rules and Forms | Protective Orders: Elder Abuse Forms Implementing New Cause of Action Allowing Contact (Action Required)****Summary:**

The Civil and Small Claims Advisory Committee recommends the adoption, approval, and revision of 12 forms to implement certain statutory changes in Assembly Bill 1243 (Stats. 2021, ch. 273). AB 1243 created a new cause of action whereby a restraining order can be issued allowing contact between an elder or dependent adult and an individual who meets certain statutory requirements. The proposal incorporates these provisions into the council's elder abuse forms and includes updated language concerning interpreters, disability accommodation, and priority of enforcement on the proposed forms.

[22-175](#)**Rules and Forms | Protective Orders: Gun Violence Forms Implementing Assembly Bill 1057 and Senate Bill 538 (Action Required)****Summary:**

The Civil and Small Claims Advisory Committee recommends the revision of 18 of the Judicial Council's gun violence restraining order forms to implement statutory changes in Assembly Bill 1057 (Stats. 2021, ch. 682) and Senate Bill 538 (Stats. 2021, ch. 686). Assembly Bill 1057 amends the definition of "firearms" for the purpose of gun violence restraining orders to include certain firearm parts. Senate Bill 538 permits parties and witnesses to attend hearings on gun violence restraining orders remotely. The proposal incorporates these new provisions into the council's forms and makes other minor changes to gun violence protective order forms.

[22-149](#)**Rules and Forms | Remove Reporting Requirement for Courts with Mandatory Electronic Filing (Action Required)****Summary:**

The Information Technology Advisory Committee recommends amending a rule of the California Rules of Court that requires trial courts with mandatory electronic filing to submit reports about their electronic filing programs to the Judicial Council. The committee recommends amending the rule to remove the requirement because the reports are no longer needed

[22-166](#)**Rules and Forms | Small Estate Disposition (Action Required)****Summary:**

The Probate and Mental Health Advisory Committee recommends revising two forms used in proceedings for the summary disposition of property in estates of small value. Effective April 1, 2022, and without circulation for comment, the Judicial Council adopted one form and revised three forms, including the two in this report, to comply with a statutory mandate to adjust dollar amounts related to small estate disposition and to publish the adjusted amounts. Having circulated the forms for comment, the committee now recommends these revisions.

**DISCUSSION AGENDA****22-179****Department of Finance Presentation (No Action Required. There are no materials for this item.)****Speakers:**

Ms. Somjita Mitra, Chief Economist, California Department of Finance  
*30 minutes*

[22-151](#)**Judicial Branch Technology | Court Technology Modernization Funding, Fiscal Year 2021-22, and Fiscal Year 2022-23 (Action Required)****Summary:**

The Budget Act of 2022 appropriated funding for judicial branch technology modernization. As part of the previous modernization funding, the Judicial Council directed the Technology Committee to recommend allocations of funding and provide regular updates on approved allocations. These allocations are intended to address the diversity in court services by applying the new California Courts Connected framework to existing services and designing a roadmap to accomplish the Chief Justice's vision for Access 3D. The Technology Committee recommends that the Judicial Council approve approximately \$12.5 million in allocations for fiscal year (FY) 2022-23, itemized in the attached summary.

**Speakers:**

Hon. Kyle S. Brodie, Chair, Technology Committee  
Ms. Heather L. Pettit, Information Technology  
Mr. Rahul Dalia, Information Technology

*40 minutes*

[22-128](#)**Rules and Forms | Judicial Branch Education: Rules Review  
(Action Required)****Summary:**

The Center for Judicial Education and Research Advisory Committee recommends amending 19 rules of court governing judicial branch education. The amendments are required to recognize new education delivery methods, adopt current adult education terminology, provide court staff and judicial officers a greater degree of authority and flexibility in meeting their educational needs, resolve requirement disparities between similar groups, adopt gender-neutral language, and clarify and simplify existing language.

**Speakers:**

[name of new chair], Chair, Center for Judicial Education and Research Advisory Committee

Ms. Karene Alvarado, Center for Judicial Education and Research

*15 minutes*

[22-138](#)**Trial Court Budget | 2022-23 AB 177 Allocation Methodology  
(Action Required)****Summary:**

The Trial Court Budget Advisory Committee recommends the Judicial Council approve an allocation methodology for \$10.3 million ongoing General Fund included in the Budget Act of 2022 to backfill the loss of fee revenue to trial courts due to the repeal of administrative fees authorized by Assembly Bill 177 (Stats. 2021, ch. 257).

**Speakers:**

Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee

Ms. Rebecca Fleming, Vice Chair, Trial Court Budget Advisory Committee

*10 minutes*

**INFORMATION ONLY ITEMS (NO ACTION REQUIRED)**[22-148](#)**Court Facilities | Trial Court Facility Modifications Report for  
Quarter 4 and Annual Summary for Fiscal Year 2021-22****Summary:**

This informational report to the Judicial Council outlines (1) allocations of facility modification funding made to improve trial court facilities in the fourth quarter (April through June) of fiscal year 2021-22, and (2) a summary of all funding allocations during the fiscal year. To determine allocations, the Trial Court Facility Modification Advisory Committee reviews and approves facility modification requests from across the state in accordance with the council's Trial Court Facility Modifications Policy.

[22-150](#)**Judicial Branch Education | Report on Compliance with  
Education Rule for Justices and Judges****Summary:**

The Supreme Court, Courts of Appeal, and trial courts have submitted to the Judicial Council cumulative records of participation in education by their benches, as required under California Rules of Court, rule 10.452(d)(6) and (e)(7), for the 2019-2021 education cycle, which concluded on December 31, 2021.

[22-036](#)**Report to the Legislature | Cash Flow Loans Made to Courts in 2021-22****Summary:**

Pursuant to Government Code section 68502.6(d), the Judicial Council is required to report to the Legislature annually on all cash flow loans made to the courts. On August 30, 2022, Judicial Council staff submitted the report *Cash Flow Loans Made to Courts in 2021 -22*.

[22-037](#)**Trial Courts | Annual Investment Report for Fiscal Year 2021-22****Summary:**

This annual investment report covers the period from July 1, 2021, through June 30, 2022, and provides the financial results for the funds invested by the Judicial Council on behalf of the trial courts as part of the judicial branch treasury program. The report is submitted under the Resolutions Regarding Investment Activities for the Trial Courts, approved by the Judicial Council on February 27, 2004.

**Public Comment**

*The Judicial Council welcomes public comment on general matters of judicial administration. Written comments are encouraged in advance of the meeting for specific agenda items so council members can consider them prior to the council meeting.*

*For more information about meeting attendance and public comment procedures, visit:*

<http://www.courts.ca.gov/28045.htm>

Submit advance requests to speak and written comments for this meeting by 1:00 p.m. on Friday, September 16.

*Submit advance requests to speak, written comments, or questions by e-mail to:*

[judicialcouncil@jud.ca.gov](mailto:judicialcouncil@jud.ca.gov)

**Circulating Orders****22-139****Circulating Orders since the last business meeting.****Appointment Orders****22-140****Appointment Orders since the last business meeting.****Adjournment**



## JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue • San Francisco, California 94102-3688  
Telephone 415-865-4200 • Fax 415-865-4205 • TDD 415-865-4272

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# MEMORANDUM

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**Date**

August 8, 2022

**Action Requested**

Approve

**To**

Members of the Executive and Planning  
Committee

**Deadline**

August 29, 2022

**From**

Real Estate Policies Subcommittee  
Hon. David M. Rubin, Chair

**Contact**

Mary Bustamante  
Facilities Services  
916-263-7999 phone  
mary.bustamante@jud.ca.gov

**Subject**

Court Facilities: Third-Party Vendors'  
Requests for Waivers of License Fees Due to  
COVID-19 Impacts and/or Building Closures

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### Recommendation

The Real Estate Policies Subcommittee recommends that the Executive and Planning Committee grant license fee waivers from May 2021 through May 2022 requested by various third-party vendors as a result of COVID-19 impacts and/or building closures.

### Background/Rationale

Under rule 10.11(c) of the California Rules of Court, the Executive and Planning Committee oversees the council's policies and procedures regarding court facilities. The Executive and Planning Committee formed the Real Estate Policies Subcommittee (REPS) in May 2021 to consider and make recommendations regarding the third-party use, disposition, and leasing of court facilities as well as other real estate policies, procedures, or guidelines.

