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TITLE 8. THE ORGANIZATION AND GOVERNMENT OF COURTS [68070 - 77655] (Title 8 added by Stats. 1953, Ch. 206.)

CHAPTER 5.7. Superior Court Facilities [70301 - 70508] (Chapter 5.7 added by Stats. 2002, Ch. 1082, Sec. 4.)

ARTICLE 1. General Provisions [70301 - 70303] (Article 1 added by Stats. 2002, Ch. 1082, Sec. 4.)

70301. This chapter shall be known and may be cited as the "Trial Court Facilities Act of 2002."

As used in this chapter:

- (a) "Bonded indebtedness" includes any financial encumbrance, including, but not limited to, bonds, lease revenue bonds, certificates of participation, mortgages, liens, or loans, on a building.
- (b) "Building" means a single structure or connected structures. A building may include related structures.
- (c) "County facilities payment" means the amount established by Article 5 of this chapter to be paid by a county in partial exchange for relief from the responsibility for providing court facilities.
- (d) "Court facilities" consist of all of the following:
 - (1) Rooms for holding superior court.
 - (2) The chambers of the judges of the court.
 - (3) Rooms for the attendants of the court, including, but not limited to, rooms for accepting and processing documents filed with the court.
 - (4) Heat, ventilation, air-conditioning, light, and fixtures for those rooms and chambers.
 - (5) Common and connecting space to permit proper and convenient use of the rooms.
 - (6) Rooms for secure holding of a prisoner attending court sessions, together with secure means of transferring the prisoner to the courtroom.
 - (7) Any other area within a building required or used for court functions.
 - (8) Grounds appurtenant to the building containing the rooms.
 - (9) Parking spaces historically made available to one or more users of court facilities.
- (e) "Deferred maintenance" means a backlog of projects that occurs when ongoing maintenance and repair of court facilities or a building is not sustained at an appropriate level in quality, quantity, or frequency to support the designed level of service of the building or special repair projects are not accomplished as needed.
- (f) "Historical building" means a building that is identified as a historical building by the county board of supervisors and is either a "qualified historical building or structure," as defined in Section 18955 of the Health and Safety Code, or is a building eligible for inclusion on the National Register of Historic Places under Section 470a of Title 16 of the United States Code.
- (g) "Maintenance" means the ongoing upkeep of buildings, equipment, grounds, and utilities required to keep a building and its systems in a condition adequate to support its designed level of service.
- (h) "Responsibility for facilities" means the obligation of providing, operating, maintaining, altering, and renovating a building that contains the facilities.

(i) "Shared use" refers to a building which is used for both court and noncourt purposes.

(j) "Special improvement" means any modification that increases the designed level of services of a building, or a one-time modification of a building that is not expected to be repeated during the lifetime of the building.

(k) "Special repair" means modifications that maintain the designed level of services of a building and does not include a special improvement.

(l) "Unacceptable seismic safety rating" means a rating of either "substantial risk" (level V), "extensive but not imminent risk" (level VI), or "imminent risk" (level VII) under the Risk Acceptability Table of the State Building Seismic Program as developed by the Division of the State Architect, April 1994, p. II-2.

(m) "Usable space" means space that an occupier of a facility can actually use and may allocate to house personnel and furniture.

(n) "User rights" means the right to exclusive use of the noncommon area within a building allocated to that use as well as shared use of the common areas of the building and the appurtenant grounds and parking.

This section shall become operative on January 1, 2010.

(Repealed (in Sec. 1) and added by Stats. 2006, Ch. 444, Sec. 1.5. Effective January 1, 2007. Section operative January 1, 2010, by its own provisions.)

70303. (a) The Court Facilities Dispute Resolution Committee is hereby created to hear and determine disputes between a county and the Judicial Council as specified by this chapter.

(b) The committee shall consist of the following members:

(1) One person selected by the California State Association of Counties.

(2) One person selected by the Judicial Council.

(3) One person selected by the Director of Finance.

(c) The committee shall hear and make recommendations to the Director of Finance for determinations in disputes involving the following matters:

(1) Buildings rejected for transfer of responsibility because of deficiencies as provided in Section 70328.

(2) Failure to reach agreement on transfer of responsibility for a building as provided in Section 70333.

(3) Disputes regarding the appropriateness of expenditures from a local courthouse construction fund as provided in Section 70403.

(4) County appeal of a county facilities payment amount as provided in Section 70366.

(5) Administrative Office of the Courts appeal of a county facilities payment amount as provided in Section 70367.

(d) Upon receipt of the recommendation from the committee, the Director of Finance shall make the final determination of the issue in dispute.

(e) The expenses of members of the committee shall be paid for by the agency or organization selecting the member.

(f) The Judicial Council, the California State Association of Counties, and the Department of Finance shall jointly provide for staff assistance to the committee.

(g) Regulations and rules adopted by the committee shall be exempt from review and approval or other processing by the Office of Administrative Law required by Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.

(Amended by Stats. 2003, Ch. 592, Sec. 7. Effective January 1, 2004.)