



Judicial Council of California · Administrative Office of the Courts

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: October 26, 2012

Title	Agenda Item Type
Court Facilities: Indefinite Delay of Seven SB 1407 Projects Due to Funding Redirections and Recommendations Related to Pegasus Audit Report	Action Required
	Effective Date
	October 26, 2012
Rules, Forms, Standards, or Statutes Affected	Date of Report
None	October 5, 2012
Recommended by	Contact
Court Facilities Working Group	Judicial Branch Capital Program Office
Hon. Brad R. Hill, Chair	Lee Willoughby, Director
Hon. Patricia M. Lucas, Vice-Chair	916-263-1493
Hon. Jeffrey. W. Johnson, Chair of the Courthouse Cost Reduction Subcommittee	lee.willoughby@jud.ca.gov
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Executive Summary

The Court Facilities Working Group (the working group) recommends indefinite delay of seven projects due to the cumulative and ongoing redirection of SB 1407 funds to the General Fund and trial court operations. Other projects are recommended to move forward assuming no further redirection of SB 1407 funds. The working group also recommends the council adopt the findings and recommendations of the Pegasus Audit Report, with two caveats: the timeline of the implementation of the report's recommendations be extended by six months, until July 16, 2013, and the task of creating and maintaining policies be centralized, to ensure they are consistent and current throughout all parts of the AOC's Judicial Branch Capital Program Office.

Recommendation

The Court Facilities Working Group recommends that the Judicial Council, effective October 26, 2012, adopt the following:

1. A total of seven SB 1407 projects are to be indefinitely delayed. No site selection, site acquisition, or design work will continue for these projects. These projects are:
Kern–New Delano Courthouse, Kern–New Mojave Courthouse, Los Angeles–New Glendale Courthouse, Los Angeles–New Santa Clarita Courthouse, Monterey–New South Monterey County Courthouse, Placer–New Tahoe Area Courthouse, and Plumas–New Quincy Courthouse.
2. A total of 23 SB 1407 projects move forward in accordance with the *Recommendations of Court Facilities Working Group on SB 1407 Projects* attached to this report.
3. The Los Angeles–Renovate Alfred J. McCourtney Juvenile Justice Center (Lancaster) project is to be forwarded to the council’s Trial Court Facility Modifications Working Group for consideration of funding.
4. AOC staff is directed to submit funding requests for the next phase of each SB 1407 project that is moving forward and requires FY 2013–2014 funding as presented in the table referenced in recommendation 2 and submit the annual update to the *Judicial Branch AB 1473 Five-Year Infrastructure Plan* for FY 2013–2014 to the state Department of Finance in order to implement this recommendation.
5. Authority will be delegated to the director of the AOC’s Judicial Branch Capital Program Office to make technical changes to FY 2013–2014 funding requests submitted to the state Department of Finance necessary to implement the recommendations above, subject to the review and approval of the chair of the Court Facilities Working Group.
6. The Courthouse Cost Reduction Subcommittee of the Court Facilities Working Group shall oversee and have direct implementation authority to mandate project cost reductions for all capital-outlay projects in design (preliminary plans and working drawings) managed by the Judicial Branch.
7. Adopt the findings and recommendations of the Pegasus Audit Report, with two caveats: the timeline of the implementation of the report’s recommendations be extended by six months, until July 16, 2013, and the task of creating and maintaining policies be centralized, to ensure they are consistent and current throughout all parts of the AOC’s Judicial Branch Capital Program Office.

Previous Council Action

On April 24, 2012, the council adopted the Court Facilities Working Group's¹ recommended actions for moving forward with the Senate Bill (SB) 1407 courthouse construction program, which involved reduced costs for each SB 1407 project and the reassessment of 13 projects with the goal of significantly lowering their costs. The council also directed the following pertaining to the SB 1407 courthouse construction program: minimum reductions to hard construction costs for all projects along with a set of principles for use by the courts, the Administrative Office of the Courts (AOC), and the design teams to meet cost reduction minimum goals, delegated authority to the director of the AOC's Judicial Branch Capital Program Office (subject to working group committee oversight) to make technical adjustments to facility design standards, and technical corrections be made to FY 2012–2013 funding requests to the state Department of Finance (DOF) as required to implement all recommendations.

Recommendations 1–6: Moving SB 1407 Courthouse Projects Forward and Submitting FY 2013–2014 Update to Five-Year Plan

1. A total of seven SB 1407 projects are to be indefinitely delayed. No site selection, site acquisition, or design work will continue for these projects. These projects are:
Kern–New Delano Courthouse, Kern–New Mojave Courthouse, Los Angeles–New Glendale Courthouse, Los Angeles–New Santa Clarita Courthouse, Monterey–New South Monterey County Courthouse, Placer–New Tahoe Area Courthouse, and Plumas–New Quincy Courthouse.
2. A total of 23 SB 1407 projects move forward in accordance with the *Recommendations of Court Facilities Working Group on SB 1407 Projects* attached to this report.
3. The Los Angeles–Renovate Alfred J. McCourtney Juvenile Justice Center (Lancaster) project is to be forwarded to the council's Trial Court Facility Modifications Working Group for consideration of funding.
4. AOC staff is directed to submit funding requests for the next phase of each SB 1407 project that is moving forward and requires FY 2013–2014 funding as presented in the table referenced in recommendation 2 and submit the annual update to the *Judicial Branch AB 1473 Five-Year Infrastructure Plan* for FY 2013–2014 to the state Department of Finance in order to implement this recommendation.
5. Authority will be delegated to the director of the AOC's Judicial Branch Capital Program Office to make technical changes to FY 2013–2014 funding requests submitted to the state

¹ In July 2011, Chief Justice Tani G. Cantil-Sakauye appointed the 25-member Court Facilities Working Group as a standing advisory committee to the council to oversee the judicial branch program that manages new construction, renovations, facilities operations, maintenance, and real estate for trial and appellate courts throughout the state. The working group oversees the AOC's management of court facilities statewide and efforts to implement the judicial branch's capital improvement program and makes recommendations to the council for action.

Department of Finance necessary to implement the recommendations above, subject to the review and approval of the chair of the Court Facilities Working Group.

6. The Courthouse Cost Reduction Subcommittee of the Court Facilities Working Group shall oversee and have direct implementation authority to mandate project cost reductions for all capital-outlay projects in design (preliminary plans and working drawings) managed by the Judicial Branch.

Rationale for recommendations 1–6

Since 2009, nearly \$1.5 billion of SB 1407 courthouse project funds have been loaned, swept to the state General Fund, or redirected to trial court operations. Consequently, the judicial branch no longer has enough funding to do everything the council had directed since SB 1407 was enacted.

Last fiscal year, the Legislature used \$750 million in court construction funds to address the state’s overall budget shortfall. This included loans from court construction funds totaling \$440 million and a one-time redirection of court construction funds to the General Fund—not the courts—of another \$310 million, equivalent to an entire year’s worth of SB 1407 courthouse construction program revenues. As a result, the council had to cancel two courthouse projects, reduce budgets on all others, and delay several projects. This fiscal year, \$240 million of court facilities funds—originally budgeted for both courthouse construction and facility modifications—were redirected to trial court operations.

In the current fiscal year, the impact is as follows on the SB 1407 courthouse construction program from the enacted 2012 Budget Act (FY 2012–2013):

1. \$240 million from the Immediate and Critical Needs Account—the SB 1407 account—redirected to trial court operations in FY 2012–2013.
2. \$50 million of the redirected \$240 million from the SB 1407 account is an ongoing redirection, which has major implications on the account and renders it inadequate to cover the construction costs of the 39 remaining SB 1407 projects.
3. Design activities paused on up to 38 projects, to ensure that council-mandated changes are fully evaluated and operational efficiencies reflected in the design of new courthouses.
4. No new design phases—preliminary plans or working drawings—appropriated in FY 2012–2013.
5. Acquisition phases authorized for 17 current projects—but only if funds are available.

In response to the continuing fiscal crisis, the working group met for two-and-a-half days and 26 hours of public meetings on September 5–7, 2012, to address 31² of the original 41 SB 1407 projects. From that meeting in September, the working group developed the attached *Recommendations of Court Facilities Working Group on SB 1407 Projects*, which proposes that 7 new courthouse construction projects be indefinitely delayed, 1 project move to the Trial Court Facility Modifications Working Group for funding consideration, and the remaining 23 projects proceed and move forward subject to funding availability and other considerations as noted.

Projects recommended to *proceed* would do so in accordance with the specifics identified in the attached table of recommendations.³ All capital-outlay projects in design—in either preliminary plans or working drawings phases—will also be reviewed by the working group’s Courthouse Cost Reduction Subcommittee, which will continue to identify additional cost savings.

Projects recommended to be *indefinitely delayed* would be delayed until funds become available sometime in the future. On these projects, no site selection, site acquisition, or design work would continue.