The Judicial Council holds license agreements with various third-party food vendors that permit them to operate cafés, cafeterias, coffee carts, and the like out of court facilities throughout the

state.<sup>1</sup> Pursuant to those license agreements, the vendors are responsible for paying a monthly license fee to the Judicial Council of either a fixed amount or a percentage of sales based on the terms of the respective license agreements.

### **Fee Waiver Requests Due to COVID-19 Impacts and/or Building Closures**

During the COVID-19 pandemic, the court facilities that the food vendors operate at were subject to various health and safety requirements such as stay-at-home orders, masking requirements, and social distancing. As a result, the court facilities and vendors experienced abrupt closures, reduced operations and service levels, minimized foot traffic, and increased remote proceedings/services. The vendors accordingly were faced with temporary closures, reduced sales upon reopening, and increased operating costs. During the pandemic, four vendors permanently ceased operations by closing their businesses. The fees for vendors under percentage-of-sales license agreements resulted in no charges when the vendors were closed (and thus no waiver is needed during months where zero sales were generated); however, the fees for the fixed-fee license agreements continued to accrue regardless of the vendor's closure or reduced revenue based on the existing terms of those arrangements.

Additionally, the Judicial Council also holds license agreements with non-food service vendors to provide amenities such as ATMs and payphones at court facilities. One ATM vendor is located in a court facility that was impacted by unexpected, emergency structural repairs. While the building was closed for the repairs, the vendor consequently was unable to operate the ATM at that location.

The vendors that were impacted by the COVID-19 pandemic and/or building closures made various requests to the Judicial Council to have their license fees waived from May 2021 through May 2022. In total, the waiver requests involve six vendors operating out of 16 different court facilities. The requests include the waiver of monthly charges ranging from \$66.44 to \$1,896.67, for an overall combined total amount of \$94,705.07.

Attachment A provides a breakdown of the vendors, locations, months, and amounts for the license fees that were requested to be waived. Copies of the vendors' waiver requests are also included in Attachment B.

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<sup>1</sup> By state and federal statute, the California Department of Rehabilitation (DOR) is given first rights to the operation of all food and vending services within State buildings through DOR's Business Enterprise Program and Vending Machine Unit. Thus, except in cases where DOR elects not to do so, third-party food vendors are placed in court facilities by the DOR pursuant to agreement between the Judicial Council and DOR. The vendors subject to this request, however, were not placed in the facilities by DOR and instead are administered solely by the Judicial Council.

### **REPS' Review and Action**

On July 20, 2022, the REPS reviewed this matter and unanimously approved the recommendation to the Executive and Planning Committee to grant the requested waivers through May 2022.

In doing so, the importance of the beneficial services that these vendors provide to court users, jurors, and staff was discussed. Other factors considered were the realities of the vendors' already-marginal profits, the difficulties their operations faced throughout the pandemic which they continue to experience, and the risk of the vendors either going bankrupt or having to close their businesses.

### **Policy Implications**

No existing council policy explicitly governs the waiver of third-party vendor license fees at this time. In approving its recommendation on this matter, however, the REPS acknowledged that the policy proposal for third-party uses of judicial branch facilities currently being developed by the subcommittee is intended to address and provide recourse, both at the staff and committee levels, for this sort of license fee waiver and other similar requests going forward. The third-party use policy proposal is anticipated to be presented to the Executive and Planning Committee in the near future for consideration to bring to council for adoption.

### **Alternatives Considered**

The alternative to granting the requested license fee waivers is to require the third-party vendors to make payment on all license fees assessed during this period that the vendors were impacted by the COVID-19 pandemic and/or building closures. Successfully collecting these license fees from the vendors may require finding the vendors in default of their agreement and/or bringing legal action to obtain a judgment against the vendors. Denying the requested license fee waivers could also result in agreement terminations or hardships that require the vendors to opt or be forced to cease operations at the court facilities. This would result in the loss of these services and amenities to court users, jurors, and staff as well as require Judicial Council Facilities Services and court staff to expend significant time and resources on soliciting and replacing vendors.

### **Fiscal and Operational Impacts**

There are no additional costs that would be associated with Judicial Council staff implementing this action. Judicial Council Facilities Services would incur a one-time loss of revenue in the amount of the license fees being waived (\$94,705.07), which would have a negligible effect on the impacted budgets.

### **Attachments and Links**

1. Attachment A: License Fee Waiver Requests Summary Breakdown
2. Attachment B: Third-Party Vendors' Requests for License Fee Waivers

**Table 1  
License Fee Waiver Requests**

Space Type	County	Building Name	Vendor	Fee Type	Sq. Ft.	May 2021	June 2021	July 2021	August 2021	September 2021	October 2021	November 2021	December 2021	January 2022	February 2022	March 2022	April 2022	May 2022	Total	
Food Service	Alameda	Hayward Hall of Justice	Henry Westphal dba "The Daily Grind"	Fixed	395	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 553.70	\$ 553.70	\$ 553.70	\$ 553.70	\$ 553.70	\$ 553.70	\$ 553.70	\$ 570.31	\$ 4,446.21	
Food Service	Alameda	Wiley W. Manuel Courthouse	Nader Kohgadai dba "Café Express" <sup>1</sup>	Fixed	435	\$ 968.98	\$ 968.98	\$ 968.98	\$ 968.98	\$ 968.98	\$ 968.98	\$ 968.98	\$ 968.98	\$ 968.98	\$ 968.98	\$ 968.98	\$ 968.98	\$ 968.98	\$ 998.05	\$ 13,459.95
Food Service	Los Angeles	Clara Shortridge Foltz Courthouse	LunchStop, Inc.	% of sales	15,174	\$ 809.96	\$ 1,000.64	\$ 1,347.09	\$ 1,454.89	\$ 1,423.13	\$ 1,199.19	\$ 1,498.23	\$ 1,295.80	\$ 1,017.22	\$ 1,293.25	\$ 1,728.61	\$ 1,830.51	\$ 1,851.67	\$ 17,750.19	
Food Service	Los Angeles	Stanley Mosk Courthouse	LunchStop, Inc.	% of sales	14,648	\$ 731.52	\$ 958.52	\$ 1,082.27	\$ 1,163.56	\$ 1,175.80	\$ 1,422.72	\$ 1,410.74	\$ 1,245.28	\$ 944.69	\$ 1,165.30	\$ 1,896.67	\$ 1,857.69	\$ 1,840.80	\$ 16,895.56	
Food Service	Los Angeles	Edelman Courthouse	LunchStop, Inc.	% of sales	8,166	\$ 270.87	\$ 324.30	\$ 334.30	\$ 367.29	\$ 395.95	\$ 407.44	\$ 398.37	\$ 442.20	\$ 350.54	\$ 384.04	\$ 499.75	\$ 504.14	\$ 584.04	\$ 5,263.23	
Food Service	Los Angeles	Michael D. Antonovich Antelope Valley Courthouse	LunchStop, Inc.	% of sales	6,909	\$ 332.90	\$ 484.98	\$ 409.49	\$ 447.45	\$ 531.88	\$ 507.33	\$ 548.26	\$ 424.99	\$ 509.96	\$ 431.52	\$ 600.38	\$ 591.43	\$ 660.68	\$ 6,481.25	
Food Service	Los Angeles	Pasadena Courthouse	LunchStop, Inc.	% of sales	5,000	\$ 136.54	\$ 142.96	\$ 109.28	\$ 155.93	\$ 139.24	\$ 140.28	\$ 114.87	\$ 118.75	\$ 105.29	\$ 133.07	\$ 191.58	\$ 197.46	\$ 145.02	\$ 1,830.27	
Food Service	Los Angeles	Airport Courthouse	LunchStop, Inc.	% of sales	4,046	\$ 164.55	\$ 256.14	\$ 306.75	\$ 292.35	\$ 184.33	\$ 278.10	\$ 339.66	\$ 288.47	\$ 214.50	\$ 289.84	\$ 487.54	\$ 397.70	\$ 439.61	\$ 3,939.54	
Food Service	Los Angeles	San Fernando Courthouse	LunchStop, Inc.	% of sales	3,566	\$ 82.31	\$ 86.47	\$ 114.76	\$ 130.28	\$ 145.90	\$ 149.98	\$ 66.44	\$ 132.77	\$ 123.51	\$ 124.18	\$ 185.73	\$ 165.72	\$ 189.67	\$ 1,697.72	
Food Service	Los Angeles	Chatsworth Courthouse	Lunchstop, Inc. <sup>2</sup>	Fixed	2,528	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 273.19	\$ 273.19	\$ 273.19	\$ 273.19	\$ 132.89	\$ 1,225.65	
Food Service	Los Angeles	Torrance Courthouse	PFD Management, Inc.	Fixed	1,055	\$ 212.18	\$ 212.18	\$ 212.18	\$ 212.18	\$ 212.18	\$ 212.18	\$ 212.18	\$ 218.55	\$ 218.55	\$ 218.55	\$ 218.55	\$ 218.55	\$ 218.55	\$ -	\$ 2,578.01
Food Service	Los Angeles	Downey Courthouse	PFD Management, Inc.	Fixed	659	\$ 212.18	\$ 212.18	\$ 212.18	\$ 212.18	\$ 212.18	\$ 212.18	\$ 212.18	\$ 218.55	\$ 218.55	\$ 218.55	\$ 218.55	\$ 218.55	\$ 218.55	\$ -	\$ 2,578.01
Food Service	Los Angeles	Inglewood Courthouse	PFD Management, Inc.	Fixed	595	\$ 212.18	\$ 212.18	\$ 212.18	\$ 212.18	\$ 212.18	\$ 212.18	\$ 212.18	\$ 218.55	\$ 218.55	\$ 218.55	\$ 218.55	\$ 218.55	\$ 218.55	\$ -	\$ 2,578.01
Food Service	Los Angeles	Whittier Courthouse	PFD Management, Inc.	Fixed	391	\$ 218.55	\$ 218.55	\$ 218.55	\$ 218.55	\$ 218.55	\$ 218.55	\$ 218.55	\$ 218.55	\$ 218.55	\$ 218.55	\$ 218.55	\$ 218.55	\$ 218.55	\$ -	\$ 2,622.60
Food Service	Santa Clara	Downtown Superior Court	Court Café <sup>2</sup>	Fixed	1,444	\$ -	\$ -	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 642.86	\$ -	\$ -	\$ -	\$ -	\$ 7,642.86
ATM	San Diego	North County Regional Center	San Diego County Credit Union	Fixed	30	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 521.91	\$ 521.91	\$ 521.91	\$ 537.57	\$ 537.57	\$ 537.57	\$ 537.57	\$ 3,716.01	
					<b>TOTAL</b>	<b>\$ 4,352.72</b>	<b>\$ 5,078.08</b>	<b>\$ 6,528.01</b>	<b>\$ 6,835.82</b>	<b>\$ 6,820.30</b>	<b>\$ 7,482.81</b>	<b>\$ 8,276.25</b>	<b>\$ 7,867.05</b>	<b>\$ 7,457.69</b>	<b>\$ 7,671.70</b>	<b>\$ 8,797.90</b>	<b>\$ 8,752.29</b>	<b>\$ 7,950.31</b>	<b>\$ 94,705.07</b>	

