CALIFORNIA STATE
PUBLIC WORKS BOARD ARNOLD SCHWARZENEGGER, GOVERNOR
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AGENDA WITH ANALYSIS

NOTICE OF MEETING
STATE PUBLIC WORKS BOARD
Monday, August 17, 2009

The **STATE PUBLIC WORKS BOARD will meet on Monday, August 17, 2009, at 10:30 a.m. in Room 113, State Capitol, Sacramento, California**.
In accordance with provisions of Section 11125 of the Government Code, a copy of the Agenda is attached.

Greg Rogers
Administrative Secretary

Attachment

STATE PUBLIC WORKS BOARD
Monday
August 17, 2009
10:30 a.m.
Room 113
State Capitol
Sacramento, California

I. Roll Call

Michael C. Genest, Director, Department of Finance
Will Bush, Director, Department of General Services
Randell Iwasaki, Director, Department of Transportation
John Chiang, State Controller
Bill Lockyer, State Treasurer

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Patrick W. Henning, Director, Employment Development Department
(Advisory Member)

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Assembly Member, Mike Eng, Legislative Advisor
Assembly Member, Mary Hayashi, Legislative Advisor
Assembly Member, Sandre Swanson, Legislative Advisor
Senator, Mark J. DeSaulnier, Legislative Advisor
Senator, Denise Ducheny, Legislative Advisor
Senator, Abel Maldonado, Legislative Advisor

II. Approval of minutes from the July 14, 2009 meeting

III.	Consent Items	Page 3
IV.	Other Business	Page 38
V.	Reportables	Page 38

CONSENT ITEMS

CONSENT ITEM—1

JUDICIAL COUNCIL OF CALIFORNIA (0250)
ADMINISTRATIVE OFFICE OF THE COURTS
CORNING SUPERIOR COURT, TEHAMA COUNTY
AOC Facility Number 52-B1; DGS Parcel Number 128498

Authority: *Trial Court Facilities Act of 2002, Chapter 1082, Statutes of 2002, commencing with Section 70301 of the Government Code, as amended.*

Consider the acceptance of real property through a transfer of title

CONSENT ITEMS

STAFF ANALYSIS ITEM—1

Judicial Council of California
Administrative Office of the Courts
Corning Superior Court

Action Requested
If approved, the requested action would authorize the acceptance of real property through a transfer of title.

Scope Description
This project is within scope. The County of Tehama (County) is transferring fee title in and to the court facility commonly known as the Corning Superior Court, located at 720 Hoag Street, Corning, California (Court Facility), to the State of California (State) on behalf of the Judicial Council of California (Council), Administrative Office of the Courts (AOC), pursuant to that certain "Transfer Agreement Between the Judicial Council of California, Administrative Office of the Courts and the County of Tehama for the Transfer of Responsibility (TOR) for Court Facility, dated December 23, 2008 (Transfer Agreement). The Court Facility consists of an approximately 4,320 square foot courthouse building situated on half acre site. The Court Facility is a one-story building with an on-site unreserved above-ground asphalt parking and associated landscape. Following the transfer of title, the AOC shall be responsible for the funding and operation of the Court Facility.

Funding and Cost Verification

This project is within cost. The County shall not be entitled to compensation for any equity value in the square footage occupied by the Superior Court in the Court Facility pursuant to the Trial Court Facilities Act of 2002 (the Act). The only costs associated with acceptance of this no-cost acquisition are the staff costs to process the acceptance.

CEQA

A Notice of Categorical Exemption was filed with the State Clearinghouse on January 5, 2009. The 35-day statute of limitations period expired on February 9, 2009, without challenge.

Project Schedule

The anticipated date of close of escrow is August 30, 2009.

Condition of Property

On August 26, 2006, Staff from the AOC's Office of Court Construction and Management conducted its initial site visit to the Corning Superior Courthouse, to assess the general condition of the property. The AOC Construction and Management staff concluded that the Court Facility did not contain any apparent hazards to the health and safety of the occupants or property. A follow-up site visit, conducted on April 1, 2009, found that the building condition was similar to the visit described in August 2006. The seismic assessment contained the following findings:

Phase I:

A Phase I report was completed in May of 2008 in accordance with the American Society for Testing and Materials. The Phase I cited no onsite or offsite Recognized Environmental Conditions for this site; however, because the building was constructed prior to 1978, the presence of asbestos or lead-based paints on the property could not be excluded. Prior to undertaking any renovations the property management company will take appropriate action to test for asbestos containing building materials and abate if found.

Seismic Safety Assessment of the Improvements:

On July 9, 2003, this Court Facility was assigned an overall Seismic Risk Level IV, an acceptable seismic rating, under the Seismic Risk Table as developed by the Division of the State Architect, as of April 1994.

Other:

- The County adopted a Resolution on December 23, 2008, approving the Transfer Agreement to transfer title and responsibility of the Court Facility to the State.
- The State may refuse to accept responsibility for the Court Facility only if (a) the Court Facility contains one or more "deficiencies," as defined at Government Code Section 70326(b), and (b) the county and the AOC have not made provision for the correction of the deficiencies as part of the Transfer Agreement, pursuant to Section 70326(c) or Section 70327(d) of the Government Code. Neither of these situations exists.
- The Transfer Agreement requires that delivery of title to the property be free and clear of any mortgages or liens.
- The AOC is not aware of any lawsuits pending concerning the property.
- There is no relocation assistance or implied dedication in this court facility transfer.

- The County has agreed to indemnify the AOC for any liability imposed on the AOC pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. Sec. 9601 et seq.), or related provisions for conditions at the time of transfer whether known or not known that existed in, on, or under the real property.
- The Phase I report indicates that it is likely that there are potential concerns for lead-based paint and asbestos containing materials in the building. Prior to any structural changes or renovations, all appropriate local, state, and federal rules/regulations will be followed with respect to the handling and disposal of these materials.
- As provided by the terms of a Court Security Agreement effective July 1, 2007, between the County, the Superior Court of California, and County Sheriff, the County Sheriff's Department will remain liable and responsible for the secure entry, exit, transport, ad holding of prisoners attending Court sessions throughout various area of the real property.
- There are no historic issues associated with the Court Facility.
- In accordance with the Act, there is adequate parking for the Court Facility.

Staff Recommendation: **Authorize the acceptance of real property through a transfer of title.**

CONSENT ITEMS

CONSENT ITEM—2

JUDICIAL COUNCIL OF CALIFORNIA (0250)
ADMINISTRATIVE OFFICE OF THE COURTS
DELANO NORTH KERN COURTHOUSE, KERN COUNTY
AOC Facility Number 15-D1; DGS Parcel Number 10591

Authority: *Trial Court Facilities Act of 2002, Chapter 1082, Statutes of 2002, commencing with Section 70301 of the Government Code, as amended.*

Consider the acceptance of real property through a transfer of title

CONSENT ITEMS

STAFF ANALYSIS ITEM—2

Judicial Council of California
Administrative Office of the Courts
Delano North Kern Courthouse

Action requested
If approved, the requested action would authorize the acceptance of real property through a transfer of title.

