



CALIFORNIA STATE ASSOCIATION OF COUNTIES

CSAC Annual Meeting Joint Facilities Opportunities

Robert Ogilvie, PhD
Kanon R. Artiche, AIA
Joseph W. Fletcher, Esq

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Joint Use Success: Be Clear on Goals

- Desired outcome(s)
 - Short term project versus long term program?
 - Existing program versus new function?
 - Finance-oriented versus personnel-oriented?
 - Level of management & policy commitment?

Participants

- State of California
- Regional and local governments
- Special districts
- Non-profits or foundations

Structure

- Contract
- Ground or facility lease
- Joint exercise of powers/joint powers authority

Legal Issues -Structural

- Governing board
 - Open meetings and conflict of interest prohibitions
- Captive or independent agency
- Staffing/personnel

Legal Issues -Procedural

- Restrictions on use of state & federal funds and/or grants
- Scope of agency authority
 - Public contract requirements
- Accounting/finance regulations
- Environmental review—who is lead agency?

Legal Issues - Financial

- Budgeting and cash flow
- Debt
 - Issuance
 - Prohibitions/restrictions
- Risk allocation and insurance

Dispute Resolution

- Pre-contract techniques for reaching consensus
 - Dangers of punting decisions
- Allocation of control between professional staff and policy makers
- Mediation tools
- Arbitration clauses

Termination & Remedies

- Life expectancy
- Unwinding the entity
- Ownership
- Resolution of claims