<sup>1</sup> Includes waiver request for pre-COVID 3% annual license fee increases

<sup>2</sup> Business permanently closed



ATTACHMENT B

**From:** [The Daily Grind](#)  
**To:** [Penunuri, Ivonne](#)  
**Subject:** Courthouse coffee Kiosk  
**Date:** Thursday, April 21, 2022 1:33:22 PM

**County:** Alameda  
**Bldg:** Hayward Hall of Justice  
**Space Type:** Food Service  
**Vendor:** Henry Westphal dba  
"The Daily Grind"

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Hello Ivonne,

I have been in communication with the courthouse administrator Charlotte Marin, as well as the Sherriff's office, reviewing the current public foot traffic levels. Unfortunately due to the continued lack of in court trials the levels of foot traffic have barely reached 375/day. Prior to the Covid outbreak, the courthouse sustained levels that ranged from 1500 - 2500 / day, enabling a sustainable business.

It is at this time impossible to operate without suffering a severe loss, considering operating costs have skyrocketed and the traffic levels are so low. I am hopeful that this will change by summertime

I would respectfully please request a waiver of prior rent assessments until I am actually able to operate again. When that time comes, I can communicate the proposed re-opening date with your office and the courts.

Please know how grateful I am in your continued understanding, and my anticipation of re-opening soon.

Respectfully,

Henry Westphal

County: Alameda  
Bldg: Wiley W. Manuel Courthouse  
Space Type: Food Service  
Vendor: Nader Kohgadai dba  
"Café Express"

To: Kathy Kunitake

Facilities Analyst, Real Estate  
Judicial Council of California  
455 Golden Gate Ave.  
San Francisco, CA 94102

FROM: M. Nader Kohgadai DBA "Café Express"

Dear Ms. Kunitake:

I am writing this letter to apologize for falling behind on my rent payments, as I mention on my first letter my name is M. Nader Kohgadai; I run Café Express cart at Wiley W Manuel Courthouse 661 Washington Street, Oakland for more than 20 years, during those years I always pay my rent, follow all the rules and regulations of the court always be polite and respectful with staff and employees. The past 10 years or so most of the court departments transfer to the other cities or counties so my business struggled a lot but I still manage and survive with walk-in people and employees of the traffic court and police station. Then COVID-19 pandemic happen county of Alameda order a shutdown. After a few months past then the George Floyd riots happen against police since police station was next to court, people got violent and break down doors and windows of the court and police station, so city of Oakland closed and barricade the street around the court and police station. When court open it was not the same because lots of employees work from home, the traffic court was done through Zoom most of police department was closed so there was less employees no walk-in. My business experience a big financial hardship business down 85% because of it. Everytime we try to open another crisis happen first COVID-19 than George Floyd riots Delta and now Omicron. Coronavirus disease scare the people so it get difficult financially because products and merchandise get expensive. Under these circumstances I will appreciate if you will be kind enough to relief me from past rent and give me time so the walk-in from traffic court and employees to be back to normal and by God Blessing I could be able to pay the rent. I Thank you and appreciate your attention in this matter. May God Bless you!

Sincerely  
M. Nader Kohgadai  
M. Nader Kohgadai

April 24, 2022

Good afternoon Edmund,

As you are aware Chatsworth has had very difficult run over the past 2 years due to COVID. The lack of sales has forced them to close indefinitely. This is no longer a viable business. I would like to request an occupancy fee waiver from January 2022 through May 2022 for Chatsworth.

I appreciate your assistance with this matter.

Best Regards,  
Michelle Farmer  
President and COO  
LunchStop, Inc.  
209-321-2012

**County:** Los Angeles  
**Bldgs:** Downey, Whittier, Torrance  
and Inglewood Courthouses  
**Space Type:** Food Service  
**Vendor:** Lunchstop, Inc.



April 20, 2022

PFD Management Inc  
PO Box 14303  
Irvine, CA 92623  
949-800-7720

Re: Waiver request for Courthouse Cafeteria and Snack Bars

To whom may it concern:

We would like to request to waive the rent payment for Inglewood, Torrance, Downey, and Whittier courthouse snack bars and cafeteria from May 2021 through April 2022. We've been closed since the pandemic started, and due to the restriction on court policy, we weren't able to operate all four locations. We are planning to re-open our café and snack bars in May 2022, and it will help us a lot financially if JCC can waive our rent. Thank you for understanding.

Thank you very much.

Sincerely,

**Eric Pak**  
**PFD Management Inc.**  
Executive Officer  
PO BOX 14303  
Irvine, CA 92623  
[pdfmanagementinc@gmail.com](mailto:pdfmanagementinc@gmail.com)

**County:** Santa Clara  
**Bldg:** Downtown Superior Court  
**Space Type:** Food Service  
**Vendor:** Court Cafe

**From:** Lisa Herrick <[LHerrick@scscourt.org](mailto:LHerrick@scscourt.org)>

**Sent:** Thursday, January 20, 2022 1:50 PM

**To:** Penunuri, Ivonne <[Ivonne.Penunuri@jud.ca.gov](mailto:Ivonne.Penunuri@jud.ca.gov)>; Dait, Russell <[Russell.Dait@jud.ca.gov](mailto:Russell.Dait@jud.ca.gov)>

**Cc:** McCormick, Pella <[Pella.McCormick@jud.ca.gov](mailto:Pella.McCormick@jud.ca.gov)>; Fleming, Rebecca <[rfleming@scscourt.org](mailto:rfleming@scscourt.org)>

**Subject:** FW: Outstanding Account Balance for Court Cafe Downtown Superior Courthouse, 191 N. First Street, San Jose, California

**Importance:** High

Dear Ms. Penunuri and Mr. Dait –

I am writing to request that the Judicial Council waive any and all current and past due payments on the account with Mostafa Ahmed, owner of the Court Café at the Downtown Superior Courthouse in Santa Clara County.