Scope Description
This project is within scope. The County of Kern (County) is transferring fee title in and to the court facility commonly known as the Delano-North Kern Courthouse, located at 1122 Jefferson Street in Delano, California (Court Facility), to the State of California (State) on behalf of the Judicial Council of California (Council), Administrative Office of the Courts (AOC), pursuant to that certain Transfer Agreement between the Judicial Council of California, Administrative Office of the Courts and the County of Kern for the Transfer of Responsibility and Title for Court Facility, dated March 27, 2009 (Transfer Agreement). The Court Facility consists of approximately 1.1 acres of real property improved with an approximately 11,653 square foot, one-story building and associated landscaping. Following the transfer of title, the AOC shall be responsible for the funding and operation of the Court Facility.

Funding and Cost Verification
This project is within cost. The County shall not be entitled to compensation for any equity value in the square footage occupied by the Superior Court in the Court Facility pursuant to the Trial Court Facilities Act of 2002 (the Act). The only costs associated with acceptance of this no-cost acquisition are the staff costs to process the acceptance.

CEQA
A Notice of Exemption was filed with the State Clearinghouse on April 29, 2009. The 35-day statute of limitations period expired on June 3, 2009, without challenge.

Project Schedule
The anticipated close of escrow is September 1, 2009.

Condition of Property
A Phase I Environmental Site Assessment was conducted for the building and seismic assessments. The following findings were made:

Phase I:
A Phase I report was completed in March 2009, by URS Corporation in accordance with the American Society for Testing and Materials Standard Practice for Environmental Site Assessments. The Phase I report found no on-site or off-site recognized environmental conditions or historical recognized environmental conditions with respect to the subject site.

Building Assessment:
Staff from the AOC's Office of Court Construction and Management (OCCM) conducted an initial site visit of the Court Facility on May 16, 2008, to assess the general condition of the property, and has continued to monitor the condition of the Court Facility since that time. OCCM concluded that the Court Facility did not contain any apparent hazards to the health and safety of the occupants or property.

Seismic Safety Assessment of the Improvements:
ATT Degenkolb Engineers, Inc. licensed structural engineers, performed a Tier I seismic safety assessment of the building located in the Court Facility in July 2003, and inspected and evaluated the Court Facility for seismic safety in accordance with the method and criteria developed by the Department of General Services' Real Estate Services Division. This seismic evaluation of the Court Facility was then peer-reviewed by other qualified engineers.

The AOC determined that the building has a seismic safety rating of Level V, as defined in the Risk Acceptability Table of the State Building Seismic Program, developed by the Division of State Architect, April 1994. The County objected to this determination and filed a claim with the Court Facilities Dispute Resolution Committee. After further review conducted as part of settlement negotiations to resolve the County's dispute resolution claim, the building was upgraded to a seismic safety rating of Level IV.

Other:

- The County adopted a Minute Order on March 17, 2009, authorizing the Assistant County Administrator for General Services to sign agreements and related documents for the transfer of responsibility and/or title to the Court Facility to the AOC.

- The Transfer Agreement requires that delivery of title to the property would be free and clear of any mortgages or liens.
- The County has agreed to indemnify the AOC for any liability imposed on the AOC pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. Sec. 9601 et seq.), or related provisions for conditions at the time of transfer whether known or not known that existed in, on, or under the real property.
- The Superior Court occupies 9,397 square feet (80.6 percent) of the Court Facility and the County will continue to occupy 2,256 square feet (19.4 percent) for County administrative purposes.
- The County and the AOC have entered into a Joint Occupancy Agreement which provides for rights of first refusal and rights of first offer for excess area in favor of either the County or Council, in the event that either party desires to vacate all or a portion of the Court Facility, in accordance with Government Code Section 70342(e).
- The County will be responsible for the operation of the telecommunications and data equipment located in the Court Facility. The Joint Occupancy Agreement provides that the County will have the right to enter the Court Exclusive-Use Area for purposes of inspecting and operation of the data equipment.
- There are no historic issues, relocation assistance, or is no implied dedication associated with the Court Facility.
- The AOC is not aware of any lawsuits pending concerning the property.
- In accordance with the Act, there is adequate parking for the Court Facility.

Staff Recommendation: **Authorize the acceptance of real property through a transfer of title.**

CONSENT ITEMS

CONSENT ITEM—3

JUDICIAL COUNCIL OF CALIFORNIA (0250)
ADMINISTRATIVE OFFFICE OF THE COURTS
GLENDALE COURTHOUSE, LOS ANGELES COUNTY
AOC Facility Number 19-H1; DGS Parcel Number 10593

Authority: *Trial Court Facilities Act of 2002, Chapter 1082, Statutes of 2002, commencing with Section 70301 of the Government Code, as amended.*

Consider the acceptance of real property through a transfer of title

CONSENT ITEMS

STAFF ANALYSIS ITEM—3

Judicial Council of California
Administrative Office of the Courts
Glendale Courthouse

Action requested
If approved, the requested action would authorize the acceptance of real property through a transfer of title.

Scope Description
This project is within scope. The County of Los Angeles (County) is transferring fee title in and to the court facility commonly known as Glendale Courthouse located at 600 E. Broadway, Glendale, California (Court Facility) to the State of California (State) on behalf of the Judicial Council of California (Council), Administrative Office of the Courts (AOC) pursuant to that certain Transfer Agreement between the Judicial Council of California, Administrative Office of the Courts and the County of Los Angeles for the Transfer of Responsibility and Title for Court Facility dated July 29, 2009 (Transfer Agreement). The Court Facility consists of approximately 2.3 acres of real property improved with an approximately 41,298 square foot, two-story building, parking area, and associated landscaping. Following the transfer of title, the AOC shall be responsible for the funding and operation of the Court Facility.

Funding and Cost Verification

This project is within cost. The County shall not be entitled to compensation for any equity value in the square footage occupied by the Superior Court in the Court Facility pursuant to the Trial Court Facilities Act of 2002 (the Act). The only costs associated with acceptance of this no-cost acquisition are the staff costs to process the acceptance.

CEQA

A Notice of Exemption was filed with the State Clearinghouse on June 3, 2008. The 35-day statute of limitations period expired on July 8, 2008, without challenge.

Project Schedule

The anticipated close of escrow is September 1, 2009.

Condition of Property

A Phase I Environmental Site Assessment was conducted for the building and seismic assessments. The following findings were made:

Phase I:

A Phase I report was completed in May 2009 by ERM in accordance with the American Society for Testing and Materials Standard Practice for Environmental Site Assessments. The Phase 1 report found no on-site recognized environmental conditions with respect to the subject site.

The Phase I found one off-site recognized environmental concern. According to the report, the subject property is located in the San Fernando Valley Area 2 Crystal Springs Wellfield Area which is listed in the National Priorities List database for groundwater contamination. The contaminated groundwater contains trichloroethylene and perchloroethylene, which is mostly attributed to the unregulated disposal of waste solvents from various manufacturing sectors as far back as the 1940s. The Glendale Water Treatment Plant is currently in charge of the local aquifer treatment that began in 2000. The treatment is expected to continue until at least the year 2012. It is unlikely that this will pose any problems to the property as it will be served by a public water system which is required to meet certain drinking water quality standards.