In recommendation 3, the Los Angeles–Renovate Alfred J. McCourtney Juvenile Justice Center (Lancaster) project is forwarded to the council’s Trial Court Facility Modifications Working Group because that project’s scope is more consistent with a *facility modification*⁴ than a capital-outlay project. This project would no longer proceed through the SB 1407 capital-outlay program but would be forwarded for consideration to the facility modifications program, directed by the council’s Trial Court Facility Modifications Working Group and implemented by the AOC’s Office of Real Estate and Facilities Management.

As a matter of process and prior to their September 2012 meeting, the working group invited each of the 24 courts with one or more of the 31 projects to submit written information on various criteria demonstrating why each project should move forward with the branch’s limited funds. During the September 2012 meeting, each of the 24 courts—represented by their judicial officers and court administrators and, in some cases, local government partners—made presentations to the working group and answered the group’s questions. The working group used

² Given that two SB 1407 projects had been cancelled by the council last fall and that eight projects now in the Working Drawings phase are scheduled to begin construction this fiscal year, the working group reevaluated the remaining 31 projects.

³ There are three issues with projects proceeding with design. First, some projects are not authorized to begin design or move forward in the design process in FY 2013–2014. Secondly, in April 2012, the council determined that the scope and cost of 13 projects must be reassessed in order to lower their costs, and these reassessments have not been completed. And lastly, the state Department of Finance—by mandate of the enacted 2012 Budget Act (FY 2012–2013)—is requiring review of staffing and operations of the trial courts before design proceeds on a project. This review has not been completed.

⁴ A *facility modification* is defined as a physical modification to a facility or its components that restores or improves the designed level of function of a facility or facility components, as indicated in the council’s Trial Court Facility Modifications Policy adopted on July 27, 2012. This policy can be referenced at www.courts.ca.gov/documents/jc-20120727-itemG.pdf.

16 criteria, posted for a five-week comment period as described below under Comments From Interested Parties, to reevaluate the projects. Following all presentations, initial votes were made on the projects to sort them into tentative categories. On the last day of the meeting, these categories were then revisited, with final votes made to recommend which projects should proceed and which would be delayed. Following the meeting and as described below under Comments From Interested Parties, the working group's draft recommendations were posted for a two-week comment period and all comments received have been provided verbatim in the attached comments summary.

The working group's recommendations advance as many projects as possible with limited funds, while maintaining the ability of the branch to submit fiscal year 2013–2014 funding requests required based on the schedules of the SB 1407 projects moving forward.

In addition to endorsing the working group's attached table of recommendations, the council is being asked in recommendation 4 to move the program forward in FY 2013–2014, by directing the AOC to submit FY 2013–2014 continuation-funding requests to meet the DOF's Spring Finance Letter deadline in February 2013. This recommended action also involves the submission of the *Judicial Branch AB 1473 Five-Year Infrastructure Plan* for FY 2013–2014 to the DOF in February 2013. The five-year plan provides the executive and legislative branches with a context for annual funding requests.⁵

Technical changes to FY 2013–2014 funding requests may be necessary in response to schedule adjustments that occur to the courthouse projects as they move forward. For example, such changes may require adjusting the timing of a funding request from one fiscal year to another or allow for making a new funding commitment for another courthouse project. Adoption of this recommendation eliminates the burden on the working group and the council of reviewing each technical change by deferring that responsibility—subject to the review and approval of the chair of the working group—to the director of the AOC's Judicial Branch Capital Program Office.

In April 2012, the council directed the authority and scope of the working group's Courthouse Cost Reduction Subcommittee to review SB 1407 projects. However, the working group's intention was for their subcommittee to review the cost of all judicial branch–managed capital-outlay projects in design, in an effort to reduce expenditure of public funds without compromising safety, security, and functionality for the public and the courts.

⁵ Assembly Bill 1473 (Hertzberg; Stats. 1999, ch. 606), codified at Government Code sections 13100–13104, requires the Governor to submit annually to the Legislature (1) a proposed five-year plan addressing the infrastructure needs of state executive branch agencies, schools, and postsecondary institutions; and (2) a proposal for funding the needed infrastructure. Because the AOC is not an executive branch agency, its projects are not technically required to be included in the Governor's five-year infrastructure plans under AB 1473. However, because Government Code section 13103 empowers the Governor to order *any entity* of state government to assist in preparation of the infrastructure plan, the AOC on a voluntary basis has historically submitted an annual infrastructure plan to the state Department of Finance to facilitate executive branch approval of judicial branch capital project funding requests. The council is the authority responsible for adopting updates to the five-year plan and for directing AOC staff to submit the five-year plan to the state Department of Finance.

Recommendation 6 clarifies the authority of the working group's subcommittee to review all capital-outlay projects in design and funded by state funds, including but not limited to the General Fund, SB 1732 revenues, and SB 1407 revenues.

Alternatives considered and policy implications

For the past year, the working group has advised the council on how to move forward with SB 1407 projects in an evolving fiscal environment. In the process of developing recommendations 1–6, the working group accepted proposals from several courts to reduce project costs, which allow other projects to move forward now. The working group's Courthouse Cost Reduction Subcommittee will continue to find ways to free up SB 1407 funds for other projects. Until the fiscal environment stabilizes, the working group will be faced with making further recommendations on which projects can and cannot continue to move forward.

Recommendation 7: Pegasus Audit Report

7. Adopt the findings and recommendations of the Pegasus Audit Report, with two caveats: the timeline of the implementation of the report's recommendations be extended by six months, until July 16, 2013, and the task of creating and maintaining policies be centralized, to ensure they are consistent and current throughout all parts of the AOC's Judicial Branch Capital Program Office.

Rationale for recommendation 7

At their meeting on August 26, 2011, the working group approved a draft scope of services to engage an independent outside oversight consultant to review and assess the judicial branch's courthouse construction program. The overall objective of the assessment was to evaluate the construction program within the AOC's Office of Court Construction and Management (now named the AOC's Judicial Branch Capital Program Office) in its processes to manage the judicial branch's courthouse construction program and to determine opportunities to improve its efficiency and effectiveness. Specifically, the assessment had three objectives: to assess the overall management of the courthouse construction program compared to industry standards and best practices; to assess outcomes of six sample projects at various stages of completion; and to assess organizational structure, staff qualifications, and quality of project consultants, including architects, engineers, and general contractors.

To oversee the procurement of the outside oversight consultant and to make its final selection on behalf of the working group, the working group established its Independent Outside Oversight Consultant (IOOC) Subcommittee, who ultimately selected Pegasus Global Holdings, Inc. (Pegasus). Pegasus is an international consulting firm with extensive experience auditing project management and fiduciary processes in multi-billion dollar capital construction and infrastructure projects. Its clients include state, federal, and local government entities in numerous jurisdictions in the United States, Canada, Europe, and Australia.

The audit report produced by Pegasus contains 26 findings and 137 recommendations to improve the policies, processes, and procedures of the judicial branch's courthouse construction program.

The audit report also includes the AOC's response regarding the implementation of all recommendations, for which the working group is recommending an additional six months, as stated in recommendation 7. The report is accessible through the California Courts public web site's working group page at www.courts.ca.gov/documents/Pegasus-Global-AOC-OCCM-Final-Audit-Report.pdf.

Prior to their meeting on September 5–7, 2012, the working group posted the audit report for public view on the California Courts public web site's working group page at www.courts.ca.gov/documents/Pegasus-Global-AOC-OCCM-Final-Audit-Report.pdf. During that meeting, the working group took public comments on the audit report (although no persons made comments as noted below under Comments From Interested Parties), prior to adopting the findings and recommendations of the audit report, with the two caveats noted in recommendation 7 and based on the recommendation of their IOOC Subcommittee. The working group is requesting that the council take this same action.

Alternatives considered and policy implications

No alternatives to the council adopting the findings and recommendations of the audit report (with the two caveats noted in recommendation 7) have been proposed by the working group. The completion of policies, procedures, and guidelines recommended by Pegasus are required to comply with the requirements of Government Code section 70391(e). Council authority is required to authorize the AOC's Judicial Branch Capital Program Office to proceed with developing policies, procedures, and guidelines recommended by Pegasus. As policies, procedures, and guidelines are completed, they will be presented to the council for approval.

Comments From Interested Parties

Prior to their meeting on September 5–7, 2012, the working group solicited written comments from the superior courts and public on the draft criteria and process for reevaluating the 31 SB 1407 projects to move forward with limited funds. The draft criteria and process documents were posted for a five-week comment period on the California Courts public website's at www.courts.ca.gov/policyadmin-invitationstocomment.htm, as well as on the Serranus web site at http://serranus.courtinfo.ca.gov/jc/court_facilities_sept12_meeting.htm. All documents received were posted for court and public viewing prior to the September working group meeting, including the submissions from each of the 24 courts with SB 1407 projects, all correspondence from the public, the final meeting agenda, and all other working group member meeting materials. In addition, all comments from the courts requesting to amend the draft data to be provided to the working group by the AOC were addressed, and the final AOC-provided data incorporating those changes was reposted. The working group's draft criteria was reposted for court and public viewing the week prior to the working group's September meeting.