Mr. Ahmed has run the Court Café since 2005, but due to COVID-19 he cannot make enough sales to continue; he has informed us that he must permanently close his business at the Café. As an example, his only sales yesterday were one coffee, two burritos, two hot dogs and one sandwich. Despite this ongoing difficulty, Mr. Ahmed continued to keep the Café open because he cares about the judicial officers and staff and wanted to provide a place to get breakfast and lunch every day.

The demise of small businesses like the Court Café is another casualty of COVID-19; we hope that the Judicial Council will agree to waive all debt in light of the past – and soon to be permanent – loss of income.

Thank you for your consideration and we look forward to your response.

Best wishes,  
Lisa Herrick

**LISA HERRICK**

Assistant Executive Officer and General Counsel  
Superior Court of California, County of Santa Clara  
191 N. First Street  
San Jose CA 95113  
408-655-7047  
[lherrick@scscourt.org](mailto:lherrick@scscourt.org)

**From:** [Mostafa Ahmed](#)  
**To:** [Kunitake, Kathleen](#)  
**Subject:** Re: 43-B1 0682L Downtown Superior Courthouse - Court Cafe Outstanding Account Balance  
**Date:** Wednesday, March 3, 2021 9:13:18 PM

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To whom it may concern,

I am writing this letter on behalf of myself. Recently, I have received a notice telling me that I owe rent dating back to the month of October of 2020. Upon opening the email of the outstanding balance, I was quite shocked. Prior to reopening, I was told that I would not have to pay rent during these troubling times. Because of this, I decided to go forth with the reopening process of the Court Cafe. Seeing that I was, in fact, being charged came as a surprise to me. It honestly felt like a punch to the stomach.

As someone who has been a part of the Court House community, I have loved the connections and relationships I've made with every staff member. With that being said, I would have thought that my business here would have been given a little bit more compassion toward the situation that Covid has brought upon me. While working here for the past 16 years, I have never been late on any of my rent payments prior to Covid.

This pandemic has been very costly for me. It has forced me to shut my doors for 8 months. Since agreeing to return, business has not been the same. My profit has been cut by 80 percent, I have had to throw away product because of the lack of customers, as well as pay for repairs toward equipment. The shortage of customers comes at no fault to how my business is ran. With the cutback in court staff, along with no public access, jurors, etc., there is not enough foot traffic to make a reasonable income to cover the costs of food, and rent.

I ask, from the bottom of my heart, and as a member of this courthouse for 16 years, that you please help me during these difficult times. All I ask is that you kindly help me out until business is able to function normally. Covid was out of my hands, and I have no control over the amount of potential customers who walk through the security doors of the court. Please waive these fees, until I am able to operate business in a sustainable manner. Because of the lack of customers, I can barely pay my mortgage, let alone rent. Thank you for taking the time to read this email. I look forward to hearing back from you.

Best wishes,  
Mostafa Ahmed

**Bustamante, Mary**

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**Subject:** FW: 37-F2 ATM Rent for Vista

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**From:** Sarah Bilyeu <[sbilyeu@sdccu.com](mailto:sbilyeu@sdccu.com)>  
**Sent:** Friday, January 21, 2022 9:08 AM  
**To:** Peterson, Edmund <[Edmund.Peterson@jud.ca.gov](mailto:Edmund.Peterson@jud.ca.gov)>  
**Subject:** RE: ATM Rent for Vista

Hi Ed, Is there a form I complete? Or the following:

I am requesting a waiver of the ATM Rent Fees for the SDCCU ATM Vista Court that has been out of commission since November and SDCCU has not be granted access to the machine since then.

Thank you, Sarah

**Sarah Bilyeu**

SVP, Business Development & Community Relations | San Diego County Credit Union  
Phone: (858) 597-6218 | Fax: (858) 597-4667

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**From:** Peterson, Edmund <[Edmund.Peterson@jud.ca.gov](mailto:Edmund.Peterson@jud.ca.gov)>  
**Sent:** Friday, January 14, 2022 12:28 PM  
**To:** Sarah Bilyeu <[sbilyeu@sdccu.com](mailto:sbilyeu@sdccu.com)>  
**Subject:** [EXTERNAL] RE: ATM Rent for Vista

**This email originated from outside your organization**

Hi Sarah,

We do not have the authority to waive license fees. Please send a request for waiver to me and I will send it to senior management. Thank you.

Regards,

**Edmund V. Peterson**, Facilities Analyst, Real Estate  
Facilities Services | Administrative Division  
Judicial Council of California  
2860 Gateway Oaks Drive, Suite 400, Sacramento, CA 95833  
916-643-7074 | [Edmund.Peterson@jud.ca.gov](mailto:Edmund.Peterson@jud.ca.gov) | [www.courts.ca.gov](http://www.courts.ca.gov)

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**From:** Sarah Bilyeu <[sbilyeu@sdccu.com](mailto:sbilyeu@sdccu.com)>  
**Sent:** Thursday, January 13, 2022 4:55 PM  
**To:** Peterson, Edmund <[Edmund.Peterson@jud.ca.gov](mailto:Edmund.Peterson@jud.ca.gov)>  
**Subject:** ATM Rent for Vista

Hi Ed,

This ATM has been out of commission since early November and we have not been granted access yet to the machine, to either move it or remove it. I have instructed our AP team to not pay the February rent and I think we are due December and January.

Please advise on this, thank you,

Sarah

## Sarah Bilyeu

SVP, Business Development & Community Relations

Phone (858) 597-6218 | Fax: (858) 597-4667

6545 Sequence Drive | San Diego, CA 92121

Visit us at [sdccu.com](http://sdccu.com) | [sbilyeu@sdccu.com](mailto:sbilyeu@sdccu.com)

This e-mail or attachments may contain confidential information of **San Diego County Credit Union** and as required by law the information must be kept confidential. Access to this e-mail by anyone other than the intended recipient is unauthorized. If you are not the intended recipient please delete this e-mail and any attachments without printing, copying or forwarding them to anyone. Please also notify us immediately if you have received this e-mail in error.



**County:** Los Angeles  
**Bldg:** Multiple Locations  
**Space Type:** Food Service  
**Vendor:** Lunchstop, Inc.

**From:** Michelle Farmer <[president@lunchstop.com](mailto:president@lunchstop.com)>

**Sent:** Thursday, May 26, 2022 1:31 PM

**To:** Bustamante, Mary <[Mary.Bustamante@jud.ca.gov](mailto:Mary.Bustamante@jud.ca.gov)>

**Cc:** Treanor, Patrick <[patrick.treanor@jud.ca.gov](mailto:patrick.treanor@jud.ca.gov)>; Allen Leslein <[ALeslein@LACourt.org](mailto:ALeslein@LACourt.org)>; Edmund Peterson <[Edmund.Peterson@jud.ca.gov](mailto:Edmund.Peterson@jud.ca.gov)>; Henry Hernandez <[HZHernandez@lacourt.org](mailto:HZHernandez@lacourt.org)>

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**Subject:** Fwd: Lunchstop Cafeteria at Children"s Court Operations

All,

I would like to request some assistance in both understanding what is going on at Children's Courthouse and what can be done to assist my operators. Operator, Philip Han, has remained open almost the entire pandemic. Even when the cafeteria was closed he was still available to prepare meals for the children. His sales are still very low, as you can see from the email below. I was informed on Monday, when I went to the location, that the way they hear cases has been changed, everything is done by noon. That eliminates almost the entire population for food service. The pandemic has hit us all very hard, but I feel that the cafeterias in the courthouses have been hit harder, not just LunchStop's but everyone's. The facilities are not opened to the public, they can not offer door dash, Uber eats etc, they can't have orders picked up from outside customers so they have a very captivated audience. When you remove the general publics purpose for being in the building you are eliminating all sources of income except for employees. On top of that Philip has a contract to feed the Children and for every meal he prepares, he LOSES \$6.27. Between the cost of food increase, wages increase coming July and the need to keep an employee, that otherwise would've been terminate just because she has already passed the background check and her workers comp insurance these meals cost him money.