Building Assessment:

Staff from the AOC's Office of Court Construction and Management (OCCM) conducted an initial site visit of the Court Facility on December 6, 2007 to assess the general condition of the property. Staff has visited the site on several occasions since the initial site visit to monitor the condition of the Court Facility. OCCM concluded that the Court Facility did not contain any apparent hazards to the health and safety of the occupants or property.

Seismic Safety Assessment of the Improvements:

Licensed structural engineers performed a Tier I seismic safety assessment of the building located in the Court Facility in April 2003 and inspected and evaluated the Court Facility for seismic safety in accordance with the method and criteria developed by the Department of General Services' Real Estate Services Division. This seismic evaluation of the Court Facility was then peer-reviewed by other qualified engineers.

The AOC determined that the building has a seismic safety rating of Level V as defined in the Risk Acceptability Table of the State Building Seismic Program developed by the Division of State Architect, April 1994. The building is transferring to the state pursuant to the provisions of Government Code section 70324 (SB 10) which provides that the county shall be responsible for any seismic-related damage and injury, the county shall indemnify, defend, and hold the state harmless from those claims.

Other:

- The County adopted the Transfer Agreement on July 29, 2008, to transfer title and responsibility of the Court Facility to the State.
- The Transfer Agreement acknowledges that the Court Facility is being transferred to the AOC with a Level V Seismic Rating and the County accepts responsibility and liability under Section 70324 (a) of the Act.
- The State may decline to accept responsibility for the Court Facility only if (a) the Court Facility contains one or more deficiencies as defined in Government Code Section 70326(b), and (b) the County and AOC have not made provision for the correction of the deficiencies as part of the Transfer Agreement pursuant to Government Code Sections 70326(c) or 70327(d). Neither of these situations pertain to this property. The Transfer Agreement requires that delivery of title to the property would be free and clear of any mortgages or liens.
- The County has agreed to indemnify AOC for any liability imposed on AOC pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. Sec. 9601 et seq.) or related provisions for environmental conditions at the time of transfer whether known or not known that existed in, on, or under the real property.
- The Superior Court occupies 37,975 square feet (sf) (90.5 percent) of the Court Facility. The County will continue to occupy 3,323 sf (9.5 percent) of the Court Facility.
- The AOC and the County have entered into a Joint Occupancy Agreement for the Court Facility which grants the parties the rights of ingress, egress, and access to all parts of the facility necessary for the purpose of using, maintaining, expansion, and replacement of their respective areas.
- The AOC is not aware of any pending lawsuits concerning the property. In accordance with the Act, there is adequate parking for the Court Facility.
- There are no historic issues, relocation assistance, or implied dedication associated with the Court Facility.

Staff Recommendation: **Authorize the acceptance of real property through a transfer of title.**

CONSENT ITEMS

CONSENT ITEM— 4

JUDICIAL COUNCIL OF CALIFORNIA (0250)
ADMINISTRATIVE OFFICE OF THE COURTS
SHAFTER WASCO COURTHOUSE, KERN COUNTY
AOC Facility Number 15-E1; DGS Parcel Number 10588

Authority: *Trial Court Facilities Act of 2002, Chapter 1082, Statutes of 2002, commencing with Section 70301 of the Government Code, as amended.*

Consider the acceptance of real property through a transfer of title

CONSENT ITEMS

STAFF ANALYSIS ITEM—4

Judicial Council of California
Administrative Office of the Courts
Shafter Wasco Courthouse

Action requested
If approved, the requested action would authorize the acceptance of real property through a transfer of title.

Scope Description
This project is within scope. The County of Kern (County) is transferring fee title in and to the court facility commonly known as the Shafter Wasco Courthouse, located at 325 Central Valley Highway in Shafter, California (Court Facility), to the State of California (State) on behalf of the Judicial Council of California (Council), Administrative Office of the Courts (AOC), pursuant to that certain Transfer Agreement between the Judicial Council of California, Administrative Office of the Courts and the County of Kern for the Transfer of Responsibility and Title for Court Facility, dated March 27, 2009 (Transfer Agreement). The Court Facility consists of approximately two acres of real property improved with an approximate 13,857 square foot, one-story building and associated landscaping. Following the transfer of title, the AOC shall be responsible for the funding and operation of the Court Facility.

Funding and Cost Verification

This project is within cost. The County shall not be entitled to compensation for any equity value in the square footage occupied by the Superior Court in the Court Facility pursuant to the Trial Court Facilities Act of 2002 (the Act). The only costs associated with acceptance of this no-cost acquisition are the staff costs to process the acceptance.

CEQA

A Notice of Exemption was filed with the State Clearinghouse on April 29, 2009. The 35-day statute of limitations period expired on June 3, 2009, without challenge.

Project Schedule

The anticipated close of escrow is September 1, 2009.

Condition of Property

A Phase I Environmental Site Assessment was conducted for the building and seismic assessments. The following findings were made:

Phase I:

A Phase I report was completed in April 2009, by URS Corporation in accordance with the American Society for Testing and Materials Standard Practice for Environmental Site Assessments. The Phase 1 report found no on-site or off-site recognized environmental conditions with respect to the subject site.

Building Assessment:

Staff from the AOC's Office of Court Construction and Management (OCCM) conducted an initial site visit of the Court Facility on July 27, 2005, to assess the general condition of the property, and has monitored the on-going condition of the Court Facility. OCCM concluded that the Court Facility did not contain any apparent hazards to the health and safety of the occupants or property.

Seismic Safety Assessment of the Improvements:

ATT Degenkolb Engineers, Inc. licensed structural engineers, performed a Tier I seismic safety assessment of the building located in the Court Facility in July 2003, and inspected and evaluated the Court Facility for seismic safety in accordance with the method and criteria developed by the Department of General Services' Real Estate Services Division. This seismic evaluation of the Court Facility was then peer-reviewed by other qualified engineers.

The AOC determined that the building has a seismic safety rating of Level IV, as defined in the Risk Acceptability Table of the State Building Seismic Program, developed by the Division of State Architect, April 1994.

Other:

- The State may refuse to accept responsibility for the Court Facility only if (a) the Court Facility contains one or more "deficiencies," as defined at Government Code Section 70326(b), and (b) the county and the AOC have not made provisions for the correction of the deficiencies as part of the Transfer Agreement, pursuant to Section 70326(c) or Section 70327(d) of the Government Code. Neither of these situations exists.

