



JUDICIAL COUNCIL OF CALIFORNIA

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January 4, 2018

VIA ELECTRONIC DELIVERY

Mr. Chris Shaver
Assistant County Administrative Officer
825 5th Street, Suite 112
Eureka, CA 95501-1153

Re: Humboldt County Corrections Re-entry Resource Center and
County's Obligation to Provide Parking to the Superior Court

Dear Mr. Shaver:

Thank you for taking the time to update me on Humboldt County's progress on the Humboldt County Corrections Re-Entry Resource Center project ("Resource Center Project") during our call on December 18. This letter is sent as a follow-up to that conversation, the conversations that we had earlier this year, and also in reply to the letter sent to the Superior Court of California, County of Humboldt ("Court") dated December 12, 2016.

To recap our discussions, the Judicial Council's position is that the County of Humboldt ("County") must honor its obligation to continue to provide 64 above-ground parking spaces in the gravel lot located to the east of the Humboldt County Courthouse ("Courthouse") to Court staff, County staff, jurors and the general public ("the 64 Parking Spaces") per the terms of the Transfer Agreement for Responsibility Between the

Judicial Council of California, Administrative Office of the Courts and the County of Humboldt for the Transfer of Responsibility for the Humboldt Court Courthouse (“Transfer Agreement”) and the Joint Occupancy Agreement for the Humboldt Court Courthouse (“JOA”) both of which were entered into by the parties in June, 2006.

The Transfer Agreement and the JOA were entered into pursuant to the Trial Court Facilities Act of 2002 (Government Code section 70301 et. seq.) (the “Court Facilities Act”). In particular, Government Code section 70330 of the Court Facilities Act required that the Transfer Agreement provide for parking spaces for the Court of comparable convenience, number and type, as was made available for court use as of October 1, 2001. Pursuant to Government Code section 70330, the parties agreed, in section 4.3.4 Transfer Agreement and section 3.3 of the JOA, that the Court was entitled to (a) 13 underground secured parking spaces in the basement of the Courthouse for exclusive use by the court; (b) 88 above-ground permit parking spaces in the surface parking lot to the south of the Courthouse for shared use by Court staff and County staff, on a first come, first served basis; and (c) 64 above-ground public parking spaces in the surface gravel lot to the east of the Courthouse for shared use by Court staff, County staff, jurors and the general public on first come, first served basis. The County cannot unilaterally alter any of these parking space, including without limitation, the 64 Parking Spaces. Pursuant to the Transfer Agreement and the JOA, the County is obligated to provide the 64 Parking Spaces for use by the Court staff and jurors in perpetuity or until such time as another agreement is reached. If the County moves forward with the planned construction of the Resource Center Project on the gravel lot, the County will be in breach of its obligation to continue to provide the 64 Parking Spaces.

In addition, the County is obligated to provide parking spaces pursuant to the Mitigated Negative Declaration that the County approved for the Resource Center Project. Although the Mitigated Negative Declaration did not include a mitigation measure for parking, the project description for the Resource Center Project made it clear that the project includes either: (a) 25 parking spaces in the basement of the new building and 44 parking spaces in the adjacent above-ground parking lot, or (b) 60 to 68 sub-grade parking spaces in the new building. The County is prohibited from revising the project description of the Resource Center Project without properly undergoing additional environmental review as required under the California Environmental Quality Act (CEQA). If the County proceeds with the Resource Center Project and prepares an additional CEQA environmental review, Judicial Council hereby specifically requests that both the Judicial Council and the Court be provided with written notification of the additional CEQA environmental review and a timely opportunity to comment.

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Until the County and the Judicial Council come to an agreement, with input from the Court, as to how the proposed parking spaces in the Resource Center Project will be utilized and allocated to the Court, the County may not alter the current 64 Parking Spaces in the above-ground gravel lot.

Sincerely,



Eunice Calvert-Banks
Manager, Real Estate

ECB/

cc: Ms. Kim Bartleson, Court Executive Officer, Superior Court of California, County of Humboldt
Mr. Mike Courtney, Director, Facilities Services
Mr. Kenneth Levy, Attorney, Legal Services Office, Real Estate Unit
Mr. Brent Dalrymple, Facility Management Administrator, Facilities Services