When I took over LunchStop I was under the impression that we were in a partnership with the JCC but from where I stand I have not seen much assistance with our struggles. As I am sure you are all aware, Chatsworth Courthouse, that had remained open the ENTIRE pandemic except for 1 day, closed there doors in January because they could no longer afford to purchase food and pay their employee. They closed permanently this month because they could not get in there before because they had to go to work elsewhere to catch up in their personal finances. Now I am being told that they are expected to pay the licensing fee for all the months they have been closed on top of the fees they had from during the pandemic, this is absurd and extremely infuriating from where I am standing. LunchStop, personally, has covered all our locations General Liability, property taxes and licensing fees so they could remain open to service YOUR employees and the assistance we received was a mere couple of months without the licensing fees? I know we are not the only business feeling the struggle and needing more assistance from the JCC. I am asking, no actually begging for your assistance for all my locations and ones that are operated by other companies, PLEASE waive the licensing fees from March 2020 through January 2023, approve a price increase across the board, assist with equipment that needs repair or replacement, most locations have equipment that is over

30 years old and now they really have no money to repair, and lastly open up the courts to remain open and get people back in the building so we all can try to remain in business. Otherwise I am not sure how long my operators, nor LunchStop, can hang on. I was in all the locations the past 3 days and this is what I have learned:

1. Pasadena is looking for assistance from their family and if they can not get funding they will be closing their doors.
2. Childrens Court is looking for answers and assistance on the general public numbers, price increase on the Childrens meals along with a month to month agreement and repairs to the 2 door freezer, 2 door refrigerator and the salad prep table, none of these work currently and he needs them to store food.
3. Mosk needs to know where we are with the reimbursement of the gas line repair. Also, I had requested to be reimbursed for a deep fryer and a deli prep table, those 2 items they had purchased because they could not wait for the long delay in getting things looked at but they do not work properly for in the spaces so they can not use them. I am requesting that you have someone look at the deep fryer that is leaking and the deli prep table that leaks freon and can not be repaired because it is too old. These items are of utmost urgency as they use these everyday and need them for the business that is currently open.
4. San Fernando needs to understand how the building is functioning because there are no customers in the facility and they are not even at 20% of prepandemic sales.
5. Antelope Valley was recently purchased because Juniper could no longer pay without the business being where it was prepandemic. Monday we just had to repair an self serve refrigerator that housed grab and gos and needed to be repaired immediately so the customers could still help themselves. I will be sending that invoice with a request to assist with the cost.
6. Foltz, she has been requesting the ice machine to be replaced, she has spent so much fixing it and the repair company says no more. She has refrigerators and freezers that need repair as well.
7. LA Airport Courthouse is barely at 40% of prepandemic sale. They have a deli prep tale that needs to be repaired. The deep fryer has trouble with thermal controller set and reset breaker. These parts cost around 1000 dollars and replacing cost 1400 to 1500. Technician has suggested to replacing since the machine has been used about 10 years. Conveyer toaster has broken thermal tubes which cannot be fixed properly. It need to be replaced and cost would be \$600 to \$800.

Please assist with us the request above. We have worked together a long time, thus the loyalty from the operators during the pandemic but we need your help otherwise I am not sure if they will survive.

Thank you,

Michelle Farmer  
President and COO  
LunchStop, Inc.  
209-321-2012  
[president@lunchstop.com](mailto:president@lunchstop.com)

Begin forwarded message:

**From:** Philip Han <[philiphan777@yahoo.com](mailto:philiphan777@yahoo.com)>  
**Subject:** Lunchstop Cafeteria at Children's Court Operations  
**Date:** May 25, 2022 at 9:24:02 PM PDT  
**To:** Michelle Farmer <[michelle@lunchstop.com](mailto:michelle@lunchstop.com)>

Dear Michelle,

I am very concerned and worried about the Cafeteria operations at Children's Court. I thought the cafeteria would be back somehow normal after the pandemic but sales are still down more than 80%. There is no way I could keep the business open if sales continue at this level.

Before the pandemic our sales were 70% from outside customers and 30% from the court employees. And now it is 10% from outside and 90% from court employees with sales down to \$500-\$600 per day. Inflation of food costs have hit us very hard. On the average food supply cost has increased at least 50% or more.

I am desperately seeking answers & support. I don't know what small business owner can keep his/her doors open.

The Shelter Care Kids meal contract ends June 30, 2022. If we remain open, I would like to have a month-to-month contract moving forward. Due to uncertain circumstances, change need to be made accordingly .

Thank you for your prompt and full attention to this matter. I look forward to hearing from you.

Thank you again

Philip Han  
Program Manager  
Lunchstop Cafeteria at Childrens



## JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue • San Francisco, California 94102-3688  
Telephone 415-865-4200 • Fax 415-865-4205 • TDD 415-865-4272

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# MEMORANDUM

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**Date**

August 17, 2022

**Action Requested**

Approve

**To**

Members of the Executive and Planning  
Committee

**Deadline**

August 31, 2022

**From**

Real Estate Policies Subcommittee  
Hon. David M. Rubin, Chair

**Contact**

Mary Bustamante  
Facilities Services  
916-263-7999 phone  
mary.bustamante@jud.ca.gov

**Subject**

Court Facilities: Disposition of Courthouses  
in Plumas, Sacramento, and Stanislaus  
Counties

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### Executive Summary

The Real Estate Policies Subcommittee recommends that the Executive and Planning Committee approve seeking council authority for the sale of certain court facilities currently or slated to become unsuitable for the judicial branch's future needs. In conjunction with the Legislation Committee's process for Judicial Council-sponsored legislation, council staff would be directed to obtain statutory authorization for the court facilities' non-surplus dispositions and to then take all actions necessary to consummate the sales as authorized by the Legislature. The subject court facilities are the Plumas/Sierra Regional Courthouse in Plumas County; the Modesto Main Courthouse/Hall of Records and Ceres Superior Court in Stanislaus County; and the Gordon D. Schaber Sacramento County Courthouse in Sacramento County.

### Recommendation

The Real Estate Policies Subcommittee recommends approving a recommendation to the council to seek special legislative authority for the non-surplus disposition of the Plumas/Sierra Regional Courthouse, the Modesto Main Courthouse/Hall of Records, the Ceres Superior Court, and the Gordon D. Schaber Sacramento County Courthouse.

## **Background and Context**

Under rule 10.11(c) of the California Rules of Court, the Executive and Planning Committee oversees the council's policies and procedures regarding court facilities. The Executive and Planning Committee formed the Real Estate Policies Subcommittee (REPS) in May 2021 to consider and make recommendations regarding the third-party use, disposition, and leasing of court facilities as well as other real estate policies, procedures, or guidelines.

### **The Judicial Council's 2022 Legislative Priorities Include Courthouse Dispositions**

The disposition of unused courthouses in a fair market value transaction is one of the 2022 legislative priorities adopted by the council at the recommendation of the Legislation Committee. See Link A.

### **REPS' Review and Action**

On July 20, 2022, staff presented this matter to the REPS for its review. The REPS unanimously approved the recommendation to the Executive and Planning Committee to proceed with obtaining the council's approval and authorization for the non-surplus dispositions of the subject court facilities.

For further details on the subject court facilities and the specifics of the requested council action, see Attachment A, draft *Report to the Judicial Council (Court Facilities: Disposition of Courthouses in Plumas, Sacramento, and Stanislaus Counties)*.

### **Anticipated Timing and Process for Council Review**

For clarification, the REPS is recommending approval here of its action as a subcommittee of the Executive and Planning Committee, not an approval to include this matter on the council's September 2022 meeting agenda. Instead, if the Executive and Planning Committee approves, then seeking statutory authorization for the non-surplus disposition of these court facilities is intended to be part of the Legislation Committee's proposals for Judicial Council-sponsored legislation, which is scheduled to be brought to the November 2022 council meeting.

In the event that the disposition authority is not included with the Legislation Committee's proposals for Judicial Council-sponsored legislation (e.g., due to logistical reasons), then the recommendation to the council to approve and proceed with the sales of the subject court facilities would be brought to the Executive and Planning Committee's agenda-setting meeting for review as a stand-alone item at the November 2022 council meeting.

## **Attachments and Links**

1. Attachment A: Draft Report to the Judicial Council (Court Facilities: Disposition of Courthouses in Plumas, Sacramento, and Stanislaus Counties)
2. Link A, <https://jcc.legistar.com/View.ashx?M=F&ID=10361204&GUID=CE1022E1-24DA-4535-B5E6-C504384A0DCD>



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

*Item No.:*

For business meeting on: \_\_\_\_\_, 2022

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**Title**

Court Facilities: Disposition of Courthouses  
in Plumas, Sacramento, and Stanislaus  
Counties

**Agenda Item Type**

Action Required

**Effective Date**

\_\_\_\_\_, 2022

**Rules, Forms, Standards, or Statutes Affected**

None

**Date of Report**

\_\_\_\_\_, 2022

**Recommended by**

Executive & Planning Committee  
Hon. Marsha G. Slough, Chair

**Contact**

Mary Bustamante, 916-263-7999  
mary.bustamante@jud.ca.gov  
Kristin Kerr, 415-865-4211  
kristin.kerr@jud.ca.gov

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### Executive Summary

Both the Plumas/Sierra Regional Courthouse in Plumas County and the Ceres Superior Court in Stanislaus County have been permanently closed by their respective courts and are unsuitable to the needs of the judicial branch. Additionally, both the Gordon D. Schaber Sacramento County Courthouse in Sacramento County and the Modesto Main Courthouse/Hall of Records in Stanislaus County will be permanently closed as a result of the construction of their replacement facilities and similarly will be unsuitable to the needs of the judicial branch. To eliminate the Judicial Council's continuing liability and expense in holding permanently-closed court facilities and to realize the value of these assets in fair market value dispositions, the Executive & Planning Committee and its Real Estate Policies Subcommittee recommend authorizing and approving the disposition of these facilities as nonsurplus property and directing council staff to take all actions necessary to dispose of them.

