

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF THE COUNTY OF SAN BERNARDINO
AND RECORD OF ACTION**

February 11, 2020

FROM

TERRY W. THOMPSON, Director, Real Estate Services Department

SUBJECT

Amendments to Agreements with the Judicial Council of California for the Barstow Courthouse and the Barstow Juvenile Traffic Court in Barstow

RECOMMENDATION(S)

1. Approve **Amendment No. 1** to the Joint Occupancy Agreement, **Contract No. 08-1131**, between the Judicial Council of California and the County of San Bernardino, for the period of July 1, 2020 through June 30, 2035, to reflect revisions to the methodology and responsible party for shared costs as calculated for utilities, operations and maintenance for the shared possession of the Court Facility known as the Barstow Courthouse located at 235 E. Mountain View Street in Barstow.
2. Approve **Amendment No. 1** to the Joint Occupancy Agreement, **Contract No. 08-1128**, between the Judicial Council of California and the County of San Bernardino, for the period of July 1, 2020 through June 30, 2035, to reflect revisions to the methodology and responsible party for shared costs as calculated for utilities, operations and maintenance for the shared possession of the Court Facility known as the Barstow Juvenile Traffic Court located at 301 E. Mountain View Street in Barstow.

(Presenter: Terry W. Thompson, Director, 387-5000)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Operate in a Fiscally-Responsible and Business-Like Manner.

Pursue County Goals and Objectives by Working with Other Agencies.

FINANCIAL IMPACT

Approval of this item will not result in the use of additional Discretionary General Funding (Net County Cost). All costs will be covered by transfers of appropriation of currently budgeted amounts within various Real Estate Services Department budget units.

There are no license fees associated with the Judicial Council of California (JCC), for the Superior Court of California, County of San Bernardino's (Court) use of 7,134 square feet of office space, consisting of 3,019 square feet of office space on the 1st Floor (the previous DA area) and 4,115 square feet of office space on the 2nd Floor (the previous PD and the Sheriff's area) at the Barstow Courthouse or the County's use of 711 square feet of office space at the Barstow Juvenile Traffic Court. The Court and the County will each incur its revised pro rata share of building operations and maintenance costs for the Court's use of County-controlled office space at the Barstow Courthouse (7763501000) and the County's use of Court-controlled office space at the Barstow Juvenile Traffic Court (7763001000).

**Amendments to Agreements with the Judicial Council of California for
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February 11, 2020**

BACKGROUND INFORMATION

On November 18, 2008 (Item No. 18), the Board of Supervisors (Board) approved Transfer Agreement (TA), No. 08-1130, Joint Occupancy Agreement (JOA), No. 08-1131, and the Memorandum of Understanding (MOU), No. 08-1132, between the JCC and the County, for the shared possession, occupancy, and use of the Barstow Courthouse in Barstow. On November 18, 2008 (Item No. 16), the Board approved TA, No. 08-1127, JOA, No. 08-1128, and the MOU, between the JCC and the County, for the shared possession, occupancy, and use of the Barstow Juvenile Traffic Court in Barstow. Each JOA defines the terms and conditions of the shared possession, occupancy and use of the respective real property, and provides that one party may license to the other party any exclusive space controlled by it under the JOA if that exclusive space is no longer required by the controlling party.

In February 2019, the JCC initiated discussion with the County regarding the High Desert Reorganization and the need to explore solutions to the High Desert population expansion predicted to continue over the next several years. Due to increased hearings tied to criminal cases, the challenges faced within the Victorville Courthouse, including the lack of public seating and overcrowding, and the lack of adequate space for criminal caseload courtrooms necessitated the reorganization. To address overcrowding, the best option to provide services to the High Desert is to move all Family Law caseloads from the Victorville Courthouse to the Barstow Courthouse. The Court plans to occupy available courtrooms in the Barstow Courthouse, which will improve the managing of caseloads per courtroom. A full service Self-Help Resource Center is planned for self-represented litigants, including workshops. A Children's Waiting Room will also open, providing families a place to leave their children to attend court hearings. Other benefits include improved public seating space and improved parking at both the Barstow Courthouse and the Victorville Courthouse. Another benefit of moving Family Law to the Barstow Courthouse is the ability to open more criminal courtrooms in the Victorville Courthouse, and improve efficiencies by providing more balanced criminal caseloads and the necessary jury room expansion in Victorville. The Court intends to continue to provide Family Court Services, Mediation, and Self Help Services at the Victorville Courthouse, and intends to keep a Family Law filing window at the Victorville Courthouse while expanding to Barstow.