Prior to their meeting on September 5–7, 2012, the working group solicited written comments from the superior courts and public on the Pegasus Audit Report. No written comments were received in advance of the meeting, and no persons requested to speak before the working group,

though this item was held open for public comment during the last day of the meeting on September 7, 2012.

Following their meeting on September 5–7, 2012, the working group solicited written comments from the superior courts and public on the working group’s draft recommendations on the 31 SB 1407 projects. These recommendations were posted for a two-week comment period on the California Courts public website’s at www.courts.ca.gov/policyadmin-invitationstocomment.htm. A final version of these recommendations is attached. Also attached for reference are all written comments received, listed verbatim in a summary table, with responses by the working group.

Implementation Requirements, Costs, and Operational Impacts

No costs are involved in implementing the recommended council actions, as they are performed on behalf of the council by the AOC.

Relevant Strategic Plan Goals and Operational Plan Objectives

The recommended council actions supports Goal III (Modernization of Management and Administration) and Goal VI (Branchwide Infrastructure for Service Excellence).

Attachments

1. *Recommendations of Court Facilities Working Group on SB 1407 Projects*, at page 10
2. *Comments Summary on Draft Recommendations of Court Facilities Working Group on SB 1407 Projects*, at pages 11–24

**Recommendations of Court Facilities Working Group
on SB 1407 Projects
Based on FY 2012-2013 Budget Act Reductions to Construction Funds**

County	Project Name	Recommendations
1 El Dorado	New Placerville Courthouse	<u>Proceed</u> with site acquisition and reduce hard construction budget by an additional 10%
2 Fresno	Renovate Fresno County Courthouse	<u>Proceed</u> with design, after completion of <u>trial court operations review</u> , on significantly reduced project scope proposed by court
3 Glenn	Renovate and Addition to Willows Courthouse	<u>Proceed</u> with design, after completion of <u>trial court operations review</u>
4 Imperial	New El Centro Family Courthouse	<u>Proceed</u> with design, after completion of <u>trial court operations review</u> , reducing hard construction budget by an additional 10%
5 Inyo	New Inyo County Courthouse	<u>Proceed</u> with site acquisition and reduce hard construction budget by an additional 10%
6 Kern	New Delano Courthouse	<u>Indefinitely delayed</u>
7 Kern	New Mojave Courthouse	<u>Indefinitely delayed</u>
8 Lake	New Lakeport Courthouse	<u>Proceed</u> with working drawings when funding is authorized and after completion of <u>trial court operations review</u> .
9 Los Angeles	New Eastlake Juvenile Courthouse	<u>Proceed</u> with reassessment of renovation option. If project proceeds as a new construction project, proceed with securing proposed site from the County of Los Angeles at a reduced cost
10 Los Angeles	New Glendale Courthouse	<u>Indefinitely delayed</u>
11 Los Angeles	New Los Angeles Mental Health Courthouse	<u>Proceed</u> with securing site from the County of Los Angeles at a reduced cost
12 Los Angeles	New Santa Clarita Courthouse	<u>Indefinitely delayed</u>
13 Los Angeles	New Southeast Los Angeles Courthouse	<u>Proceed</u> with reassessment to confirm project size, and then proceed with site acquisition and reduce hard construction budget by an additional 10%
14 Los Angeles	Renovate Lancaster Courthouse	Court Facilities Working Group forwarded project to Trial Court Facility <u>Modifications</u> Working Group for its review
15 Mendocino	New Ukiah Courthouse	<u>Proceed</u> with site acquisition for project with one less courtroom
16 Merced	New Los Banos Courthouse	<u>Proceed</u> with design, after completion of <u>trial court operations review</u>
17 Monterey	New South Monterey County Courthouse	<u>Indefinitely delayed</u>
18 Nevada	New Nevada City Courthouse	<u>Proceed</u> with study and estimating on-site renovation and expansion project based on court proposal, and begin design when funding is authorized
19 Placer	New Tahoe Area Courthouse	<u>Indefinitely delayed</u>
20 Plumas	New Quincy Courthouse	<u>Indefinitely delayed</u>
21 Riverside	New Hemet Courthouse (Mid-Cnty Reg)	<u>Proceed</u> with reassessment of project to explore lease option. If project proceeds as a new construction project, proceed with site acquisition
22 Riverside	New Indio Juvenile and Family Courthouse	<u>Proceed</u> with design, after completion of <u>trial court operations review</u>
23 Sacramento	New Sacramento Criminal Courthouse	<u>Proceed</u> with site acquisition
24 San Diego	New Central San Diego Courthouse	<u>Proceed</u> with working drawings
25 Santa Barbara	New Santa Barbara Criminal Courthouse	<u>Proceed</u> with study and estimating renovation and expansion project using property currently owned by the state based on court proposal, and begin design when funding is authorized
26 Shasta	New Redding Courthouse	<u>Proceed</u> with design when funding is authorized for preliminary plans and after completion of <u>trial court operations review</u>
27 Siskiyou	New Yreka Courthouse	<u>Proceed</u> with design when funding is authorized for preliminary plans and after completion of <u>trial court operations review</u>
28 Sonoma	New Santa Rosa Criminal Courthouse	<u>Proceed</u> with design when funding is authorized for preliminary plans and after completion of <u>trial court operations review</u>
29 Stanislaus	New Modesto Courthouse	<u>Proceed</u> with site acquisition
30 Tehama	New Red Bluff Courthouse	<u>Proceed</u> with design, after completion of <u>trial court operations review</u>
31 Tuolumne	New Sonora Courthouse	<u>Proceed</u> with design when funding is authorized for preliminary plans and after completion of <u>trial court operations review</u>

Proceed - Projects will move forward as indicated above. Proceeding with a project does not supersede previous direction from the Judicial Council, including April 2012 direction on reassessments, most of which still need to be done.

Indefinitely delayed - Projects are indefinitely delayed until funds become available sometime in the future. No work to proceed on site acquisition or design.

Modifications - Scope of this project is a facility modification, not a capital-outlay project. Therefore the working group has directed the project to the Trial Court Facility Modifications Working Group for review.

Trial Court Operations Review - The state Department of Finance (DOF) requires review of staffing and operations of the trial courts before design proceeds on each SB 1407 project.

Comments Summary: Draft Recommendations of the Court Facilities Working Group on SB 1407 Projects

All comments are verbatim

	Commentator	Position	Comments	CFWG Responses
1.	Brian Lamb Assistant Presiding Judge Superior Court of California County of Inyo I 68 North Edwards Street PO Drawer U Independence, CA 93526 (760) 872-3038	A	<p>RE: INYO – NEW INYO COUNTY COURTHOUSE</p> <p>Thank you for the opportunity to comment on the draft recommendations of the Court Facilities Work Group meeting in early September 2012. I attended nearly all of that meeting and can attest to the industry and seriousness of the Working Group’s members and staff in making its difficult decisions. The Inyo County Superior Court agrees with the Working Group’s recommendations as they pertain to it, with the following comment.</p> <p>The New Inyo County Courthouse, along with certain other projects that the Working Group is recommending to proceed, was previously identified in the “Reassess” category. It appears that the wording of the Working Group’s recommendations carries forward and continues to refer to that “Reassess” label, even with respect to projects that are recommended to “Proceed.” I attended all the Working Group’s meeting in early September as an observer and I didn’t understand the Working Group to decide that the “Reassess” label would carry forward and continue to be applied to any subset of the approved courthouse construction projects. In my view, the “Reassess” label was intended to designate an interim category for purposes of focused analysis, and having served its purpose, should now be discontinued as to any project that is approved to proceed.</p> <p>That is, if the Judicial Council agrees, we expect that all the projects authorized to proceed will now be treated on a par, with differences in priority or with other issues being decided on the merits. We understand that all the courthouse construction projects that are approved to proceed will be subject to further inquiry and analysis, both by the Working Group and others, intended to improve each project’s cost/benefit ratio and to identify and eliminate reducible expense.</p> <p>On behalf of Inyo County Superior Court, we welcome that scrutiny. We expect it will result in a project that is streamlined, sooner built, and better adapted to serve the priority needs of the court and its users. We intend to constructively engage in that process of review and revision on a continuous basis as circumstances permit. We think, however, that the “Reassess” label, at least as applied to the New Inyo County Courthouse, has done its job and may now be honorably retired.</p>	<p>Directed staff to clarify definition of “proceed” to reflect that proceeding does not supersede previous direction from the Judicial Council on reassessments, most of which still need to be done.</p> <p>In April 2012, the Judicial Council directed staff to reassess the scope of this project to consider a lease option. Staff has assessed the commercial real estate market in the Bishop area and determined that there are no properties available to lease. Staff findings will be presented along with a plan to reduce the cost of this project by an additional 10 percent to the Courthouse Cost Reduction Subcommittee in early 2013.</p>
2.	John Clarke Executive Officer, Superior Court of Los County	D	<p>RE: LOS ANGELES – NEW SOUTHEAST LOS ANGELES COURTHOUSE, NEW LOS ANGELES MENTAL HEALTH COURTHOUSE, AND NEW EASTLAKE JUVENILE COURTHOUSE</p> <p>I am writing to comment on the draft recommendations of the Court Facilities Working Group issued September 10, 2012.</p> <p>As you are aware the Los Angeles Superior Court had a total of six projects being considered by the Working Group. The draft recommendations with regard to the renovation of the Lancaster Courthouse and the delay of the New Glendale and Santa Clarita Courthouses are consistent with my understanding of the committee’s work. I am writing to comment on the recommendations of the New Southeast Los Angeles, Mental Health and Eastlake Juvenile projects.</p>	<p>Directed staff to clarify definition of “proceed” to reflect that proceeding does not supersede previous direction from the Judicial Council on reassessments, most of which still need to be done.</p>

Positions:

- A = Agree with recommendations.
- D = Do not agree with recommendations.
- N = Position not specified.