## Recommendation

The Executive & Planning Committee and its Real Estate Policies Subcommittee recommend that the Judicial Council, effective \_\_\_\_\_, 2022:

1. Authorize and approve the sale of the Plumas/Sierra Regional Courthouse in Plumas County; the Modesto Main Courthouse/Hall of Records and Ceres Superior Court in Stanislaus County; and the Gordon D. Schaber Sacramento County Courthouse in Sacramento County in fair market value transactions subject to obtaining statutory authorization for the disposition of the properties;
2. Direct council staff to take all actions necessary to:
  - a. Obtain statutory authorization to dispose of the properties with the sales proceeds to be directed to the State Court Facilities Construction Fund established by Government Code section 70371 or any other Judicial Council facilities fund authorized by the Legislature;
  - b. Negotiate and draft real property disposition agreements and any other related, necessary documents for the disposition of the properties, which agreements and documents shall be in compliance with and may be contingent on legislative authorization for the disposition of the properties;
  - c. Lease or license all or a portion of the facilities upon terms in the best interests of the Judicial Council until such time as the properties can be permanently disposed; and
3. Delegate to the Administrative Director or their designee the authority to sign real property disposition agreements and any other related, necessary documents consistent with this recommendation, which agreements and documents shall be in compliance with and may be contingent on legislative authorization for the disposition of the properties.

## Previous Council Action

The Judicial Council has not previously acted on the sale of the Plumas/Sierra Regional Courthouse<sup>1</sup> in Plumas County; the Modesto Main Courthouse/Hall of Records and Ceres Superior Court in Stanislaus County; or the Gordon D. Schaber Sacramento County Courthouse facilities; however, the Judicial Council has previously taken action on other permanently-closed court facilities where the state held title to the property.

In April 2015, the Judicial Council declared the San Pedro Courthouse in Los Angeles County as surplus property, with proceeds from its sale to be deposited in the Special Fund for Economic

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<sup>1</sup> Following the Plumas/Sierra Regional Courthouse's 2014 closure, the Judicial Council also previously approved on April 17, 2015, the leasing of the facility in its entirety on a short-term basis because the Superior Courts of Plumas County and Sierra County intended at the time to reopen the facility in three to five years if feasible. The facility was leased to the California Department of Transportation and, as discussed in this Report, ultimately did not reopen again for court operations.

Uncertainties, and authorized its disposition and the sponsorship of legislation to accomplish that goal. In December 2015, the Judicial Council approved sponsorship of an alternative proposal to authorize the disposition of the San Pedro Courthouse as nonsurplus property to allow the judicial branch to retain the proceeds of its sale in the Immediate and Critical Needs Account (ICNA), which account has subsequently been merged into the State Court Facilities Construction Fund. As finally approved, the disposition legislation for the San Pedro Courthouse authorized the sale of that facility as nonsurplus property with net sales proceeds directed to the ICNA.<sup>2</sup>

In February 2016, the Judicial Council approved the sale of the Corning Courthouse in Tehama County to the County of Tehama and the Chico Courthouse in Butte County to the County of Butte in fair market value transactions under similar disposition authorization as provided with the San Pedro Courthouse. Legislative authorization was obtained with proceeds from those sales directed to the ICNA.<sup>3</sup>

In December 2016, the Judicial Council approved the sale of the Firebaugh, Reedley, and Clovis Courthouses in Fresno County and the Avenal and Corcoran Courthouses in Kings County as nonsurplus property under similar disposition authorization as previously provided with the prior court facility dispositions. Legislative authorization was obtained with proceeds from those sales directed to the ICNA.<sup>4</sup>

In September 2017, the Judicial Council approved the sale of the West Los Angeles Courthouse in Los Angeles County as nonsurplus property under similar disposition authorization as previously provided with the prior court facility dispositions. Legislative authorization was obtained with proceeds from that sale directed to the ICNA.<sup>5</sup>

In May 2018, the Judicial Council approved the sale of the Mental Health Courthouse in Los Angeles County as nonsurplus property under similar disposition authorization as previously provided with the prior court facility dispositions. Legislative authorization was obtained with proceeds from that sale directed to the ICNA.<sup>6</sup>

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<sup>2</sup> Assem. Bill 1900 (Jones-Sawyer; Stats. 2016, ch. 510), codified at Government Code section 70395.

<sup>3</sup> Sen. Bill 403 (Cannella; Stats. 2017, ch. 358), codified at Government Code section 70396.

<sup>4</sup> Sen. Bill 403 (Cannella; Stats. 2017, ch. 358), codified at Government Code section 70396.

<sup>5</sup> Assem. Bill 2309 (Bloom; Stats. 2018, ch. 536), codified at Government Code section 70397.

<sup>6</sup> Assem. Bill 2309 (Bloom; Stats. 2018, ch. 536), codified at Government Code section 70397.



## **Analysis/Rationale**

### **Background**

The State of California, on behalf of the Judicial Council of California, Administrative Office of the Courts,<sup>7</sup> is the record titleholder of the Plumas/Sierra Regional Courthouse in Plumas County; the Modesto Main Courthouse/Hall of Records and Ceres Superior Court in Stanislaus County; and the Gordon D. Schaber Sacramento County Courthouse in Sacramento County. Except for the Plumas/Sierra Regional Courthouse's land that was purchased for \$1.00 from a private owner in 2007 on which the facility was constructed, the properties were each acquired through the Senate Bill 1732<sup>8</sup> transfer process.

### **Description of the Plumas/Sierra Regional Courthouse in Plumas County**

The Plumas/Sierra Regional Courthouse is located at 600 South Gulling Street in Portola and consists of an approximately 7,312 square-foot building that is situated on approximately 1.75 acres. The single-story building consists of one courtroom, two judges' chambers, and a reception/public counter area. The facility was jointly occupied and utilized by both the Superior Courts of Plumas County and Sierra County until November 3, 2014. The Superior Courts of Plumas County and Sierra County closed the Plumas/Sierra Regional Courthouse as of November 2014 due to reductions in county populations, court filings, and court staff as well as other substantial budgetary constraints. The Superior Courts of Plumas County and Sierra County have no plans to reoccupy the Plumas/Sierra Regional Courthouse, and each support the sale of the facility (see Attachments A and B).

### **Description of the Modesto Main Courthouse/Hall of Records and Ceres Superior Court in Stanislaus County**

The Modesto Main Courthouse is located at 800 11th Street and is adjacent to the Hall of Records located at 1100 I Street in Modesto, which together comprise approximately 109,435 square-feet situated on approximately 1.16 acres (collectively, the Modesto Main Courthouse/HOR). The Modesto Main Courthouse is a two-story building with a basement level that includes 14 courtrooms, 14 judges' chambers, three walk-up windows, rooms for attendants, two in-custody holding areas, one secured elevator, and 11 jury assembly rooms. The Hall of Records is a four-story building that includes two courtrooms, two judges' chambers, seven walk-up windows, rooms for attendants, one jury assembly room, and rooms for storage. The Judicial Council holds a total equity interest of 77.82 percent in the Modesto Main

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<sup>7</sup> The Judicial Council previously referred to its staff as "the Administrative Office of the Courts" or "AOC." Rule 10.81(b)(4) of the California Rules of Court provides as follows:

The Judicial Council will continue to perform all duties, responsibilities, functions, or other obligations, and bear all liabilities, and exercise all rights, powers, authorities, benefits, and other privileges attributed to the "Administrative Office of the Courts" or "AOC" arising from contracts, memorandums of understanding, or other legal agreements, documents, proceedings, or transactions. The Judicial Council may be substituted for the "Administrative Office of the Courts" or "AOC" wherever necessary, with no prejudice to the substantive rights of any party.