- The County adopted a Minute Order on March 17, 2009, authorizing the Assistant County Administrator for General Services to sign agreements and related documents for the transfer of responsibility and/or title to the Court Facility to the AOC.
- Following the transfer of title, the Superior Court will occupy 12,465 square feet (89.9 percent) of the Court Facility and the County will continue to occupy 1,392 square feet (10.1 percent) for County administrative purposes.
- The Transfer Agreement requires that delivery of title to the property would be free and clear of any mortgages or liens.
- The County has agreed to indemnify the AOC for any liability imposed on the AOC pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. Sec. 9601 et seq.), or related provisions for conditions at the time of transfer whether known or not known that existed in, on, or under the real property.
- The County and the AOC have entered into a Joint Occupancy Agreement, which provides for rights of first refusal and rights of first offer in favor of either the County or JCC, in the event that either party desires to vacate the Court Facility, in accordance with Government Code Section 70342(e).
- The County will maintain ownership of and responsibility for the communications tower and its backup emergency generator. Accordingly, the County shall have continuous right of access to the communications tower for its operation, maintenance and repair.
- There are no historic issues, relocation assistance, or is no implied dedication associated with the Court Facility.
- The AOC is not aware of any lawsuits pending concerning the property.
- In accordance with the Act, there is adequate parking for the Court Facility.

Staff Recommendation: **Authorize the acceptance of real property through a transfer of title.**

CONSENT ITEMS

CONSENT ITEM—5

JUDICIAL COUNCIL OF CALIFORNIA (0250)
ADMINISTRATIVE OFFICE OF THE COURTS
RIDGECREST DIVISION B COURTHOUSE, KERN COUNTY
AOC Facility Number 15-J2; DGS Parcel Number 10590

Authority: *Trial Court Facilities Act of 2002, Chapter 1082, Statutes of 2002, commencing with Section 70301 of the Government Code, as amended*

Consider the acceptance of real property through a transfer of title

CONSENT ITEMS

STAFF ANALYSIS ITEM—5

Judicial Council of California
Administrative Office of the Courts
Ridgecrest Division B Courthouse

Action requested
If approved, the requested action would authorize the acceptance of real property through a transfer of title.

Scope Description
This project is within scope. The County of Kern (County) is transferring fee title in and to the court facility commonly known as the Ridgecrest Division B Courthouse located in Ridgecrest, California (Court Facility) to the State of California (State) on behalf of the Judicial Council of California (Council), Administrative Office of the Courts (AOC), pursuant to that certain Transfer Agreement between the Council, AOC, and the County for the Transfer of Responsibility for Court Facility dated March 27, 2009, (Transfer Agreement). The Court Facility consists of an approximately 15,960 square foot (sf) site improved with a 2,345 sf building and associated landscaping. Following the transfer of title, the AOC shall be responsible for the funding and operation of the Court Facility.

Funding and Cost Verification
This project is within cost. The County shall not be entitled to compensation for any equity value in the square footage occupied by the Superior Court in the Court Facility pursuant to the Trial Court Facilities Act of 2002 (the Act). The only costs associated with acceptance of this no-cost acquisition are the staff costs to process the acceptance.

CEQA
A Notice of Exemption was filed with the State Clearinghouse on April 29, 2009. The 35-day statute of limitations period expired on June 3, 2009, without challenge.

Project Schedule
The anticipated close of escrow is September 1, 2009.

Condition of Property
A Phase I Environmental Site Assessment was conducted for the building and seismic assessments. The following findings were made:

Phase I:
A Phase I report was completed in June 2009 in accordance with the American Society for Testing and Materials Standard Practice for Environmental Site Assessments. The Phase 1 report found no on-site or off-site recognized environmental conditions with respect to the subject site.

Building Assessment:
Staff from the AOC's Office of Court Construction and Management (OCCM) conducted an initial site visit of the Court Facility on August 4, 2005, to assess the general condition of the property and has continued to monitor the condition of the Court Facility since that time. OCCM concluded that the Court Facility did not contain any apparent hazards to the health and safety of the occupants or property.

Seismic Safety Assessment of the Improvements:
This Court Facility was constructed after 1988. Per the Act, it is exempt from any seismic safety assessment requirements.

Other:

- The County adopted a Minute Order on March 17, 2009, authorizing the Assistant County Administrator for General Services to sign agreements and related documents for the transfer of responsibility and/or title to the Court Facility to the AOC.
- The State may decline to accept responsibility for the Court Facility only if (a) the Court Facility contains one or more deficiencies as defined in Government Code Section 70326(b), and (b) the County and AOC have not made provision for the correction of the deficiencies as part of the Transfer Agreement pursuant to Government Code Sections 70326(c) or 70327(d). Neither of these situations pertain to this property.
- The Transfer Agreement requires that delivery of title to the property would be free and clear of any mortgages or liens.

- The County has agreed to indemnify AOC for any liability imposed on AOC pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. Sec. 9601 et seq.) or related provisions for environmental conditions at the time of transfer whether known or not known that existed in, on, or under the real property.
- The Superior Court occupies 100 percent of the Court Facility.
- The AOC is not aware of any pending lawsuits concerning the property.
- In accordance with the Act, there is adequate parking for the Court Facility.
- There are no historic issues, relocation assistance, or implied dedication associated with the Court Facility.

Staff Recommendation: **Authorize the acceptance of real property through a transfer of title.**

CONSENT ITEMS

CONSENT ITEM—6

JUDICIAL COUNCIL OF CALIFORNIA (0250)
ADMINISTRATIVE OFFICE OF THE COURTS
NEW SAN ANDREAS COURTHOUSE, CALAVERAS COUNTY
AOC Facility Number 05-C1; DGS Parcel Number 10547

Authority: Chapters 171 and 172, Statutes of 2007, Item 0250-301-3037(0.5)

Consider authorizing acquisition

CONSENT ITEMS

STAFF ANALYSIS ITEM—6

Judicial Council of California
Administrative Office of the Courts
New San Andreas Courthouse

Action requested
If approved, the requested action would authorize acquisition.

Scope Description
This project is within scope. The requested action would authorize the Judicial Council of California (Council) to acquire approximately 7 acres of unimproved land from the County of Calaveras (County) to construct court facilities and related improvements for use by the Superior Court of California for judicial, court, administrative office, and related purposes. The project will provide surface parking as well as secure parking for judicial officers and staff, replace a functionally and physically deficient facility, and will address security and overcrowding issues currently facing the court. This site is located adjacent to the existing Calaveras County Government Center as well as the site of the future County adult detention facility. This property is also located near downtown San Andreas and off the main highway that connects San Andreas to neighboring communities. The site meets all conformance guidelines designated by legislation and Council requirements in terms of size, location, accessibility, and costs.

Funding and Cost Verification

This project is within cost. Chapters 171 and 172, Statutes of 2008, Item 0250-301-3037(0.5) provides for funding of $845,000 for site acquisition. The property can be acquired with the funds available and in accordance with Legislative intent.

CEQA

In accordance with the California Environmental Quality Act, the County of Calaveras acted in the capacity of Lead Agency and completed an Initial Study and Mitigated Negative Declaration in August, 2008. The County of Calaveras' CEQA document included the AOC's acquisition of a parcel for the proposed courthouse, construction of the courthouse, and operation of the courthouse by the Superior Court of California, County of Calaveras. Also in accordance with the California Environmental Quality Act, the Administrative Director of the Courts approved the CEQA document, and the AOC filed a Notice of Determination in March 2009. The statute of limitations for the notice expired on April 30, 2009 without adverse comments.

