

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Chief Executive Office

BOARD AGENDA # *B-15

Urgent Routine

AGENDA DATE December 8, 2009

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Enter into an Agreement with the Court Appointed Special Advocates (CASA) to Provide Use of a Portion of Hall of Records and to Vacate the 801 11th Street Third Floor

STAFF RECOMMENDATIONS:

Authorize the Chief Executive Officer or his designee to negotiate and execute a Memorandum of Understanding to allow occupancy of a portion of the fourth floor of the Hall of Records building, to be occupied by the Court Appointed Special Advocates (CASA), which will result in CASA terminating occupancy of the third floor of the 801 11th Street building

FISCAL IMPACT:

Authorization for the Chief Executive Officer to enter into an agreement with the Court Appointed Special Advocates (CASA) to relocate its offices of a portion of the fourth floor of the Hall of Records at 1100 I Street from its current location in the County-owned building at the 801 11th Street, 3rd floor, will provide a minimal amount of growth area for CASA while keeping the program proximate to the main Superior Court functions within the Courthouse.

(Continued on Page 2)

BOARD ACTION AS FOLLOWS:

No. 2009-810

On motion of Supervisor Chiesa, Seconded by Supervisor Grover
and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Grover, Monteith, and Chairman DeMartini

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

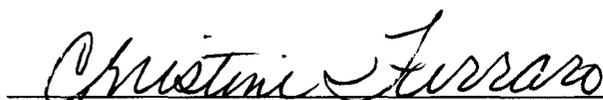
1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

FISCAL IMPACT: (Continued)

CASA will vacate approximately 386 square feet at its current location on the third floor of 801 11th Street building (the former "City Hall" building); while moving into a new location of the fourth floor of the Hall of Records building and exclusively occupying 1,105 square foot. The new location at the Hall of Records is a portion of the County's "equity" space per the Transfer Agreement and Joint Occupancy Agreements with the State of California approved by the Board of Supervisors on December 9, 2008.

The County has provided the space to CASA at 801 11th Street at no rent charge since 2003. All utilities and custodial services have been provided by County staff, with direct utility costs being paid from County Court Funding. CASA will vacate the existing space; however, the same services will be provide in CASA's new location at 1100 I Street, 4th floor within a suite of 1,105 square feet, and County Court Funding would be used to pay for utilities (except telephone and data), maintenance, repair and custodial costs.

CASA will be responsible for the costs of its telephone service and data services. At the present time, CASA obtains telephone services under separate, existing agreement with the County's Strategic Business Technology Department.

The proposed space to be occupied by CASA was formerly occupied by the District Attorney's office, and the District Attorney has paid for the cost of utilities on the fourth floor of the Hall of Records. Under this agreement, utilities for the space occupied by CASA will be paid for by County Court Funding, reducing the District Attorney's obligation. There is not currently a proposed user for the space that CASA will vacate in the 801 11th Street building.

DISCUSSION:

The Court Appointed Special Advocates (CASA) of Stanislaus County is a non-profit 501C3 organization that is funded through private and individual donations, corporate grants, Community organizations, and the State of California Administrative Office of the Courts. CASA volunteers work with the Court and other organizations to provide assistance to children in foster care.

After the County remodeled the 801 11th Street Building, CASA was permitted to occupy a small 386 square foot office space on the third floor. CASA's space needs have grown to include additional volunteer staff, however, no additional space is available contiguous to CASA's current location. CASA works primarily with the Superior Courts and with the County's Community Services Agency.

The fourth floor of the Hall of Records at 1100 I Street had been entirely occupied by the District Attorney prior to, and initially after relocation of their offices to the County's

Approval to Enter into an Agreement with the Court Appointed Special Advocates
(CASA) to Provide Use of a Portion of Hall of Records and to Vacate the 801 11th Street
Third Floor
Page 3

new 12th Street Office Building. (The Hall of Records is the original portion of the Modesto Courthouse building, constructed in 1938-1949, that is now attached to and part of the Main Courthouse.) The District Attorney's staff has now vacated the space and has relocated all records and materials from the Hall of Records.

This action will provide partial use of the Hall of Records fourth floor for use by the Court Appointed Special Advocates, allowing CASA to relocate from the 801 11th Street Building 3rd floor. This new location will give CASA an opportunity to accommodate its volunteer staff and to assist clients and service representatives within the Modesto Main courts facilities.

