



Legislation Details (With Text)

File #: 2021-1361

Type: Consent Calendar Item **Status:** Agenda Ready

File created: 11/17/2021 **In control:** General Services

On agenda: 12/14/2021 **Final action:**

Title: Memorandum of Understanding and Related Utilities Easement Agreements for the New Santa Rosa Courthouse Project

Sponsors: General Services

Indexes:

Attachments: 1. Summary Report.pdf, 2. Att1-Proposed MOU.pdf, 3. Att2-Agr ELECTRICAL Utilities.pdf, 4. Att3-Agr WATER Utilities.pdf, 5. Att4-Agr SEWER Utilities.pdf

Date	Ver.	Action By	Action	Result
12/14/2021	1	Board of Supervisors	Approved as recommended	Pass

To: Sonoma County Board of Supervisors
Department or Agency Name(s): General Services
Staff Name and Phone Number: Caroline Judy, 707-565-8058
Vote Requirement: 4/5th
Supervisory District(s): Countywide

Title:
Memorandum of Understanding and Related Utilities Easement Agreements for the New Santa Rosa Courthouse Project

Recommended Action:

- A) Grant certain rights and interests to the Judicial Council of California (JCC), and authorize and delegate authority to the Director of General Services to negotiate, execute, and administer the following agreements with the Judicial Council of California (JCC), on terms that are substantially similar to the drafts attached hereto, which are related to the construction of the New Santa Rosa Courthouse Project (Courthouse Project):
- A Memorandum of Understanding (MOU), as may be amended from time to time in furtherance of the purposes stated therein, in a form approved by County Counsel, with the JCC for access to and use of County property located at 600 Administrative Drive and 2777 Ventura Avenue in support of construction activities for the Courthouse Project.
 - An Electrical Utilities Easement Agreement (EUEA), in a form approved by County Counsel, with the JCC, granting the JCC easement rights over a portion of County Property, comprised of a section of Ventura Avenue near the intersection with Paulin Drive, for electrical utilities and related equipment in support of the Courthouse Project.
 - Other utilities agreements, in a form approved by County Counsel, with the JCC, granting the JCC easement rights over other portions of County Property, for other utilities and related equipment in support of the Courthouse Project, including water and sewer utilities over Paulin Drive, on terms that are substantially similar to the EUEA.
- B) Find that the MOU and related Utilities Easement Agreements are in the public interest and that the

rights granted therein will not substantially conflict or interfere with the use of the property by the County.

(4/5th Vote Required)

Executive Summary:

On November 15, 2011, approximately 6.86 acres of County Property was sold to the State of California for the proposed Courthouse Project. The State, through the JCC, has now obtained the required permits to commence mobilization and site work on the Courthouse Project located at 600 Administration Drive. The MOU is required to facilitate access, construction staging and logistics between the County and the JCC. The EUEA identifies the portion of County property on Ventura Avenue needed for Courthouse electric and gas connections, and grants the JCC easement rights over a portion of County Property. The JCC has recently requested additional easement rights over Paulin Drive or other County Property for purposes of bringing water and sewer utilities to the Courthouse. Staff have negotiated with the JCC to ensure that the easements and rights granted anticipate the potential future uses of the County Administration campus, however, the JCC would have to agree to any request to relocate the easements.

Discussion:

Staff requests the Board to delegate authority to the Director of General Services to execute the MOU with the JCC for premises located at 600 Administration Drive and 2777 Ventura Drive, Santa Rosa, in a form approved by County Counsel, and on terms that are substantially similar to the draft that is provided with this report. The Courthouse project impacts County property and requires both temporary access and use as described in the MOU, and permanent easements as described in the EUEA.

As part of the JCC's performance of the Courthouse Project, the JCC requires temporary, exclusive access to and use of certain portions of County Property for construction-related purposes including, but not limited to, construction fencing and staging that encroaches on County Property. As a result, the southern portion of Paulin Drive adjacent to the site for the new Courthouse is inaccessible. The JCC is continuing to develop its construction plans for the Courthouse Project, which will continue to encroach on or affect County Property, and the JCC seeks the County's reasonable cooperation in fulfilling its construction plans and recognizes the impacts of the Courthouse Project on the County's beneficial use and enjoyment of the County Property.