Comments Summary: Draft Recommendations of the Court Facilities Working Group on SB 1407 Projects

All comments are verbatim

Commentator	Position	Comments	CFWG Responses
		<p>First, I would like to clarify the disposition of the New Southeast Los Angeles Courthouse. The September 7, 2012 summary of “Draft Recommendations” states: “Proceed with reassessment to confirm project size, and then proceed with site acquisition and reduce hard construction budget by an additional 1 0%.” I believe this means that the committee has decided that this project will proceed after these two steps (and not that proceeding is contingent upon certain outcomes of either of these two steps). Please confirm this interpretation.</p> <p>Second, regarding the New Los Angeles Mental Health Courthouse, the Draft Recommendations states: “Proceed with securing proposed donated site from the County of Los Angeles.” The reference to a donation as a contingency is erroneous. In response to multiple questions by the committee on September 5, 6, and again on the 7th, 2012, Henry Hernandez, LASC Facilities Manager, stated that the Court and County are working closely together to secure a site for these projects at a reduced cost (not as a donation). The committee accepted Mr. Hernandez’s representation and subsequently voted to classify the program as “Proceed” on that basis.</p> <p>Third, with regard to the New Eastlake Juvenile Courthouse, the Draft Recommendations states: “Proceed with reassessment of renovation option. If project proceeds as a new construction project, proceed with securing proposed donated site from the County of Los Angeles.” The reference to a donated site is again erroneous. Further, in his statements on September 5, 6, and 7, Mr. Hernandez indicated that the Court and County were working closely to secure one site at a reduced cost that both the New Mental Health and New Eastlake Juvenile Courthouses would be located on. When the committee recommended that the Eastlake project proceed it was no longer as a renovation.</p> <p>Lastly, in order to assist us in assessing our projects for cost reductions, please provide the current cost estimates for site acquisition and construction for each of our projects - incorporating the committee’s draft recommendations.</p>	<p>In April 2012, the Judicial Council directed staff to reassess the scope of the New Southeast Los Angeles Courthouse project to confirm the number of courtrooms needed given that there are only 3 judges currently assigned to the existing facility the project replaces but the project has 9 courtrooms in it. Staff has not completed this reassessment, but anticipates presenting it to the Courthouse Cost Reduction Subcommittee in January 2013.</p> <p>At the April 2012 meeting, the council also directed staff to explore a renovation option for the New Eastlake Courthouse project. Staff has not completed this reassessment, but anticipates presenting it to the Courthouse Cost Reduction Subcommittee in early 2013.</p> <p>For Mental Health and Eastlake projects, directed staff to revise table of Recommendations on SB 1407 Projects Based on FY 2012–</p>

Positions:

- A = Agree with recommendations.
- D = Do not agree with recommendations.
- N = Position not specified.

Comments Summary: Draft Recommendations of the Court Facilities Working Group on SB 1407 Projects

All comments are verbatim

	Commentator	Position	Comments	CFWG Responses
				<p>2013 Budget Act Reductions to Construction Funds to reflect securing a reduced cost site for each project. Note that proceeding with a new construction project for the Eastlake project is subject to completion of the reassessment described above in accordance with direction from the Judicial Council.</p> <p>AOC staff to prepare information requested by court based on Judicial Council October 26, 2012 direction on working group's draft recommendation.</p>
3.	<p>B LA Co resident 23556 Civic Ctr Wy Santa Clarita CA, 91350</p>	A	<p>RE: LOS ANGELES – NEW SANTA CLARITA COURTHOUSE</p> <p>With layoffs in the Superior Courts, WHY spend limited resources to purchase land in Newhall to buy land and then construct a Courthouse and a sheriff's station. Nearby Pitchess Detention Center has land that is owned outright by LA Co. and would provide reasonable access to court visitors. The addition of a sheriff's station would augment the custody facilities when they have their regularly scheduled escapes of inmates.</p> <p>Stop wasting taxpayer money and then having Gov. Brown to tax us more, even if it kills us! The obvious backdoor deals with Newhall Land are clearly seen by all of those interested citizens in the SCV and whatever kickbacks and favors will be had will be exposed.</p> <p>Stop the insanity and make a common sense decision for a change.</p>	<p>Project is recommended to be indefinitely delayed due to reductions in SB 1407 funds.</p>
4.	<p>Rod Kaufman 27959 Glade Ct Castaic Ca, 91384</p>	A	<p>RE: LOS ANGELES – NEW SANTA CLARITA COURTHOUSE</p> <p>While I agree with placing the courthouse developments on hold "indefinitely" pending further review, I do wish to comment specifically on the Santa Clarita Valley courthouse plan.</p> <p>I don't think the SCV courthouse/Sheriff station should be placed on the parcel of land currently owned by Newhall Land at a reported cost of 3 million dollars. This is land that nobody else apparently wants and adjacent lands nearby sit vacant as well. The courthouse could be placed a few miles North in the Pitchess detention center which has ample space and wouldn't cost the taxpayer a dime to buy since the county already owns it. The Pitchess center also has law enforcement on site. SCV officials have expressed their dismay at moving the present SCV courthouse/sheriff station outside SCV</p>	<p>Project is recommended to be indefinitely delayed due to reductions in SB 1407 funds.</p>

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			city limits and rightly so. The move to place the SCV courthouse/Sheriff station on the present Newhall Land site appears motivated by supervisor Antonovich to service the upcoming Newhall Land developments on the 126 highway. If so, Newhall Land ought to be providing the land rather than the county paying for it.	
5.	Ron Parker 1400 Lockwood Dr Ukiah CA	N	<p>RE: MENDOCINO – NEW UKIAH COURTHOUSE</p> <p>I am very concerned about the suggested location of the court facility to be built in Ukiah Calif. Both down town locations are terrible. There is a much better location at the north end of Ukiah off Brush St at the North end of Orchard Ave. This location totals almost 80 acres and would allow easy access, open building space, allow easy future expansion, parking for jurors and other added benefits..</p> <p>How do I communicate this to the group who will be making the final decision?</p>	The Mendocino Superior Court and the Project Advisory Group want the courthouse to be located in the downtown area.
6.	Luis A. Alejo Assemblymember, Twenty-Eighth District State Capitol Room 2137 Sacramento, CA 95814 (916) 319-2028 Phone (916) 319-2128 Fax DISTRICT OFFICE 100 West Alisal Street Suite 134 Salinas, CA 93901 (831) 759-8676 Phone (831- 759-2961 Fax E-MAIL Assemblymember.Alejo@asm.ca.gov	D	<p>RE: MONTEREY – NEW SOUTH MONTEREY COUNTY COURTHOUSE</p> <p>Dear Chairman Hill and Members of the Court Facilities Working Group,</p> <p>It has been brought to my attention that the proposed South Monterey County Courthouse is one of thirteen projects to be indefinitely delayed for Construction. This is an extremely serious concern to the constituents of the 28th Assembly district and to me. I truly believe Greenfield has done everything in their reach to be able to help move the South Monterey County Courthouse project forward.</p> <p>Superior Court of California and the County of Monterey announced that the City of Greenfield was selected as the preferred site for construction of a new 47,000 square foot courthouse but because of budget considerations, the project is now faced with an unexpected halt. The City of Greenfield has invested nearly \$5 million in support of this project. The courthouse land was purchased by the City and donated to the State of California with the expectation that the courthouse would be built. The City of Greenfield has tentative agreements with the District Attorney and Public Defender offices for construction of facilities abutting the proposed courthouse.</p> <p>Existing South Monterey County facilities are unsafe and inadequate and result in the need for time-consuming trips to the county seat in Salinas or to the Monterey Peninsula to complete routine court business. With the construction of the South Monterey County Courthouse, a vast amount of court business could be completed in a time effective manner without having to travel almost an hour outside of town. As the project farthest along the schedule being designated for reassessment, the State, Monterey County and the City of Greenfield have spent a significant amount of time, energy and financial resources in working on this needed project.</p> <p>While the project may need to be reduced in size or scope to address the current financial difficulties, we believe that any proposal that would cancel a construction project on this site this late in the game would be extremely damaging to the development efforts of our underserved and highly populated region.</p> <p>The City of Greenfield recently completed a modern, \$8 million Civic Center and Police Department, which is adjacent to the proposed courthouse construction site. The intent to donate the land to the State of California was not only to construct the new South Monterey County Courthouse, but to also create a centralized location where government services could be provided to families that do not have access to transportation or are financially restrained.</p> <p>I understand several courthouse construction projects must be looked at but based on the fact that the City of Greenfield has invested resources such as time, money and effort for a much needed courthouse, there application should be reconsidered. I respectfully request and strongly support the reconsideration of the construction of the new South Monterey County Courthouse.</p>	Unfortunately, given the reductions to SB 1407 funds since 2009 totaling approximately \$1.5 billion and ongoing redirection of \$50 million to the trial courts, there are inadequate funds to move forward with all originally planned SB 1407 projects.