Project Schedule

The anticipated close of escrow is September 2009.

Condition of Property

On February 1, 2008, staff from the Department of General Services (DGS), Environmental Services Section (DGS/ESS) conducted a site visit to the Jail site, which is being considered by the Council to build a new courthouse facility in San Andreas, CA. The Jail site originally consisted of four parcels that equaled approximately 57 acres. Since then, two parcels have been carved out for acquisition by the JCC for its new courthouse project which together would equal approximately 7 acres. The two new parcels are contiguous with each other. The site is located near the downtown area of San Andreas. The site is a vacant lot and is bordered on the south side by the County of Calaveras Government Center. An Environmental Site Assessment, Phase I was completed on July 30, 2008. The Phase I reports were reviewed by DGS/ESS staff and found to be in accordance with the standards established under the American Society of Testing Materials (ASTM), Standard Practice E 1527-05. The property did not reveal evidence of recognized environmental conditions (RECs).

Other:

- Funding for this project was contingent upon the SB1732 transfer of responsibility of the Calaveras Legal Building to the State. The transfer of responsibility from the Calaveras County to the State occurred on May 31, 2007.
- The State Public Works Board approved this project for site selection on November 14, 2008.
- The property will be acquired in exchange for the State's equity interest in the existing court facility. The exchange price does not exceed the estimated fair market value as indicated in a DGS approved appraisal.
- Access from Mountain Ranch Road will be provided via an easement over the location of the future public road (Government Center Road). The easement will be conveyed with the property. The Property Acquisition Agreement (PAA) provides for the County to develop and dedicate, prior to the issuance of the certificate of occupancy for the State project, this public road to serve the County Criminal Justice Center which will include the

State's new court facility, a new adult detention facility, a new sheriff's administrative office, and other government facilities. Dedication of the public road will be evidenced by the recordation of a County certified resolution accepting the offer of dedication. Upon dedication of the public road, the State and County will terminate the access easement.

- The State's Construction Start Date is estimated to be June 15, 2010. The majority of the County development activities will be completed after the close of escrow and before the State's Construction Start Date. Prior to the Construction Start Date, the County shall have completed necessary infrastructure to allow the State to make all utility service connections. The County shall have completed the final public road improvements on or before issuance of the certificate of occupancy for the State project. The responsibilities and obligations of the County and the Council are set forth in the PAA and in a Memorandum of Understanding (MOU) between the County and the Council executed on March 18, 2009.
- The PAA provides for the Council's right to reverse the property exchange if the County is unable to perform the development requirements and, as a result, the Council is unable to commence construction by the Construction Start Date. In this event, the County shall reimburse the Council the full amount of the Council's costs for title fees, appraisal charges, due diligence inspections, surveys, and design expenses. The PAA further provides for the Council's right to complete the facility utility systems and final road improvements if the County is unable to complete such final improvements on or before the issuance of the certificate of occupancy for the State project. In this event, the County shall reimburse the Council the full amount of the Council's costs incurred to fully complete the final improvements.
- The PAA does not include DGS' standard environmental indemnification language. However, while the site is rural and unimproved and the Phase I Environmental Site Assessment did not suggest items of significant concern, the Council proceeded with Phase II testing with results within normal parameters. Based upon the DGS-ESS site visit to the property, DGS-ESS review of the Phase I Environmental Site Assessment, the rural, unimproved character of the property, and the follow-up Phase II reporting, it does not appear that there are any environmental conditions that would pose exceptional risk to the State. It should be noted that the lack of standard indemnification language does not relieve the seller or prior owners of liability under existing law.
- The Agreement will require delivery of title to the property free and clear of any mortgages or liens.
- There are no historic issues, relocation assistance, or implied dedication involved with this project.

Staff Recommendation: Authorize acquisition

CONSENT ITEMS

CONSENT ITEM—7

JUDICIAL COUNCIL OF CALIFORNIA (0250)
ADMINISTRATIVE OFFICE OF THE COURTS
NEW SUSANVILLE COURTHOUSE, LASSEN COUNTY
AOC Facility Number 18-C1

Authority: *Chapters 171 and 172, Statutes of 2007, Item 0250-301-3037 (1.5)*
Chapters 268 and 269, Statutes of 2008, Item 0250-301-3037 (1.5)

Consider approval of preliminary plans

CONSENT ITEMS

STAFF ANALYSIS ITEM—7

Judicial Council of California
Administrative Office of the Courts
New Susanville Courthouse

Action requested
If approved, the requested action would approve preliminary plans.

Scope Description
This project is within scope. This new courthouse building will be occupied by the Superior Court of California, County of Lassen. The proposed project will be located on a new site location in the city of Susanville. The new courthouse is estimated to be 36,600 building gross square feet (BGSF) in area with 3 courtrooms and 1 hearing room completed. Parking for the facility will include 135 surface parking spaces and 6 secure surface parking spaces. All site development costs are included: grading, utilities, curbs and pavement, landscaping and site security features. The project includes an emergency generator, secure parking for judges, sallyport for inmate delivery and secure holding areas.

Funding and Cost Verification

$38,937,000	total authorized project costs
$38,937,000	total estimated project costs
$ 2,943,000	project costs previously allocated: $1,478,000 acquisition and $1,465,000 preliminary plans
$35,994,000	project costs to be allocated: $2,075,000 working drawings and $33,919,000 construction ($30,068,000 contract, $1,503,000 contingency, $522,000 A&E costs, and $1,826,000 other)

CEQA
A Notice of Determination was filed with the State Clearinghouse on September 9, 2008. The 30-day statute of limitations expired on October 9, 2008, without challenge.

Real Estate Due Diligence
A Phase I Environmental Site Assessment (ESA) was prepared by Tetra Tech by on February 27, 2008, for the site. In August 2008, Earth Tech prepared a Phase II Environmental Site Assessment on the site. No items of concern were identified. There is no relocation assistance involved with this project, nor is there any implied dedication involved with this project.

Project Schedule

Approve preliminary plans	August 2009
Complete working drawings	April 2010
Complete construction	December 2011

Staff Recommendation: Approve preliminary plans

CONSENT ITEMS

CONSENT ITEM—8

JUDICIAL COUNCIL OF CALIFORNIA (0250)
ADMINISTRATIVE OFFICE OF THE COURTS
NEW WOODLAND COURTHOUSE, YOLO COUNTY
AOC Facility Number 57-A10; DGS Parcel Number 10587

Authority: *Chapter 311, Statutes of 2008*
Chapter 1, Third Extraordinary Session, Statutes of 2009, as amended by
Chapter 1, Fourth Extraordinary Session, Statutes of 2009, Item 0250-301-3138(12)

Consider authorizing site selection

CONSENT ITEMS

STAFF ANALYSIS ITEM—8

Judicial Council of California
Administrative Office of the Courts
Woodland Courthouse

Action requested
If approved, the requested action would authorize site selection.