To reduce interference with the County's use of its Property, the JCC is allowing temporary ingress and egress through portions of the JCC Property for vehicle-turnaround purposes, agrees to provide notifications prior to limitations on this use, and protections that such uses will not damage County Property or cause the County to incur a financial burden from the Courthouse Project. The MOU provides that the County and the JCC will continue to cooperate in good faith to minimize impacts on the County campus and, therefore, this board item seeks delegated authority to amend the MOU as reasonably necessary to facilitate the purpose of construction provided that the amendment is in the public interest and will not substantially conflict or interfere with the use of the property by the County.

The JCC has already commenced construction and obtained site work permits, but has delayed certain aspects of construction until approval and full execution of the MOU. The MOU expires upon completion of the Courthouse Project, currently anticipated on or about October 8, 2023, and in any event no later than July 1, 2024.

Staff also requests the Board to delegate authority to the Director of General Services to execute the EUEA with the JCC for a portion of County Property comprised of a section of Ventura Avenue near the intersection

with Paulin Drive, Santa Rosa, in a form approved by County Counsel.

The JCC requires a perpetual, non-exclusive easement and related rights for electrical and gas utilities and all necessary equipment in, over, across, under and through those portions of the County Property (Easement Area) identified in the EUEA, which will be the subject of a legal description after a survey is obtained. The JCC acknowledges the utilities within the Easement Area may need to be relocated, in the event that uses of the County Administration center change, and agrees to reasonably cooperate with the County in relocating the Easement Area and utilities therein, but the JCC is under no obligation to agree to relocation. Per the EUEA, any agreement to relocate will need to address the timing of any work, the financial responsibilities and construction duties, and require approval through the necessary JCC process.

The exact Easement Area is preliminary and may be adjusted after completion of design and/or construction of the utilities. Any material modifications to the current location are subject to the County's review and written consent prior to commencing construction. The JCC must submit the final legal description and plat of the Easement Area to the County no later than 90 days after construction of the utilities is complete.

The JCC has acknowledged they anticipate needing additional utilities easements to service the Courthouse, and recently requested formal easements for water and sewer service across Paulin Drive. The terms of these easement agreements would be substantially similar to the EUEA. Staff recommends the Board delegate authority to the Director of General Services to execute these agreements on terms that are substantially similar to the EUEA, as adjusted for the particular utilities, and subject to advice of County Counsel.

Government Code § 25526.6 allows the County to grant or convey a right to use County property to the Judicial Council if it is in the public interest and if the conveyance or right granted will not substantially interfere with or conflict with the County's use of the property. Here, the uses allowed by the MOU and related Utilities Easement Agreements are in the public interest because they facilitate the construction of a new Superior Court. The JCC's use of County property is limited to what is reasonably necessary. The MOU requires the JCC to cooperate with the County to avoid traffic impacts that substantially conflict with or interfere with County use of the property. The easement agreements require cooperation on future relocation of utilities.

Strategic Plan:

This item directly supports the County's Five-year Strategic Plan and is aligned with the following pillar, goal, and objective.

Pillar: Resilient Infrastructure

Goal: Goal 2: Invest in capital systems to ensure continuity of operations and disaster response.

Objective: Objective 1: Strengthen critical communications infrastructure, interoperability, and information technology tools relied upon during disasters.

Prior Board Actions:

November 15, 2011: Sale of approximately 6.86 acres of County Property to the State of California for the proposed, new State courthouse project, for an estimated aggregate purchase price of \$5,266,570.

FISCAL SUMMARY

Expenditures	FY 21-22 Adopted	FY22-23 Projected	FY 23-24 Projected

Budgeted Expenses			
Additional Appropriation Requested			
Total Expenditures	\$0		
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
Total Sources	\$0		

Narrative Explanation of Fiscal Impacts:

Not applicable.

Staffing Impacts:			
Position Title (Payroll Classification)	Monthly Salary Range (A-I Step)	Additions (Number)	Deletions (Number)

Narrative Explanation of Staffing Impacts (If Required):

Not applicable.

Attachments:

- 1 - Proposed Memorandum of Understanding between the Judicial Council of California and the County of Sonoma Regarding the New Santa Rosa Courthouse Project
- 2 - Proposed Electrical Utilities Easement Agreement (New Santa Rosa Courthouse Project)
- 3 - Proposed Sewer Utilities Easement Agreement (New Santa Rosa Courthouse Project)
- 4 - Proposed Water Utilities Easement Agreement (New Santa Rosa Courthouse Project)

Related Items "On File" with the Clerk of the Board:

None.