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7.	John W. Givens Nevada City, CA Private Citizen, Retired JGivens@Menke.com 530.263.0264 (c)	N	<p>RE: NEVADA – NEW NEVADA CITY COURTHOUSE</p> <p>The following are comments I wish to make regarding Item D: Recommendations in Reducing Costs of SB 1407 Projects at the April 24, 2012 Judicial Council meeting.</p> <p>In the news release dated April 13, 2012, the AOC announced that the Nevada County Courthouse was listed as one of thirteen courthouse projects being “reassessed” as part of a proposed \$1.1 billion construction cost reduction. While I am not certain what the word “reassessed” means, along with many others in our little town I feel vindicated; because for almost two years we have been saying the same thing, namely that reassessment is precisely what this project needs.</p> <p>Personally, I have found the OCCM staff, without exception, to be courteous, competent, and hard working professionals who believe in this project, and who have worked diligently to establish good community relations. And yet, despite their best efforts, it is safe to say there has been a firestorm of opposition to their proposed plans for a new courthouse. Why is this? The answer, I believe, is that the project was based on a fatally flawed assumption that doomed it from the start.</p> <p>The assumption was that a top-down designed courthouse, with some minor adjustments to meet local sensibilities, if necessary, could be dropped into Nevada City, as if from a helicopter. Clearly, that approach has not worked out well; so may I propose another way as part of the reassessment?</p> <p>Would not a bottom-up approach be more successful? Start by identifying all the stakeholders, which includes the court system, and then design and build a courthouse to meet their needs into the foreseeable future.</p> <p>Second, the default option should be that the historic Nevada County Courthouse be renovated, restored and rehabilitated so that it can continue to be the seat of the Superior Court of Nevada County as it has for over 150 years. It is also clear that there are six issues that need to be addressed in preserving the historic courthouse and meeting the needs of the stakeholders:</p> <p>Safety, Security, Accessibility, Historic integrity and value, Economic and cultural impact, Cost</p> <p>Based on my experience with the people at the OCCM, I have no doubts that they are up to what admittedly will be a difficult task, but so are the people of Nevada City.</p> <p>And finally, would it not also be a good idea to proceed under Brown Act conditions to encourage community participation? And would not the interests of the citizens of Nevada City and California, along with the courts, best be served if we move forward in a co-operative and collaborative way, making these difficult and critical decisions in the clear light of day?</p> <p>RESPONSE TO THE DRAFT EIR FOR THE NEVADA CITY COURTHOUSE, JULY, 2011</p> <p>SUMMARY</p> <p>In the Aesthetics and Cultural Resources sections, the Draft EIR (Environmental Impact Report) states that abandonment or demolition of the existing Nevada County Courthouse would have a significant and unavoidable impact on Nevada City which cannot be mitigated.</p> <p>The position that no mitigation is available constitutes a material deficiency in the Draft EIR because the loss of the Nevada County Courthouse due to replacement by a new building, or abandonment for an alternate site can be mitigated through an estimate of the dollar value of the loss to the community.</p>	Directed AOC staff to fully study the court’s proposal to renovate the existing courthouse. This study will take 6-8 months to complete, in addition to the time required to work closely with the community and therefore funding for design of this project as a renovation will be sought in fiscal year 2014–2015.

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		<p>The loss either can be paid to the City of Nevada City and other entities dependent upon annual property tax revenue, or absorbed into the costs of the project, making renovation and restoration of the Courthouse financially feasible. Failure to make the community whole through compensation or restoration will produce an illusion: a modern functional courthouse. The reality will be a decaying community.</p> <p>The estimated dollar value of the mitigation of demolition is between \$3 million and \$22 million, with the most likely value lying at the upper end of the range. The estimated dollar value of the mitigation of relocating the Courthouse to the Cement Hill site is between \$12 million and \$88 million with the most likely value lying at the upper end of the range.</p> <p>DRAFT EIR</p> <p>4.1 AESTHETICS “The proposed project at the Existing Courthouse site would cause significant and unavoidable damage to a historic building within view from a state scenic highway (Golden Center Freeway/SR-49). In addition, project features may contrast unfavorably and noticeably with the Downtown Historic District and have a potentially significant and unavoidable impact on the visual character of the project site.”</p> <p>4.4 CULTURAL RESOURCES “Implementation of the proposed project on the Existing Courthouse site would result in the demolition of a contributing structure to a district listed on the National Register of Historic Places (National Register), the California Register, and the Nevada City Historical District. Mitigation measures can reduce the magnitude of the impact, but the impact remains a significant and unavoidable impact on the surrounding historic districts.”</p> <p>4.4-1 MITIGATION MEASURES “The potential for demolition by neglect is a potentially significant event.” “A character defining building.” “A cumulative considerable loss.” “A significant impact on historic resources.”</p> <p>METHODOLOGY TO ESTIMATE THE DOLLAR VALUE OF THE FINANCIAL LOSS TO THE COMMUNITY</p> <p>“Nevada City has been able to survive as a government center and prosper as a tourist attraction.” (4.4.1)</p> <p>The demolition or abandonment and relocation of the Nevada County Courthouse theoretically can impact the value of surrounding property in three ways: increase value, have little or no impact on value, or decrease value. In light of the analysis and conclusions presented in the Draft EIR, it seems unlikely that property values, commercial and residential, will increase or remain unaffected by the destruction or abandonment of the Nevada County Courthouse. Assuming that the “little or no impact on value” option lies within a plus or minus 5% range, a decline in value of at least 5% represents an initial reasonable assumption of the financial impact of the project on the community.</p> <p>According to the most recent secured tax rolls available from the Nevada County Auditor-Controller, the assessed value of property in Nevada City is \$438,047,587. Given a tax rate of 1.029% this means that the annual tax revenue eleven entities are entitled to is \$4,507,510. Now, assuming that property values fall by at least 5% due to the significant and unavoidable impact of the proposed project, the assessed value of secured property in Nevada City can be expected to fall by \$21,902,379. At the tax rate of 1.029% this represents a permanent loss of annual tax revenue of \$225,375. Using a capitalization rate of 8%, this translates into a net present value of \$2,817,188.</p> <p>And given the imprecise nature of the above figures, the rounded present value of the loss of tax revenue is \$3,000,000. This loss of present value, of course, represents the narrowest possible definition of loss. Using a broader definition of 5% of the assessed value of the secured tax rolls, the permanent loss of value to the community is \$22,000,000. All this is predicated on a Courthouse remaining at the present site. And while the additional loss of value due to relocating to the Cement Hill site is a matter of conjecture, a loss of four times the above amounts is not an unreasonable assumption, based on the analysis found in the Draft EIR. Hence, the loss of value to the community if the Cement Hill site is selected lies between \$12,000,000 and \$88,000,000.</p>	