Scope Description
This project is within scope. The requested action would authorize site selection of approximately 3.75 acres for the construction of a new courthouse and associated improvements for use by the Superior Court of California for judicial, administrative, and related purposes. The project will provide surface parking as well as secure parking for judicial officers and staff in the downtown area of the City of Woodland in Yolo County. Additional parking will be provided in a planned City-owned garage on a nearby site. The property consists of four contiguous properties one of which is currently owned by the City of Woodland. The City of Woodland Redevelopment Agency (RDA) will acquire the three additional properties after which the City and RDA will transfer the four properties to the State. One property is improved with three buildings occupied by an art gallery and a furniture sales/repair shop. The three other properties have remnant improvements, e.g. small structures and paving, from prior uses which include gas stations, a bulk storage facility for petroleum products, and a City maintenance yard.

Funding and Cost Verification
This project is within cost. This property can be acquired with the funds available and in accordance with Legislative intent.

CEQA
Subsequent to the site selection process and in accordance with the California Environmental Quality Act (Public Resources Code Section 21000-21177) and pursuant to Section 15063 of Title 14 of the California Code of Regulations, the Judicial Council of California (Council), acting in the capacity of Lead Agency, will undertake the preparation of an Initial Study to determine if the proposed project would have a significant environmental impact. This will be submitted with a future site acquisition application for the selected site.

Project Schedule
The anticipated close of escrow is June 2010.

Condition of Property Statement
On June 26, 2009, staff from Department of General Services, Environmental Services Section (DGS/ESS) visited the contiguous parcels forming the 3.75-acre block between Main Street and Lincoln Avenue and Fifth and Sixth Streets in Woodland, California. Assemblage of the land is contemplated for acquisition for the new Woodland Courthouse. The properties are partially vacant and partially developed with paving, gravel ground cover, and structures for commercial uses. Some vacant portions of the property are used for parking. A park, commercial and light industrial development, and government administration buildings surround the properties. Topography is flat.

Phase I:
A Phase I Environmental Site Assessment (ESA) was prepared on June 2009 in accordance with the American Society for Testing and Materials Standard Practice for Environmental Site Assessments. The Phase I site information appears consistent with the DGS site visit. The Phase I cited no data gaps. However, it is recommended that a Phase II ESA be performed because of the properties' historic and current presence of suspected potential environmental concerns. As the AOC prepares the CEQA document, DGS recommends that AOC consider the conclusions and recommendations of the Phase II ESA.

Other:

- The proposed site meets the size, location, and compatibility requirements of the Judicial Council of California (Council).
- The purchase price will not exceed the estimated fair market value as indicated in a Department of General Services approved appraisal report.
- The four properties are located within a City of Woodland redevelopment agency plan area. The Council will analyze the redevelopment agency plan for potential impacts on the State's proposed project.
- The properties are improved. Determination of responsibility for the demolition, remediation, and land assembly activities will take place during the transaction negotiation period after State Public Works Board site selection authorization.

- One property is improved and occupied by commercial businesses. Relocation assistance may be required. Determination of responsibility for possible relocation assistance will take place during the transaction negotiation period after site selection authorization. The RDA is responsible for the relocation study and benefits, if any.
- Three of the properties will be acquired by the State through a third party, the RDA. A benefit to the State in acquiring the properties through a third party, the RDA, rather than directly from the current owners is that the RDA will perform the relocation study and provide relocation benefits, if applicable.
- The above-referenced Phase I ESA recommends a Phase II ESA and soil sampling which the Council will obtain during the post-site selection due diligence period.
- There are no historic issues or implied dedication involved with this project.

Staff Recommendation: Authorize site selection.

CONSENT ITEMS

CONSENT ITEM—9

DEPARTMENT OF GENERAL SERVICES (1760)
DEPARTMENT OF PARKS AND RECREATION (3790)
ANZA-BORREGO DESERT STATE PARK,
FLAT-TAILED HORNED LIZARD MITIGATION LANDS, SAN DIEGO COUNTY
DPR Parcel Number 14858, DGS Parcel Number 10571

Authority: *Chapters 268 and 269, Statutes of 2008, Item 3790-301-0742(1) and Section 5005 of the Public Resources Code*

Consider authorizing acquisition of real property through the acceptance of a no cost acquisition.

CONSENT ITEMS

STAFF ANALYSIS ITEM—9

Department of General Services
Department of Parks and Recreation
Anza-Borrego Desert State Park
Flat-tailed Horned Lizard Mitigation Lands

Action requested
If approved, the requested action would authorize acquisition of real property through the acceptance of a no cost acquisition.

Scope Description
This project is within scope. This request will authorize a no cost acquisition of fee simple interest in 24 parcels totaling approximately 1,114 acres as an addition to Anza-Borrego Desert State Park. Acquisition of the property provides for the preservation of flat-tailed horned lizard habitat and will help to protect the ecosystem. The land will be included in the Borrego Badlands Flat-tailed Horned Lizard (FTHL) Management Area and will provide mitigation credits for the benefit of the San Diego County Water Authority (SDWA).

Funding and Cost Verification

This project is within cost. Chapter 268, Budget Act of 2008, Item 3790-301-0742(1) provides $2,000,000 for State Park System Opportunity and Inholding Acquisitions. This property can be acquired with the funds available and in accordance with legislative intent.

$5,000	total estimated project costs
0	project costs previously allocated: none
$5,000	project costs to be allocated: title and escrow

CEQA

A Notice of Exemption/Determination was filed with the State Clearinghouse on April 29, 2009, and the waiting period expired on June 3, 2009.

Project Schedule

The anticipated close of escrow is August, 2009.

Condition of Property

On April 16, 2009, Department of General Services (DGS) staff conducted a fly-over visual inspection of the subject properties. No structures or improvements were noted on any of the project sites. A Phase I Environmental Site Assessment was not prepared for the subject properties. Based on the DGS staff site visit, in consideration of the history and natural state of the property, no further site evaluation is recommended. According to the Department of Parks and Recreation (Parks), the properties appear compatible with the contemplated acquisition to annex into FTHL Management Area.

Other:

- This is a no cost acquisition to Parks. Lands are being acquired to satisfy mitigation requirements by and for the SDWA for the All-American Canal Lining Project. That project is now complete and there is a requirement that all mitigation projects be complete. Therefore, a delay in this project could put the SDWA at risk for litigation.
- Timely completion of the land acquisition will satisfy a mitigation measure required by the Quantification Settlement Agreement/California 4.4 Plan to reduce California's Colorado River water use.
- The SDWA has committed funds for a portion of the project overhead charges in the amount of $5,000.
- Parks is not aware of any lawsuits pending concerning the property.
- The Property Acquisition Agreement will require delivery of title to the property free and clear of any mortgages or liens.
- The property is vacant and unimproved.
- There is no relocation assistance involved with this project.
- There is no implied dedication applicable to this property.
- This acquisition provides improved access for park staff by eliminating some private-party inholdings within the park.
- Parks can absorb ranger patrol of this parcel with existing staff. Aerial patrol is routine within the park and will continue to be utilized without additional costs.