The space proposed for occupancy has been transferred in title to the State of California Administrative Office of the Courts per a Transfer Agreement approved by the Board of Supervisors on December 9, 2008, and is within a portion of the facility established by that agreement as being within the County's equity. The County's equity area is that area occupied by Stanislaus County within the Courthouse facility for which the County retains a partial interest (22.18%) in the facility.

Relocation of CASA into the fourth floor of the Hall of Records will allow the County and the Superior Court to end a practice of providing access into a portion of the facility outside of the Court-security perimeter. All visitors and staff will be required to access and egress the CASA space via the Courthouse 11th Street main entrance.

The proposed Memorandum of Understanding with CASA is included as Attachment A. The Agreement provides for a month-to-month term that automatically renews, subject to termination by either party upon 90 days written notice. The space would be provided at no rent and in "as is" condition; however, Stanislaus County will continue to pay for all utilities, maintenance and repairs except telephone and data services – the same agreement currently in place at CASA's existing 801 11th Street location.

CASA will abide by the Superior Court's security and access rules, and hours of services.

POLICY ISSUES:

This action provides space for the Court Appointed Special Advocates' (CASA's) expanded volunteer staff within the Modesto Main Courthouse facility by relocating this non-profit foster child support program into currently vacant County space, and vacating a minor amount of space in the County's 801 11th Street Building. As such, this action is consistent with the Board of Supervisors' priority of *Efficient delivery of public services*.

Approval to Enter into an Agreement with the Court Appointed Special Advocates
(CASA) to Provide Use of a Portion of Hall of Records and to Vacate the 801 11th Street
Third Floor
Page 4

STAFFING IMPACT:

There are no anticipated recurring staffing impacts resulting from this action. Upon making the space available at 1100 I Street, CASA will be responsible for relocation of its operations. On-going maintenance, custodial, utility billing and other activities will remain a County responsibility at the new location just as they are now at the current location at 801 11th Street.

ATTACHMENT A



MEMORANDUM OF UNDERSTANDING Use of Space on the 4th Floor of 1100 I Street by the Court Appointed Special Advocates (CASA)

Owner/County: Mr. Richard W. Robinson, Chief Executive Officer
County of Stanislaus
1010 10th Street, Suite 6800
Modesto, CA 95354

Tenant: Mr. Steve Ashman, Executive Director
Court Appointed Special Advocates (CASA)
801 11th Street, Suite 3400
Modesto, CA 95354

Property: Approximately 1,105 net square feet on the 4th floor of the
Hall of Records
800 11th Street, Room 401
Modesto, CA 95354
As described in Exhibit A

Date: December 8, 2009

Term/Renewal: Beginning December 9, 2009 through December 31, 2009,
thereafter monthly, automatically renewing on the first day of each
calendar month until Termination as provided below.

Termination: Either party may terminate this agreement upon written notice to
the other party effective at the end of the calendar month occurring
at least 90 days from the date of the written notice.

"As Is" Condition: The County offers to the space for use by CASA, and CASA
acknowledges that the space is provided in "as is" condition. CASA
is advised that access to restrooms is only available on other floors
of the building, and access to disabled-persons-accessible
restrooms are provided within the Superior Courts area of the
Courthouse.

Rate: The space shall be provided to CASA at no rental cost by
Stanislaus County. CASA shall be responsible for all other (non-
rent) operational costs, and specifically as described below.

Utilities: All utilities except telephone and data services shall be provided by
Stanislaus County.

Telephone and data connectivity, services and operational costs shall be the responsibility of CASA. Telephone and data services may be provided to CASA either by the County under separate agreement with the County Department of Strategic Business Technology (SBT) or by the Superior Court of California, Stanislaus County only.

Maintenance: Stanislaus County shall provide and maintain the space and shall provide custodial/janitorial services within the exclusive use area occupied by CASA at County expense. Maintenance and repairs solely affecting the area exclusively used by CASA shall be performed by Stanislaus County at the discretion of Stanislaus County.

Maintenance and repairs to all common spaces, including the building lobbies, structure, roof, mechanical, plumbing, and common electrical systems are maintained by the State of California, California Judicial Council, Administrative Office of the Courts (AOC) by agreement with Stanislaus County. Any maintenance requests to common areas shall be made to Stanislaus County General Services Agency, Facilities Division; which shall evaluate and request such services of the AOC as deemed necessary by the County.