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			<p>EXTERNALITIES</p> <p>The Material Deficiency of the Draft EIR is the result of its failure to apply the economic theory of Externalities. An Externality simply is a cost that has been pushed onto another instead of being internalized into the cost structure of a firm. Failure to identify and internalize all costs leads to the illusion of profit; that is, a firm appears to be profitable because someone else has assumed the burden of the externalized costs. All this, of course, leads to a misallocation of scarce resources, and ultimately results in poor decisions leading to wealth destruction not wealth creation.</p> <p>The Draft EIR fails to apply the theory of externalized costs, and thus fails to recognize a perfect example of a firm appearing to be profitable by having others assume its costs.</p> <p>Thus, the Administrative Office of the Courts can appear to afford a new courthouse because it is passing about 17% of the costs (\$22 million /\$108 + 22 million) onto the public in the form of a permanent loss of revenue. The result is predictable and inevitable: a shiny new courthouse, meeting the needs of a few, amidst a decaying community.</p>	
8.	<p>Hon. Alan V. Pineschi Presiding Judge Department 33 10820 Justice Center Drive Roseville, CA 95678 P. O. Box 619072 Roseville, CA 95661 (916) 408-6230 Fax (916) 408-6236</p>	D	<p>RE: PLACER – NEW TAHOE AREA COURTHOUSE</p> <p>The Placer County Superior Court appreciates your willingness to consider comments on the Court Facilities Working Group (CFWG) recommendations to the Judicial Council on concerning a possible “indefinite delay” of the (North) Tahoe Area Courthouse Construction Project.</p> <p>We believe there are less drastic alternatives available with respect to this project that merit further consideration, and which we were not able to voice during the short time available at the recent meeting. We ask that the CFWG consider these comments, understanding full well that there are many meritorious projects and limited funding available.</p> <p>The starting point for our request for further consideration is that the Tahoe Area Courthouse was ranked near the top of the list of all projects being considered. In fact, the Tahoe Area Courthouse was ranked fifth overall in terms of need in the Trial Court Capital Outlay Plan as approved by the Judicial Council. (See the Trial Court Capital Outlay Plan, dated October 24, 2008). This high-priority ranking was based on the Judicial Council approved criteria (August 2003) and as applied by the AOC and its consultants. The prioritization of potential projects was a large and comprehensive undertaking. The determination that the Tahoe Area Courthouse was one of a handful of the most needed courthouse projects was the result of many months of study and based upon the application of well-determined criteria. The need for a replacement courthouse facility at Tahoe has not changed and is readily apparent to all members of the public, court employees and attorneys who must continue to use the existing inadequate and security-plagued structure. We believe it is important not to disregard the previous hard work and analysis of the AOC, the Executive and Planning Committee and the Judicial Council.</p> <p>We would like to address several concerns that were expressed at the last meeting of the CFWG. We also would like to suggest alternatives that could keep the project on track without jeopardizing funding for other needed projects.</p> <p>Cost Concerns</p> <p>A concern was expressed that the project is too expensive. First, we do not believe that the estimate of \$22.5 million is an accurate reflection of true costs. This estimated cost was not established or suggested by this court. While it is undisputed that building costs in the Tahoe Basin will always be substantially higher than in the Sacramento Valley due to specialized requirements and regulations, we do not believe the professionals at the Office of Court Construction and Management (OCCM) have had an opportunity to develop a feasible and reasonable alternative budget that still meets the court’s needs.</p>	<p>The working group voted down a motion to proceed with only acquisition of land for this project. However, staff was directed to discuss with the Department of Finance the feasibility of purchasing land for this project and other projects in the same circumstance.</p> <p>Unfortunately, given the reductions to SB 1407 funds since 2009 totaling approximately \$1.5 billion and ongoing redirection of \$50 million to the trial courts, there are inadequate funds to move forward with all originally planned SB 1407 projects.</p>

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		<p>Further, the Working Group designated our courthouse as a cost reduction pilot project earlier this calendar year. The latest decision to indefinitely delay the project appears to be based on the cost of the project before those efforts were even begun. We submit that if the experts available through OCCM were given the opportunity to develop a new budget, the actual cost of this project would be substantially lower. In other words, simply evaluating this project using an existing cost figure of \$22.5 million without first considering lower-cost alternatives developed through OCCM would preclude the CFWG from making a more fully-informed decision.</p> <p>Combined Project with Nevada County Court</p> <p>It was suggested that the Placer County Superior Court might be able to reduce, but not eliminate, use of the existing courthouse and to consolidate some court calendars with those of the Nevada Superior Court at its Truckee courthouse. First, while at first blush the suggestion may have some appeal, it is not a workable solution to anyone familiar with the danger that would be posed in requiring citizens to travel dangerous mountain roads during the snowy months. It is simply not a safe proposition to require such travel and, in fact, would serve to impede access to the courthouse. Second, the Placer County offices related to public safety are located in Tahoe City – co-located with the court today and only ¼ of a mile away from the proposed new courthouse site. Moving to Truckee would present a significant impact to our Placer County partners. We did discuss this option with a representative from the Nevada Superior Court following your meeting who noted they use their facility full time, and that it would not be feasible to share the facility. Third, it should not be overlooked that simply reducing the workload at the current Tahoe City Courthouse by the device of sharing the Nevada County courthouse in Truckee would not change or fix the overriding security deficiencies that still exist at the Tahoe City facility. Fourth, on two prior occasions (late 1990s and 2004) extensive efforts, meetings and discussions were held in an effort to attempt to plan and build a joint Placer/Nevada courthouse in the Tahoe/Truckee area. Both of those efforts failed.</p> <p>TRPA Restrictions</p> <p>It was suggested that the proposed site has too many restrictions placed on it by the Tahoe Regional Planning Agency (TRPA) and, therefore, another site should be considered. The Tahoe Regional Planning Agency is an operating agency formed by an interstate compact between the States of California and Nevada, as approved by Congress. Its primary purpose is to safeguard the environmentally sensitive area within this region of the Sierras. The same TRPA development regulations and building restrictions that apply to the preferred site for a new Tahoe Courthouse would apply to any other possible site within the Tahoe Basin. Properties subject to TRPA regulation have different allowances for land coverage. The proposed site has very favorable land coverage potential, relatively speaking. In other words, the restrictions on the proposed site are not significant when compared to other parcels in the Tahoe Basin and can we are confident we can work within TRPA’s regulations and limitations. Importantly, initial contacts with staff of the TRPA and the local community have been conducted in order to be proactive regarding the project’s compliance with the TRPA environmental regulations and to address any local community concerns. Meetings with the TRPA staff and the Project staff with OCCM, including the architectural team, took place at both at the TRPA offices and at the proposed site. Those meetings were positive. Additionally, court representatives (Presiding Judge and Court Executive Officer) met with the North Tahoe Municipal Advisory Committee and members of the public to provide information and answer questions regarding the project.</p> <p>Suggested Alternative</p> <p>We were not able to adequately express our support for an alternative method of proceeding with the proposed project. Specifically, we believe, at minimum, it would be financially prudent to recommend that the site acquisition for the Tahoe Courthouse Construction proceed - with a budget of only \$3 million or less for site acquisition – recognizing that construction may not occur until further funding becomes available. Site acquisition is possible now at a favorable</p>	

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			<p>market price, with a willing seller. There is virtually no downside to proceeding with the purchase of the current proposed site as it has an existing office building with tenants. Thus, even if construction did not occur for some period of time, this is an income-generating property. We respectfully suggest that there is a golden opportunity to at least acquire the property that may be lost if not acted upon. As the CFWG will recall, the current proposed site is only ¼ mile from the existing court facility and from the Placer County Sheriff’s Substation. We have already met with the local community and there is no known opposition to the current site – indeed, the community and its leaders embrace this project and the safety and access to justice it will provide. We are certain that the cost-savings the CFWG is recommending for other worthy projects may provide sufficient savings to enable the proposed site for the Tahoe Courthouse Project to be acquired. In the interim, further measures can be taken to significantly reduce costs of any new structure.</p> <p>Altogether, we submit that site acquisition, as suggested above, is an extremely responsible and cost efficient way to keep the project on track, without any significant financial risk whatever. We ask for your reconsideration and that the CFWG recommend that the Tahoe Courthouse Project be removed from the “indefinite delay” status for the limited purpose of allowing site acquisition to proceed. In making this suggestion, we thus recognize that construction of a new Tahoe Courthouse – with the fifth highest priority ranking in terms of need – will not be built until funding sources return.</p>	
9.	Edward N. Bonner Sheriff-Coroner-Marshal	D	<p>RE: PLACER – NEW TAHOE AREA COURTHOUSE</p> <p>I write in response to the Court Facilities Working Group’s recommendation to place the North Tahoe Area Courthouse Construction Project on “indefinite delay.” I strongly oppose this recommendation and request reconsideration.</p> <p>I am deeply concerned by this recommendation because the need for a new Tahoe facility is great and has been for many years, as noted in Placer County Grand Jury reports. There are several safety issues of concern, including the fact that the courtroom is surrounded by unsecured areas with unobstructed views of the judges’ chamber with no room for external security measures. With only one officer assigned as both Bailiff and transportation officer, during transportation the courtroom is left unattended.</p> <p>It was suggested that we share courthouse space with Nevada County Superior Court. This is impractical for several reasons. Operationally, the coordination of two court calendars would negatively impact both counties. The efficient movement and security of in-custody defendants could be in jeopardy. Transportation to and from Nevada County is on one main artery from Tahoe City to Truckee. During winter months it is a dangerous drive due to the ice and snow. Weather related road closures would prove costly and cause court delays. During the summer months the road is congested due to the influx of tourists to the Tahoe Basin.</p> <p>Of grave concern, and a liability, are the ADA issues with the current facility. The halls and doorways are twisty and narrow and none of the restrooms are ADA compliant. Wheelchair access is limited, if not nonexistent.</p> <p>I respectfully request you reconsider your recommendation. This outdated facility is in dire need of replacement and I am very concerned for the public’s safety as well as for the safety of court employees. If you would like to discuss this further, please do not hesitate to contact me.</p>	<p>Unfortunately, given the reductions to SB 1407 funds since 2009 totaling approximately \$1.5 billion and ongoing redirection of \$50 million to the trial courts, there are inadequate funds to move forward with all originally planned SB 1407 projects.</p>
10.	Jennifer Montgomery, Supervisor District 5 Placer County Board of Supervisors	D	<p>RE: PLACER – NEW TAHOE AREA COURTHOUSE</p> <p>I would like to again express my support for full funding for the proposed Tahoe Court project. As you are well aware, the current Court building in Tahoe City is old, unsafe, unsanitary and is frankly a poor first exposure to the American Justice System for many of our international visitors. The facility also does not meet Federal ADA requirements, which we view as a serious liability issue.</p>	<p>Unfortunately, given the reductions to SB 1407 funds since 2009 totaling approximately \$1.5 billion and ongoing redirection of \$50 million to the trial</p>