- While the Parks does not foresee changes at this time to public access, development, or resource needs, any such changes will be addressed through the normal budget process.
- The Budget Act of 2009 included reductions to Park's operating budget, which may require the temporary closure of some existing state parks, it is unclear how many parks will be closed at this time. Although this park could potentially be placed in caretaker status, this acquisition will improve long-term management of this park, regardless of operational status.
- Acquisition of this property will: (1) allow the state to preserve open space, and (2) maintain the land in its natural state to support wildlife habitat preservation and limited conservation research.

Staff Recommendation: **Authorize acquisition of real property through the acceptance of a no cost acquisition.**

CONSENT ITEMS

CONSENT ITEM— 10

DEPARTMENT OF GENERAL SERVICES (1760)
DEPARTMENT OF PARKS AND RECREATION (3790)
HUMBOLDT REDWOODS STATE PARK
SAVE-THE-REDWOODS LEAGUE
HUMBOLDT COUNTY
DPR Parcel Nos. 014890, DGS Parcel Nos. 10553

Authority: California Fish and Game Code Section 2787 (a) (2)

Consider authorizing an acquisition

CONSENT ITEMS

STAFF ANALYSIS ITEM—10

Department of General Services
Department of Parks and Recreation
Humboldt Redwoods State Park
Save-the-Redwoods League

Action requested
If approved, the requested action would authorize an acquisition.

Scope Description
This project is within scope. This request will authorize Department of Parks and Recreation (Parks) to accept approximately 10 acres of land, which is an inholding of Humboldt Redwoods State Park, at approximately 55-percent of its fair market value. Acquisition of this inholding will rationalize the parks boundaries and increase watershed and habitat protection.

Funding and Cost Verification

This project is within cost. California Fish and Game Code Section 2787 (a) (2), continuously appropriates $1,000,000 annually to Parks for the purchase of additions to existing units of the State Park System without identifying particular parcels, and there are sufficient funds appropriated to acquire the property in accordance with Legislative intent.

$115,000	total acquisition costs
$ 10,000	project costs previously allocated (fee appraisal and DGS staff costs)
$105,000	project costs to be allocated: $95,000 acquisition and approximately $10,000 in overhead costs (title and escrow and Parks and remaining DGS staff costs)

CEQA

A Notice of Exemption was filed with the State Clearinghouse on November 21, 2008, and the 35-day statute of limitations expired on December 25, 2008, without challenge.

Project Schedule

The anticipated close of escrow is July 30, 2009.

Condition of Property

On November 13, 2008, DGS staff visited the Lass site, located in Phillipsville, California. The subject property is about 10 acres of unimproved land with an unpaved access road extending off Avenue of the Giants (Highway 254) in Humboldt County. The landscape includes a mixture of deciduous hardwoods, coniferous trees, and small open areas. The surrounding land shares similar topography and vegetation as the subject property. The Humboldt Redwood State Park is located to the south and west of the property.

A Phase I Environmental Site Assessment was completed for the subject property. The Phase I reported grading for a road and evidence of a former trailer site on the property. In addition, the Phase I reported no structures present on the site and no evidence of recognized environmental condition in connection with the property.

Other:

- Site selection was approved on June 7, 2009.
- This item was pulled from the July 10, 2009 meeting, without prejudice, because of the ongoing budget negotiations at that time.
- Save the Redwoods League (SRL) is offering the property to Parks at 55-percent of fair market value, as approved by DGS. This transfer to the state at a 45 percent reduction from the current market value will be with the condition that Parks and SRL enter into a use restriction agreement that requires the state to use the property for state park purposes only until and unless the property is declared surplus to the state's needs or the Board recommends that a transfer to another state agency is necessary for a higher and better public purpose. In either event, the property can be removed from the terms of the SRL use restriction agreement upon payment of 45-percent of the market value of the property, excluding the value of any state improvements.
- The property is vacant and unimproved. There is no relocation assistance involved with this project.
- Parks is not aware of any lawsuits pending concerning the property. The Property Acquisition Agreement (PAA) will require delivery of title to the property free and clear of any mortgages or liens.

- The PAA does not include the state's standard indemnification language potentially exposing the state to additional fiscal liability. However, the DGS-ESS site visit of the property did not identify conditions that would likely pose an exceptional risk to the state. As such, the risk associated with acquiring this property without the standard indemnification is low. It should be noted that the lack of indemnification language does not relieve the Seller of liability under the existing law.
- The deed shall transfer the property and various property rights such as unsurveyed rights to water, property improvements, minerals, timber and unsurveyed access. Although some of the rights are unsurveyed, the title company will insure the property but not include or insure additional rights in the title policy. This will have no impact on Park's intended use of the property.
- The property does not provide public access from a main highway or road, but can be accessed through the existing Humboldt Redwoods State Park.
- There is no implied dedication applicable to this property.
- This 10.5-acre parcel is bordered on three sides by Humboldt Redwoods State Park near the community of Miranda on the South Fork of the Eel River. Parks can provide minimal patrol with existing staff to the property. The acquisition will require little operating expense and can be absorbed with existing resources for the continued operation.
- While Parks does not foresee changes at this time to public access, development, or resource needs, any such changes will be addressed through the normal budget process.
- The Budget Act of 2009 included reductions to Park's operating budget, which may require the temporary closure of some existing state parks; however, it is unclear how many parks will be closed at this time. Although this park could potentially be placed in caretaker status, this acquisition will meet several objectives, including watershed and habitat protection, regardless of the operational status of this park.

Staff Recommendation: Authorize the acquisition.

CONSENT ITEMS

CONSENT ITEM—11

DEPARTMENT OF PARKS AND RECREATION (3790)
LAKE OROVILLE STATE RECREATION AREA
NEGOTIATION OF A SHORT-TERM CONCESSION CONTRACT FOR BIDWELL CANYON MARINA
BUTTE COUNTY

Authority: *Section 5080.20 of the Public Resources Code*

Consider authorizing the Department of Parks and Recreation to negotiate a month-to-month concession contract for the operations of Bidwell Canyon Marina in Lake Oroville State Recreation Area.

CONSENT ITEMS

STAFF ANALYSIS ITEM—11

Department of Parks and Recreation
Lake Oroville State Recreation Area
Bidwell Canyon Marina Operations
Butte County

Action requested
If approved, the requested action would authorize the Department of Parks and Recreation (Parks) to negotiate a short term, month-to-month concession contract with an interested, qualified entity to continue operations of the Bidwell Canyon Marina in Lake Oroville State Recreation Area (Lake Oroville SRA).

Scope Description
The proposed concession contract will continue the operation of Bidwell Canyon Marina which includes a camp store, a snack bar, a fuel station, sewage pump-out facilities, and 800 boat moorings. The contract will include a month-to-month contract term with a monthly rent paid to the state at 3 percent of the first $300,000 in gross receipts, 6 percent of the next $300,000, 12 percent up to $1.6 million, and 15 percent over $1.6 million.

Funding and Cost Verification
The administrative costs to execute this proposed month to month contract is $1,500 from the State Parks and Recreation Fund.

CEQA
This proposed concession contract does not require a California Environmental Quality Act (CEQA) review.