<sup>8</sup> Stats. 2002, ch. 1082.

Courthouse/HOR with the County of Stanislaus holding the remaining 22.18 percent equity interest. The Superior Court of Stanislaus County will permanently close the Modesto Main Courthouse/HOR upon commencing its occupancy in the New Modesto Courthouse Project, a replacement facility which is currently in construction and anticipated to be completed in December 2024. There will no longer be a need for the Modesto Main Courthouse/HOR once it is vacated by the Superior Court of Stanislaus County, which is supportive of staff efforts to dispose of the property (see Attachment C).

The Ceres Superior Court is located at 2744 Second Street in Ceres and consists of an approximately 2,985 square-foot building that is situated on approximately 0.17 acres. The single-story building consists of one courtroom, one judge's chambers, one walk-up window, one jury suite, one clerk's office, rooms for attendants, and rooms for storage. The Superior Court of Stanislaus County exclusively and solely occupies the Ceres Superior Court. The Superior Court of Stanislaus County closed the Ceres Superior Court as of March 2009. The New Modesto Courthouse Project will similarly serve as a replacement facility for the Ceres Superior Court. The Superior Court of Stanislaus County accordingly does not have plans to reoccupy the Ceres Superior Court and supports the sale of the facility (see Attachment C).

**Description of the Gordon D. Schaber Sacramento County Courthouse**

The Gordon D. Schaber Sacramento County Courthouse (Schaber Courthouse) is located at 720 Ninth Street in Sacramento and consists of an approximately 291,083 square-foot building that is situated on 2.5 acres. The six-story building contains 44 courtrooms, judges' chambers, secure holding areas, and clerk and administrative space. The Superior Court of Sacramento County exclusively and solely occupies the Schaber Courthouse. The Superior Court of Sacramento County will permanently close the Schaber Courthouse upon commencing its occupancy in the New Sacramento Courthouse Project, a replacement facility which is currently in construction and anticipated to be occupied in February 2024. There will no longer be a need for the Schaber Courthouse once it is vacated by the Superior Court of Sacramento County, which is supportive of staff efforts to dispose of the property (see Attachment D).

The Judicial Council and judicial branch as a whole are responsible for the operation and maintenance of each of these court facilities, none of which are or will be suitable for the judicial branch's future needs. The Judicial Council will benefit from the disposition of these properties because it will eliminate both ongoing operations and maintenance costs as well as liability risks associated with the closed facilities, and it will direct net sale proceeds to the State Court Facilities Construction Fund established by Government Code section 70371 or other Judicial Council facilities fund authorized by the Legislature.

## **Legal Authority**

Every sale of state-owned real property, such as these court facilities, must be specifically authorized by statute.<sup>9</sup> The language of the authorizing legislation will determine where the net proceeds of such sales will be deposited.

As noted above, in 2016 the Legislature authorized the sale of the San Pedro Courthouse as nonsurplus property, with the sale proceeds staying within the judicial branch and deposited into the ICNA.<sup>10</sup> In 2017, the Legislature again authorized the sale of seven other court facilities<sup>11</sup> as nonsurplus properties and directed that the net proceeds of those sales remain with the judicial branch in the ICNA.<sup>12</sup> In 2018, the Legislature once more authorized the sale of the West Los Angeles and Mental Health Courthouses as nonsurplus properties with the sales' net proceeds similarly directed to the ICNA and staying within the judicial branch.<sup>13</sup>

In this case, the sales of the subject properties will be treated in the same manner as the prior dispositions of closed court facilities as nonsurplus properties with net proceeds from the sales retained by the judicial branch for facilities purposes. The language of the authorizing legislation will ultimately determine where funds from the sales will be deposited within the judicial branch, which in the past has been the ICNA that has since been merged into the State Court Facilities Construction Fund.

## **Policy Implications**

The recommended action has no policy implications.

## **Comments**

This proposal was not circulated for comment as it is specific to each court facility's Superior Court. The Superior Court of Plumas County provided written communication that it agrees with and does not object to the Judicial Council's disposition of the Plumas/Sierra Regional Courthouse (see Attachment A); the Superior Court of Sierra County similarly provided written confirmation that it does not oppose the disposition of the property (see Attachment B). The Superior Court of Stanislaus County provided in writing its approval of the Judicial Council's disposition of the Modesto Main Courthouse, Hall of Records, and Ceres Superior Court once vacated as applicable (see Attachment C). The Superior Court of Sacramento County provided written confirmation that it will vacate the Gordon D. Schaber Sacramento County Courthouse

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<sup>9</sup> *People v. Chambers* (1951) 37 Cal.2d 552.

<sup>10</sup> Assem. Bill 1900 (Jones-Sawyer; Stats. 2016, ch. 510), codified at Government Code section 70395.

<sup>11</sup> The seven court facilities included the Corning Courthouse in Tehama County and the Chico Courthouse in Butte County as approved by the Judicial Council in February 2016; and the Firebaugh, Reedley, and Clovis Courthouses in Fresno County and the Avenal and Corcoran Courthouses in Kings County as approved by the Judicial Council in December 2016.

<sup>12</sup> Sen. Bill 403 (Cannella; Stats. 2017, ch. 358), codified at Government Code section 70396.

<sup>13</sup> Assem. Bill 2309 (Bloom; Stats. 2018, ch. 536), codified at Government Code section 70397.

upon occupying its replacement facility and supports the Judicial Council's disposition of the property (see Attachment D).

### **Alternatives Considered**

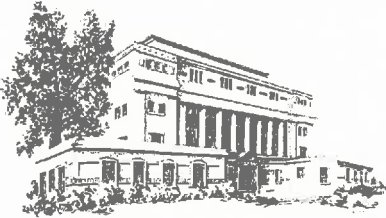
The alternative to approving dispositions of the Plumas/Sierra Regional Courthouse in Plumas County; the Modesto Main Courthouse, Hall of Records, and Ceres Superior Court in Stanislaus County; and the Gordon D. Schaber Sacramento County Courthouse in Sacramento County is for the Judicial Council to continue the ongoing burden of carrying the operation and maintenance costs as well as liability risks associated with these facilities that are already closed or have planned closures. Retaining ownership of these properties will also result in the Judicial Council forgoing the future benefit of adding any net sales proceeds to the State Court Facilities Construction Fund or other Judicial Council facilities fund.

### **Fiscal and Operational Impacts**

Judicial Council staff will pursue the sales of the Plumas/Sierra Regional Courthouse in Plumas County; the Modesto Main Courthouse, Hall of Records, and Ceres Superior Court in Stanislaus County; and the Gordon D. Schaber Sacramento County Courthouse in Sacramento County. Some out-of-pocket costs to the Judicial Council are associated with the recommended action including potential costs of appraisals as well as title and escrow fees. Any such costs will, however, be offset by the sale proceeds of each. Sales of the properties will have the fiscal benefits as described above.

### **Attachments and Links**

1. Attachment A: Correspondence from Superior Court of Plumas County supporting disposition of the Plumas/Sierra Regional Courthouse
2. Attachment B: Correspondence from Superior Court of Sierra County supporting disposition of the Plumas/Sierra Regional Courthouse
3. Attachment C: Correspondence from Superior Court of Stanislaus County supporting disposition of the Modesto Main Courthouse, Hall of Records, and Ceres Superior Court
4. Attachment D: Correspondence from Superior Court of Sacramento County supporting disposition of the Gordon D. Schaber Sacramento County Courthouse



## PLUMAS SUPERIOR COURT

Courthouse 520 Main Street • Room 304 • Quincy, CA 95971

Tel: 530-283-6297 • Fax: 530-283-6144

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**DOUGLAS M. PROUTY**  
*Judge of the Superior Court*

RECEIVED

MAR 07 2022

March 4, 2022

Judicial Council, Facilities Services  
Attn. R. James Koerner  
2860 Gateway Oaks Dr., Ste. 400  
Sacramento, CA 95833

Dear Mr. Koerner,

In response to the inquiry from Judicial Council Facilities staff, the Plumas Superior Court regretfully agrees with the Judicial Council's proposed action to dispose of the Plumas/Sierra Regional Courthouse in Portola.

In November of 2014, the Plumas Court closed operations in the courthouse due to a shrinking county population, a reduction in court filings, a 50% reduction in court staff and other substantial budgetary constraints. The Court anticipated that the Courthouse could be reopened when those budgetary and other issues resolved.

As of this date, that has not happened. The population of Plumas County has continued to decline, the number of filings has not increased and court staffing levels have not risen. It does not appear that a reopening of the facility is possible in the foreseeable future.