Modifications: Any modifications to the permanent facilities, including the walls, ceilings, floors, doors, structure, windows/glazing, electrical, plumbing, mechanical, HVAC or data systems within the building must be approved in writing in advance by the County.

Insurance: CASA will be responsible for insuring its personal property, furnishings and equipment within the County facility. The County, through the Court Transfer Agreement with the State of California, provides property and indemnity insurance coverage within the County's portion of the facility.

The County shall not be responsible for fire, theft, damage or loss to any contents of the space. CASA shall defend, indemnify and hold County harmless from any and all claims, suites, and actions arising from this agreement.

Security Access: CASA employees, visitors and clients will access the facilities using only the main Courthouse entrance at 800 11th Street and using the public corridors. All visitors (vendors, clients, etc.) will be escorted by CASA staff to and from CASA offices between the public corridor system and the fourth floor.

CASA staff, visitors and clients shall not allow non-authorized staff to pass through a doorway into the Courthouse Security Area nor to use the building entrances at 1100 I Street.

Access is provided to common, shared-use space in one conference room (also accessible from the fourth floor lobby), and to a shared kitchenette storage room and the back emergency exit stairwell. The back stairwell shall be used for emergency egress purposes only.

Courthouse Security: CASA will enter into and abide by agreement with the Superior Court of California, Stanislaus County pertaining to Courthouse Access and Security..

Courthouse Security is provided by an Agreement between the Superior Court and Stanislaus County Sheriff's Office. CASA shall observe, participate and abide by the security and safety procedures, evacuation drills and policies established by the Superior Court and the Sheriff's Court Security Unit.

Hours of Access: Shall be as defined as the business hours as observed by or agreed in writing with the Superior Court of California, Stanislaus County. Nothing in this agreement shall limit the hours or days of access to the space by CASA.

County / State Right To Access CASA Space: Stanislaus County staff, AOC staff or their designees may access the space with reasonable notice, or immediately in an emergency situation, or for the purposes of providing maintenance, repair, custodial services.

Notification: If to CASA:

Mr. Steve Ashman, Executive Director (209) 567-4230
Executive Director
Court Appointed Special Advocates
800 11th Street, Suite 401
Modesto, CA 95354

If to Stanislaus County:

Mr. Richard W. Robinson (209) 525-6333
Chief Executive Officer
County of Stanislaus
1010 10th Street, Suite 6800
Modesto, CA 95354

Signatures authorizing this agreement:

COURT APPOINTED SPECIAL
ADVOCATES (CASA):



Steve Ashman
Executive Director

Date

COUNTY OF STANISLAUS:

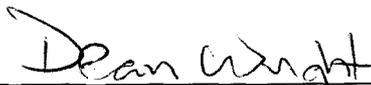


Richard W. Robinson
Chief Executive Officer

12/8/09

Date

Approved as to form:



Dean Wright, Deputy County Counsel
County of Stanislaus

12-2-09

Date

EXHIBIT A

Stanislaus County Space Provided for Exclude-Use to CASA

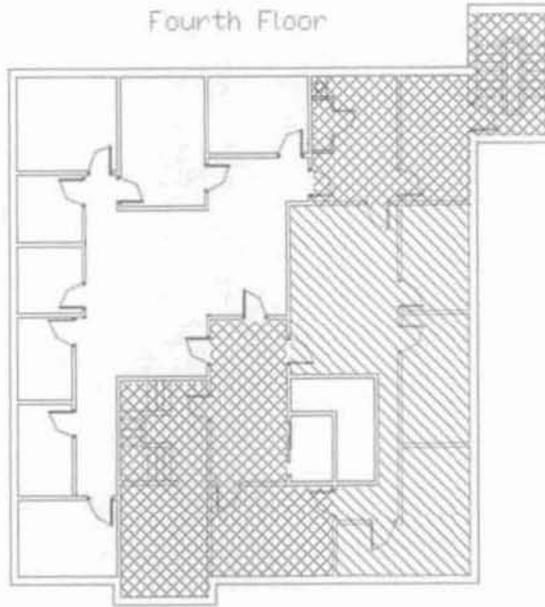
H Street

Stanislaus County
Superior Court House
100 T Street
Modesto, CA 95354

Fourth Floor

FORTH FLOOR

12th Street



11th Street

I Street

-  CASA Exclusive-use area
-  County shared-use area