Project Schedule
Temporary Concession Contract Effective Date—September 1, 2009

Other:

- The Bidwell Canyon Marina has been developed and operated under a 40-year concession contract expiring on December 1, 2009. Parks received Legislative approval to solicit interest through a Request for Proposals process for a new 30-year concession contract during the 2008 Budget process.
- The Request for Proposals process will not end until August 12, 2009, with an expected contract award date of October 13, 2009.
- The current Bidwell Canyon Marina operator, Fun-Time, Full-Time, Inc. (FTFT) has contractual obligations to operate the marina until December 1, 2009. However, on June 30, 2009, FTFT gave notices to mooring customers requiring them to remove their boats from the marina by July 30, 2009. As a result, on July 1, 2009, Parks notified FTFT it was in breach of its concession contract for giving early termination service notices.
- Although Parks continues to work with FTFT, Parks' action may result in the eviction of the current operator months prior to execution of the new concession contract approved by the Legislature, creating a three-month lapse of boating services to the public at Lake Oroville SRA. The estimated loss of revenue to the state during the anticipated closure period from September through October is $125,000. The revenue loss estimate was based on the actual rent paid by the current concessionaire for September, and October in 2008.
- Public Resources Code Section 5080.20 requires Parks' concession contracts with over $500,000 in annual gross sales to be approved by the Legislature during the annual budget process. The section also states that if the State Public Works Board (Board) determines that the proposed agreement could not have been presented to the Legislature for review during the annual budget process, and that waiting for the next budget cycle would not be in the public interest, that the Board may review and approve the proposal after providing a 20-day written notice to the Legislature.
- The current Legislative approval is for a new long-term contract with terms issued through a competitive bid process and not for a negotiated, short term contract under the existing terms. Therefore, it is necessary for the Board to review and approve this request for a temporary concession contract as it is in the state's best interest to avoid interruption in services to the public before the new long-term contract can be executed.
- The 20-day notification letter regarding this request was sent to the Legislature on July 24, 2009. Based on the notification requirement, the Board is authorized to review and approve this request.

Staff Recommendation: **Authorize Parks to negotiate a month-to-month concession contract for the continued operation and maintenance of Bidwell Canyon Marina located in Lake Oroville SRA until execution of the 30-year concession contract.**

CONSENT ITEMS

CONSENT ITEM—12

UNIVERSITY OF CALIFORNIA (6440)
BERKELEY CAMPUS
HELIOS ENERGY RESEARCH FACILITIES PROJECT
ALAMEDA COUNTY

Authority: Chapters 171 and 172, Statutes of 2007, Item 6440-301-0660 (2)

Consider recognition of a scope change

CONSENT ITEMS

STAFF ANALYSIS ITEM—12

University of California, Berkeley
Helios Energy Research Facilities Project
Alameda County

Action requested
If approved, the requested action would approve a change in scope.

Scope Description
The project is not within scope. The Helios Energy Research Facilities project (the Project), as approved at the completion of preliminary plans, would provide 83,536 assignable square feet (asf) of wet and analytical research laboratory/support space and office/administrative support space for the Helios Energy Research Program, including the British Petroleum-funded Energy Biosciences Institute (EBI). A new 144,000 gross square feet (gsf) building would be comprised of two wings, one housing the EBI program and the other housing the remaining

Helios program elements. The facility would be devoted to programs focused on developing new biological and materials processes that are optimized for the efficient collection and storage of energy, with the ultimate goal of manufacturing transportation fuels from sunlight (the EBIs specific focus will be on transportation fuels). The goals for these programs include developing and enabling technologies to reduce dependence on fossil fuels and advance the use of carbon-neutral sources of energy to mitigate global climate change.

During the Project's preliminary plans preparation, the selected site's challenges and constraints—geotechnical, utility service and environmental—were greater than had been anticipated in pre-design analyses. Although the campus addressed these challenges, obtained a certified Environmental Impact Report and the State Public Works Board approved preliminary plans (June 2008), extensive sitework and the required mitigation of wetlands and wildlife habitats added substantial cost to the Project. In addition, subsequent to the preliminary plans approval, the campus received strong indicators from the community that the Project would face continued legal challenges and public reviews associated with the environmental mitigations, risking further increased costs and delay that could jeopardize the Project's completion. Thus, after further evaluation and refinement, UC believes that the Project would be better served by constructing two separate facilities.

In addition to more favorable sitting options, the proposed separate facilities would provide significant benefits for optimizing adjacencies with existing University facilities and programs and for integrating education and research on the campus. Further, the relative proximity of the two facilities would maintain the capacity for multidisciplinary interaction and collaboration critical to the Helios research programs. Consequently, the two facilities would be comprised of:

Helios West Facility - $40,000,000 in lease revenue funding for a 64,300 asf building housing the Energy Biosciences Institute and complementary bioengineering programs, devoted to biofuels research and located adjacent to the cluster of existing bioscience and natural resource programs and facilities in the northwest quadrant of the Berkeley campus. The proposed site for the Helios West is relatively flat, well-served by existing public streets and utilities, and in compliance with the parameters of the proposed City of Berkeley Downtown Plan.

Helios East Facility - $30,000,000 in lease revenue funding for a 21,000 asf building housing research devoted to nanoscale photovoltaic and electrochemical solar energy systems, located within the Lawrence Berkeley National Lab (the Lab) campus on a site proximate to other facilities critical to nanoscale research. A smaller Helios East building would offer greater citing flexibility to improve access and construction logistics and to reduce environmental impacts.

It is the intent of the campus to return to the State Public Works Board for approval of preliminary plans reflecting the revised design. On July 17, 2009, the Department of Finance notified the chairs of the Joint Legislative Budget, the Senate Appropriations, and the Assembly Appropriations Committees of its intent to recognize the scope change at a State Public Works Board meeting no sooner than 20 days after the date of the notification.

Funding and Project Cost Verification

The project as amended is within cost. The 2007 Budget appropriated $70,000,000 in lease revenue funds for working drawings and construction for the Project. The amount of State funding remains unchanged; however, to facilitate the distribution of funds between the two facilities, the State funds will be allocated for construction only.

$198,246,000	total estimated project costs
$ 70,000,000	total authorized project costs (State lease revenue funds)
$ 23,020,000	project costs previously allocated: $23,020,000 preliminary plans (non-State funds—this phase includes additional advance planning, programming, and alternate site studies)
$175,226,000	project costs to be allocated: $9,580,000 working drawings (non-State funds), $70,000,000 construction (State lease revenue funds), $95,646,000 (non-State funds)

CEQA

As a result of the change in project siting, the Environmental Impact Report for the project has been de-certified and two separate Environmental Impact Reports will be filed to comply with the requirements of CEQA.

Real Estate Due Diligence

University of California (UC) proposes to select a new Project site and the completion of due diligence, undertaken by the law firm of Stradling Yocca Carlson and Rauth is pending.

Project Schedule

Approve preliminary plans	February 2010
Complete working drawings	May 2010
Complete construction	April 2013

Staff Recommendation: Recognize the scope change.

OTHER BUSINESS

Adoption of the Revised 2009 SPWB Calendar.

REPORTABLES

To be presented at the meeting.