For those reasons, the Plumas Superior Court does not object to the proposed disposition of the Plumas Sierra Regional Courthouse.

Please feel free to contact me if you have any questions or need further information from the Court.

Yours truly,

**DOUGLAS M. PROUTY**  
Presiding Judge of the Plumas Superior Court

**From:** [McCormick, Pella](#)  
**To:** [Bustamante, Mary](#); [Ehrlich, Jeremy](#); [Kunitake, Kathleen](#)  
**Cc:** [Ahmed, Tamer](#); [Atayde-Scholz, Maria](#)  
**Subject:** FW: Portola Courthouse  
**Date:** Friday, August 5, 2022 11:39:24 AM

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FYI—Pella

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**From:** Charles Ervin <[charleservin@sierracourt.org](mailto:charleservin@sierracourt.org)>  
**Sent:** Friday, August 5, 2022 11:25 AM  
**To:** McCormick, Pella <[Pella.McCormick@jud.ca.gov](mailto:Pella.McCormick@jud.ca.gov)>; Mendez, Ann <[amendez@sierracourt.org](mailto:amendez@sierracourt.org)>  
**Cc:** Hill, Brad <[Brad.Hill@jud.ca.gov](mailto:Brad.Hill@jud.ca.gov)>; Rubin, David M. <[david.rubin@sdcourt.ca.gov](mailto:david.rubin@sdcourt.ca.gov)>; Wordlaw, John <[John.Wordlaw@jud.ca.gov](mailto:John.Wordlaw@jud.ca.gov)>  
**Subject:** RE: Portola Courthouse

Hello Ms. McCormick,

Pursuant to the request in your email of August 5, 2022, Sierra County Superior Court consents to the disposition of the Plumas/Sierra Regional Courthouse.

Thank you for your kind assistance in furnishing a tour of the facility last week and forwarding the documentation concerning the property. If you need anything further from me, please let me know at your earliest convenience.

Best regards,

Charles H. Ervin  
Presiding Judge  
Sierra County Superior Court

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**From:** McCormick, Pella <[Pella.McCormick@jud.ca.gov](mailto:Pella.McCormick@jud.ca.gov)>  
**Sent:** Friday, August 5, 2022 10:03 AM  
**To:** Charles Ervin <[charleservin@sierracourt.org](mailto:charleservin@sierracourt.org)>; Ann Mendez <[amendez@sierracourt.org](mailto:amendez@sierracourt.org)>  
**Cc:** Hill, Brad <[Brad.Hill@jud.ca.gov](mailto:Brad.Hill@jud.ca.gov)>; Rubin, David M. <[david.rubin@sdcourt.ca.gov](mailto:david.rubin@sdcourt.ca.gov)>; Wordlaw, John <[John.Wordlaw@jud.ca.gov](mailto:John.Wordlaw@jud.ca.gov)>  
**Subject:** Portola Courthouse

Judge Ervin and Ms. Mendez,

Judge Ervin thank-you for meeting with me this past Monday at the Portola Courthouse. As we discussed the Judicial Council is pursuing legislative authority to dispose of the Plumas/Sierra Regional Courthouse. Per your request I have included building information and estimated costs to reactivate and operate the facility. Please contact me if you need additional information.

If the Sierra Court consents to the disposition of the Plumas/Sierra Regional Courthouse your written confirmation no later than August 10, 2022 would be appreciated.

Regards,

**Pella McCormick**, Director  
Facilities Services | Administrative Division  
Judicial Council of California  
2860 Gateway Oaks Drive, Suite 400, Sacramento, CA 95833-3509  
916-643-7024 | [Pella.McCormick@jud.ca.gov](mailto:Pella.McCormick@jud.ca.gov) | [www.courts.ca.gov](http://www.courts.ca.gov)

DRAFT

**From:** [Swift, Hugh](#)  
**To:** [Bustamante, Mary](#)  
**Cc:** [Brandi Christensen](#); [Morrison, Patrick](#); [Uliana, Ronna](#)  
**Subject:** RE: Disposition of Modesto Main Courthouse & HOR, Ceres and Turlock  
**Date:** Tuesday, April 12, 2022 9:07:12 AM

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Mary

My apologies. I thought we discussed this. Yes – you have our approval to seek legislative authority to sell the facilities listed above, with the understanding that the actual sale would not occur until we have vacated our existing facilities.

Hugh

Hugh K. Swift  
Court Executive Officer  
Stanislaus Superior Court  
800 – 11th Street  
Modesto, CA 95353  
209-530-3111

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**From:** Bustamante, Mary <[Mary.Bustamante@jud.ca.gov](mailto:Mary.Bustamante@jud.ca.gov)>  
**Sent:** Tuesday, April 12, 2022 8:49 AM  
**To:** Hugh Swift <[hugh.swift@stanct.org](mailto:hugh.swift@stanct.org)>  
**Cc:** Brandi Christensen <[brandi.christensen@stanct.org](mailto:brandi.christensen@stanct.org)>; Morrison, Patrick <[Patrick.Morrison@jud.ca.gov](mailto:Patrick.Morrison@jud.ca.gov)>  
**Subject:** RE: Disposition of Modesto Main Courthouse & HOR, Ceres and Turlock

Hello,  
Just checking back on this. Is it possible to obtain court approval to obtain legislative authorization to sell Ceres? As I mentioned, it is a lengthy process and we are starting our report now. Even if we get legislation we don't have to move forward with the sale but obtaining this would allow us to should we want to. Please let me know.

Thanks,

**Mary Bustamante**  
916-263-7999  
[Mary.bustamante@jud.ca.gov](mailto:Mary.bustamante@jud.ca.gov)

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**From:** Bustamante, Mary  
**Sent:** Friday, March 4, 2022 12:02 PM  
**To:** Swift, Hugh <[Hugh.Swift@stanct.org](mailto:Hugh.Swift@stanct.org)>  
**Cc:** Brandi Christensen <[brandi.christensen@stanct.org](mailto:brandi.christensen@stanct.org)>; Morrison, Patrick <[Patrick.Morrison@jud.ca.gov](mailto:Patrick.Morrison@jud.ca.gov)>  
**Subject:** Disposition of Modesto Main Courthouse & HOR, Ceres and Turlock



Hello,

As we are preparing for the new Modesto courthouse to come online at the end of 2024 we are thinking ahead about the future dispositions. As we discussed on our call in January, it takes about a year and a half to obtain legislative authorization to sell. We are starting to prepare the report to move forward now and would like obtain your approval for the permanent dispositions of the Modesto Main Courthouse & HOR, Ceres and Turlock courthouses. I know you were planning to speak with Pella about a possible additional courtroom at the new courthouse but I think we can still move forward with obtaining the legislative approval to sell in the meantime. We don't have to sell once the authorization is received but would be able to if and when the court completely vacates the facilities. Please let me know if we have your approval to add these facilities to list for future dispositions.

Thanks,

**Mary Bustamante**, Manager, Real Estate  
Facilities Services | Administrative Division  
Judicial Council of California  
2860 Gateway Oaks Drive, Suite 400, Sacramento, California 95833  
916-263-7999 | [mary.bustamante@jud.ca.gov](mailto:mary.bustamante@jud.ca.gov) | [www.courts.ca.gov](http://www.courts.ca.gov)

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*It is the mission and vision of the Stanislaus County Superior Court to provide equal access to justice; serving the needs of our community and organization with integrity, quality, and fairness.*

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SACRAMENTO

**LEE SEALE**  
COURT EXECUTIVE OFFICER

720 NINTH STREET  
SACRAMENTO, CALIFORNIA 95814  
(916) 874-6328

September 20, 2021

VIA US MAIL AND EMAIL TO:  
mary.bustamante@jud.ca.gov

Mary Bustamante  
Real Estate and Facilities Management  
2860 Gateway Oaks Drive, Suite 400  
Sacramento, CA 95833-3509

Dear Ms. Bustamante:

This letter/email is to inform the Judicial Council that Sacramento Superior Court plans to completely vacate the Gordon D. Schaber Courthouse located at 720 9<sup>th</sup> Street as soon as construction is complete on our new Criminal & Civil Courthouse and we have completed move-in occupancy – approximately late spring or early summer of 2024. We agree to the permanent disposition of the Schaber Courthouse once we have completely vacated.

Please let me know if you need anything further on this matter.

Respectfully,

A handwritten signature in black ink, appearing to read "Lee Seale".

Lee Seale  
Court Executive Officer  
Sacramento Superior Court

cc: James Koerner  
james.koerner@jud.ca.gov