Due to the reorganization needs and planning, the JCC no longer requires 711 square feet of office space within the Barstow Juvenile Traffic Court. The County no longer requires an aggregate of 7,134 square feet; consisting of 3,019 square feet of space on the 1st Floor, and 4,115 square feet of space on the 2nd Floor, within the Barstow Courthouse. The County and JCC (Parties) have agreed to amend the respective JOA's for the space each party no longer requires.

The Real Estate Services Department (RESA) negotiated the amendment to each respective JOA for the Court's use of office space in the Barstow Courthouse and the County's use of office space at the Barstow Juvenile Traffic Court. The JCC desires for the County to temporarily vacate and for the JCC and Court to temporarily occupy and be responsible for the entire Barstow Courthouse costs and expenses associated with the daily operation of the Barstow Courthouse. The Parties acknowledge and agree that the County shall be relieved from the shared costs for the daily operation; this is an estimated cost savings to the County of \$100,000 annually. The County shall still be responsible for the Barstow Courthouse's County Share (22.07%) for the cost of a correction or any Deficiency or Major Deficiency in excess of Five Thousand Dollars (\$5,000) ("Deficiency Cost Threshold") which arises during the Initial

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February 11, 2020**

Term or any Extended Term. As defined in the JOA; a Deficiency or Major Deficiency is any condition, damage or defect in the Common Area that threatens the life, health, or safety or security of employees, guests, or patrons occupying or visiting the building. The Barstow Courthouse will be solely occupied by the Court for the period of July 1, 2020 through June 30, 2035.

Conversely, the JCC and the Court agree to temporarily vacate the Barstow Juvenile Traffic Court acknowledging the County's use of the office space. The County will occupy and be responsible for the entire Barstow Juvenile Traffic Court costs and expenses associated with the daily operation of the Barstow Juvenile Traffic Court. The Parties acknowledge and agree that the JCC shall be relieved from the shared costs for the daily operation, and the County is now responsible; historically these costs have not exceeded \$10,000 annually. The JCC shall be responsible for the Barstow Juvenile Traffic Court's Share (11.65%) for the cost of a correction or any Deficiency or Major Deficiency in excess of Five Thousand Dollars (\$5,000) ("Deficiency Cost Threshold") which arises during the Initial Term or any Extended Term. The Barstow Juvenile Traffic Court will be solely occupied by the County for the period of July 1, 2020 through June 30, 2035.

The JCC will reimburse the County an amount not to exceed Fifty Thousand Dollars (\$50,000) which includes Thirty Five Thousand Dollars (\$35,000) allocated for the vacation of the Barstow Courthouse and Fifteen Thousand Dollars (\$15,000) allocated for the reoccupation by the County of the Barstow Juvenile Traffic Court, as necessary for certain specified professional moving services, documented furniture removal, and telecommunications relocation expenses upon receipt of an invoice from the County to the JCC.

Summary of License
Terms

Licenser/Licensee	Judicial Council of California (Stephen Saddler, Manager, Contracts)
Locations:	235 E. Mountain View Street, Barstow (36-J1) 301 E. Mountain View Street, Barstow (36-J2)
Size:	7,134 square feet, Barstow Courthouse (36-J1) 711 square feet, Barstow Juvenile Traffic Court (36-J2)
Term:	15 years commencing July 1, 2020
Options	None
JCC Fee %:	36-J1 - 100% 36-J2 – 11.65%
Improvement Costs:	All improvement costs to at sole cost of the Court
Custodial	Provided by each respective Licensee; each will incur its pro-rata share

**Amendments to Agreements with the Judicial Council of California for
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February 11, 2020**

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Maintenance: Provided by each respective Licensee; each will incur its pro-rata share

Utilities: Provided by each respective Licensee; each will incur its pro-rata share

Insurance: Both parties are self-insured public entities

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Robert F. Messinger, Principal Assistant County Counsel, 387-5455) on January 17, 2020; Finance (Allegra Pajot, Administrative Analyst, 387-5005 and Monique Amis, Administrative Analyst, 387-4883) on January 13, 2020; and County Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423) on January 28, 2020.

(PN: 677-8321)

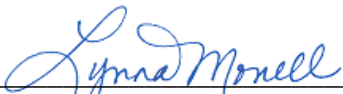
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Record of Action of the Board of Supervisors
County of San Bernardino

APPROVED (CONSENT CALENDAR)

Moved: Robert A. Lovingood Seconded: Josie Gonzales
Ayes: Robert A. Lovingood, Janice Rutherford, Dawn Rowe, Curt Hagman, Josie Gonzales

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: February 11, 2020



cc: RESD- Thompson w/agree for sign
Contractor C/O RESD w/agree
File- w/agree
la 02/12/2020