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			<p>Lake Tahoe and California are premier destinations for visitors from the United States and the world. Sadly, when some of those visitors are forced to become part of our justice system—either as plaintiffs or defendants--they are subjected to a derelict building that has the following defects:</p> <p>Security screening in the existing facility is virtually nonexistent. In-custody defendants walk past public areas in the courtroom. The courtroom lacks enough public seating, does not have an area designated for the jury and does not have a jury box. The building is not in compliance with the Americans with Disabilities Act. Parking is inadequate. It is not unusual to be unable to find a parking spot. The court has two entrances due to its constrained layout, which is confusing and frustrating. Entering and exiting the building has very little weather protection, a particular issue during the snowy winters.</p> <p>It has been suggested that Placer County share courthouse space with Nevada County Superior Court. Although this might seem like a viable solution, we have valid concerns with this option. Among the most prevalent concerns is the transportation of defendants to the Nevada County facility during the winter months when the roads are hazardous due to ice and snow or during the rest of the year when the roads are so congested with tourists that it could cause costly court delays.</p> <p>As the local elected representative for the Placer County portion of Lake Tahoe, I ask that you look at cutting back on some of the larger projects throughout the State to support construction of this “one courtroom” project in an underserved rural area. For 17 years now, the Placer County Grand Jury has repeatedly taken the position that this building (which is occupied by both the Court and the Sheriff’s Office/Jail) needs to be replaced. This is an opportunity for the State to address a public safety concern specific to the Court and may indeed create an opportunity for Placer County to partner with the Court in some manner to construct a new Sheriff’s Department and Jail facility.</p> <p>I urge you to fully fund the Tahoe Court project. Please feel free to contact me for any additional questions, concerns or clarifications you might need.</p>	<p>courts, there are inadequate funds to move forward with all originally planned SB 1407 projects.</p>
11.	Garrett Olney Superior Court Judge (ret.)	D	<p>RE: PLUMAS – NEW QUINCY COURTHOUSE</p> <p>I was dismayed to see that proposed construction of the Plumas county courthouse has been recommended to be indefinitely delayed. I am retired from the bench of the Plumas Superior Court. I am all too aware of the almost century-old building’s failings. Security is practically non-existent. There is no security screening whatsoever when entering any one of the four ground floor entrances to the building. The only security is a sign which warns people that bringing a weapon into the courthouse is a crime. In-custody inmates have to be paraded in chains in between members of the public entering the building. In my tenure there, one inmate jumped over a railing into an open foyer in a suicide attempt; another broke through a judge’s chambers’ door. Judges have to walk through the main public hallways to get to their chambers, sometimes interrupted by litigants who want to discuss their cases. There is no jury assembly room. Prospective jurors stand in the hallways in front of the courtroom, which encourages contact with litigants and witnesses.</p> <p>I currently serve as an assigned judge and have traveled to the courts of about a dozen counties in northern California. The Plumas courthouse is among the worst, if not the worst, in providing security for judges and court personnel. A number of these other counties are currently slated to receive new courthouses.</p> <p>The Plumas courthouse is owned by the county which does not have the funds to make improvements, even if they had the desire. It is only a question of time before a significant incident will occur in this aging structure. It is my profound hope, however unlikely, that a new more secure structure will be built before a major incident occurs.</p>	<p>Unfortunately, given the reductions to SB 1407 funds since 2009 totaling approximately \$1.5 billion and ongoing redirection of \$50 million to the trial courts, there are inadequate funds to move forward with all originally planned SB 1407 projects.</p>

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	Commentator	Position	Comments	CFWG Responses
12.	William J. Davis Associate Presiding Judge Superior Court of California County of Siskiyou P.O. Box 1026 Yreka, CA 96097 (530) 842-8179 Telephone (530) 842-8339 Fax	A	<p>RE: SISKIYOU – NEW YREKA COURTHOUSE</p> <p>On behalf of Siskiyou Superior Court, I wish to express our appreciation to the Court Facilities Working Group (CFWG) for its support in recommending the continuation of the New Yreka Courthouse for Pre-Planning funding.</p> <p>As you know, Siskiyou Superior Court has a desperate need for a new courthouse in Yreka, the county seat. Out of necessity, the court continues to operate in extremely overcrowded, poorly secured conditions with inadequate access for the public, staff, and prisoners. There was a shooting in the courthouse in 2000 resulting in one death and one serious injury. There was also a burglary at the courthouse in February 2012 resulting in more than a million dollars of gold stolen from the county’s heritage collection displayed in the courthouse. Raw sewage inundated the courthouse approximately nine years ago requiring emergency hazardous material cleanup. The basement periodically floods. Bats occasionally fly in the hallways. Prisoners are commingled with the public and staff, and are held in vacant jury rooms after being paraded through the courthouse in shackles and escorted up a steep flight of stairs. Staff and judges are not separated from the public or prisoners. It is difficult to imagine a courthouse more out of compliance with trial court standards. Here are some examples of the problems facing Siskiyou Superior Court in Yreka:</p> <ol style="list-style-type: none"> 1. Approximately 90% of court staff are located in Yreka, and all of the judicial officers are headquartered in Siskiyou County’s main courthouse in Yreka. All of the felony, unlimited civil, family law, and juvenile cases are heard in Yreka. The jail, District Attorney, Public Defender, and most of the private attorneys practice in Yreka exclusively. Probation, Human Services, and the Sheriff’s Office are also located in Yreka. In sum, the Yreka courthouse is integral and vital to the dispensation of justice in Siskiyou County. There are no viable alternative courthouses in our county, and there is no courthouse in the County that serves as an adequate unified court. 2. With only 13,000 gross square feet of space in the Yreka Courthouse when the Trial Court Standards calculate we need 69,000 gross square feet, we currently operate the Yreka Courthouse in approximately 20% of the space that Trial Court Facilities Standards recommend. We are forced to utilize broom closets for work areas, crowd staff into constricted areas, share converted courtrooms with the county, lease space, and do without basic secure space and necessary space because it is non-existent. It is important to note that courts that scored higher than Siskiyou as immediate need courts did so based primarily on the criteria of needing new judges. Since we are not scheduled for any new judges in the foreseeable future, we did not score any points in this category. Nevertheless, many of the courts scoring high in this category had much more adequate space to begin with than did Siskiyou. We are not aware of any other court that is operating in 20% of recommended space either before or after the need for new judges has been considered. 3. After the 2000 shooting security was improved in the Yreka courthouse as an X-ray machine, magnetometer, and more security officers were added. Nevertheless, despite our best efforts, we are unable to mitigate several security concerns. For example, there is no sallyport for prisoners. Prisoners are transported curbside by a side entrance, paraded up the stain full view of the public and not separated from staff, public or judges, and then housed in an unoccupied jury room for holding purposes. There are very real and unavoidable safety hazards for the public, judges, staff, and prisoners ever day in the courthouse. The judges do not have a secured parking area or entrance, and thus could easily be accosted outside or inside the courthouse. There is no space to separate victim witnesses from defendants. Attorneys have no place for private conversations with clients, witnesses, or other attorneys. The fact that burglars were able to break into the courthouse at night in February 2012 and steal a major portion of the county’s heritage gold collection further illustrates continued security problems. 4. Our multi-purpose room is too small to serve as a jury assembly room, but we have no other option. The Fire Marshall has voiced concerns about this arrangement, particularly when we hold significant trials requiring us to subpoena a large jury panel. There is poor ventilation in one of the two jury rooms, while heating and cooling is uneven and inadequate throughout the building making juror comfort virtually impossible. Long trials tend to frazzle even the most dedicated jurors. 	Comments support recommendation on this project.

Comments Summary: Draft Recommendations of the Court Facilities Working Group on SB 1407 Projects

All comments are verbatim

	Commentator	Position	Comments	CFWG Responses
			<p>5. In 2003, raw sewage backed up into the basement of the courthouse where a courtroom, multipurpose room, Facilitator’s Office, and the Law Librarian are housed. It took an emergency crew approximately two months to refurbish the area. Flooding also has been occurred periodically in the basement area during the rainy season.</p> <p>6. There is a great deal of excitement in our community over the new courthouse. City and County officials as well as the legal and business leaders have all pledged support for the project. Our Project Advisory Committee has broad representation in the community from these groups. Completion of the courthouse project in Yreka is viewed as the most important project in several decades, and is viewed as critical to not only provide an accessible, secure, and adequate forum to resolve disputes, but is considered to be the hub of the City of Yreka and Siskiyou County.</p> <p>7. We also have approximately \$4.5 million available in Court Construction Funds that enabled us to purchase five private homes and thus gain site control for the project in downtown Yreka, the preferred site of the Project Advisory Group. In addition, the County has agreed to move some of its justice agencies into the existing court space in exchange for County property for the new courthouse.</p> <p>Status of the Siskiyou Project</p> <p>The Yreka Courthouse is progressing very well, and the downtown site was approved by the Public Works Board in June 2012. The Judicial Council has approved the use of the remaining \$3.3 million in local court construction funds for Pre-Planning, and Siskiyou County has encumbered these funds for this purpose. Therefore, we are ready to proceed immediately with Pre-Planning for the project.</p>	
13.	Tom A. Odom County Administrator Siskiyou County 201 4th Street Yreka, CA 96097	A	<p>RE: SISKIYOU – NEW YREKA COURTHOUSE</p> <p>Thank you for the opportunity to provide you with my comments regarding the proposed New Yreka Courthouse located in Siskiyou County. As the new County Administrative Officer for Siskiyou County, I have been impressed with the collaboration and team work between the County of Siskiyou, City of Yreka, AOC, Court (Project Advisory Group) and the community-at-large in working tirelessly to discuss site selection options, alternatives and local contributions for the proposed project. The selection of a downtown site is an excellent choice! As a former Downtown Development Director in my hometown of Monroe, Louisiana, I saw firsthand the economic contributions that city and county facilities make to a downtown area. Coupled with the historic district of Yreka, a new courthouse located in the downtown area makes clear economic sense as well as being located in close proximity to the jail, law enforcement offices, public and private attorneys and local restaurants, and other service oriented businesses.</p> <p>Furthermore, there is no doubt for the need of a new courthouse in Yreka. The Project Need Report dated August 24, 2012 clearly demonstrates dire conditions of the current courthouse and its logistical problems due to age. Siskiyou County, which is geographically the fifth largest county in California, needs a court facility that adheres to trial court standards, American Disability Act (ADA) standards, and that accommodates the needs of citizens of the Siskiyou County and the State of California.</p> <p>I am pleased to offer my support and efforts in moving the New Yreka Courthouse Project forward to the next phase. Thank you for your efforts and hard work in this regard. Please do not hesitate to contact me should you have any questions or need additional information. My direct line at the Siskiyou County Administration Office is 530.842.8005.</p>	Comments support recommendation on this project.
14.	John W. Lawrence, Esq. President, Siskiyou County Bar Association The Law Offices of John W. Lawrence	A	<p>RE: SISKIYOU – NEW YREKA COURTHOUSE</p> <p>I write in support of the Siskiyou County, New Yreka Courthouse. As a local practitioner and President of the Siskiyou County Bar Association, I feel compelled to address several reasons why Siskiyou County needs a new courthouse.</p>	Comments support recommendation on this project.

Comments Summary: Draft Recommendations of the Court Facilities Working Group on SB 1407 Projects

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Commentator	Position	Comments	CFWG Responses
<p>122 Third Street P.O. Box 912 Yreka, CA 96097</p>		<p>1. Our “courthouse” is really two courthouses patched together. One was built in 1857 and the other in 1954. There is an old walkway connecting the two. The buildings are falling apart. As an example, about a week ago the fire alarm went off. Everyone had to leave the courthouse during the alarm. While lots of folks waited outside, the fire department responded along with the city police and county sheriffs. The problem was not a fire, but a pipe that was leaking through the ceiling onto a fire alarm or other device. This is just one example of the problems associated with the courthouse. Another example is the basement has flooded several times leaving sewage behind which creates a health hazard. Additionally, the air system is old and faulty, and it most likely circulates mold, bacteria, dust, and other unknown hazardous materials. These are just a few of the problems associated with the existing courthouse.</p> <p>2. Security. I had just finished a juvenile court hearing and left when the shooting occurred in our courthouse in 2000. Most recently, we had the theft of the gold from the courthouse. It is very easy for someone to seek a weapon into the courthouse after hours. Furthermore, the in-custody folks are walked through halls and stairs in public which creates lots of safety issues, both for the inmates and the public. Currently, it would appear that it is not a question of IF something might happen, but WHEN something might happen. Understandably, there can be some very upset victims, as well as inmates, parties to restraining orders and family law matters, and in a split second an incident can turn tragic as the courthouse lay-out and crowding prevent quick and effective law enforcement response. Furthermore, there are no secure rooms for the inmates awaiting a court appearance. Additionally, there is no place for any sort of confidential discussion with an inmate at the courthouse. If an inmate needs to use the restroom, and they are in any other courtroom than Department One, lots of problems exist as it requires an additional deputy or two to take the inmate to a restroom, usually down the hall, or up and down staircases all in the public view.</p> <p>3. There is not enough room in the existing courthouse. The courthouse has really ONE courtroom suitable for a jury trial. That ONE courtroom with a jury room that has restrooms safe and convenient to the jurors is Department One. The next suitable courtroom is Department Two, which has a jury room, but the restrooms are down the hall. When a juror needs to use the restroom, it is down the hall they go, past the public, witnesses, victims, defendants, etc. Next in line is Department Four, which does not have a jury room or restroom, but has a jury box. Department Three and Nine are not suitable for any jury trial whatsoever. If there is a jury trial, then, because of lack of space, every other courtroom is impacted. Many times there is not even enough seating room for the public and parties in the courtroom, and at times the number of people present exceed the limits set by the fire marshal. The offices for the clerks, staff, and judges are so small, cramped, and crowded it is difficult to imagine how they get work done.</p> <p>4. Americans with Disabilities Act (ADA) access. This is a shame and embarrassing. First, if one is in a wheel chair, the individual can not enter the courthouse like everyone else. The disabled person must enter from behind the building. Next, the elevator is so old that it has on occasion trapped people in it from time to time. Personally, I refuse to ever ride in it as I fear being trapped in it. If the disabled individual needs to get to Department 4, they will require assistance because someone will have to wheel them through the District Attorney’s Office and part of the court’s filing room, and then back, and then ride the elevator to get down. Moreover, I have actually seen people carried on the stairs.</p> <p>5. Finally, the selected property for the new Courthouse has been purchased. It is the ideal location in downtown Yreka, just the next block over from the existing courthouse. This is close to the county offices and jail, and many existing legal offices and businesses, our community wants and needs a new courthouse in downtown Yreka.</p> <p>As one can see, I only highlighted a number of areas of concern. When I travel to other courthouses within the State, it really rings home that Siskiyou County needs a new courthouse – one that will uphold access to the legal system and bring dignity to our local courts.</p> <p>Please do not hesitate to contact me if you have any questions.</p>	

Positions:

- A = Agree with recommendations.
- D = Do not agree with recommendations.
- N = Position not specified.

Comments Summary: Draft Recommendations of the Court Facilities Working Group on SB 1407 Projects

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	Commentator	Position	Comments	CFWG Responses
15.	Marlisa Ferreira Stanislaus County Office of the District Attorney Stanislaus County Bar Association 804 14th Street Modesto CA 95354	A	<p>RE: STANISLAUS – NEW MODESTO COURTHOUSE</p> <p>The Stanislaus County Bar Association completely supports the court’s efforts in constructing a new courthouse in Modesto and encourages the Judicial Council to move forward with the new Courthouse project. The new Courthouse project will enable the Superior Court to consolidate its functions in a safe, efficient and appropriate facility.</p> <p>The new courthouse will be the most important civic structure built in this area for decades. It is an essential anchor for this region. Parking and essential services for employees and jurors, as well as attorneys, witnesses and others, is available within walking distance throughout the downtown center, as is bus service that connects the downtown center with other communities throughout the county.</p>	Comments support recommendation on this project.

Response Totals

	Agreement	Do Not Agree	Position Not Specified	Total Respondents
Totals	7	6	2	15

Positions:

A = Agree with recommendations.
D = Do not agree with recommendations.
N = Position not specified.