



CAPITOL WEEKLY

THE NEWSPAPER OF CALIFORNIA GOVERNMENT AND POLITICS

Bad idea: Using court construction funds to cover operational costs

By **Mary Ann O'Malley, Bob Balgenorth** | 02/04/10 12:00 AM PST

It's no secret that construction workers in California have borne the brunt of the Great Recession. Our state's 12.4 percent unemployment rate remains one of the highest in the country. In the last two years some 300,000 construction workers have been thrown out of work. The construction industry here is facing an alarming 30 percent unemployment rate. These men and women need work. And they need it now.

The economic outlook is bleak, but there is some hope. Two years ago the legislature passed and the governor signed a critical piece of legislation to begin repairing and replacing the most dilapidated and dangerous courthouses in the state without using a single dollar of the state's general fund. SB 1407 provides the revenue from increased fines and fees to support \$5 billion in bonds to construct or renovate 41 courthouses in 34 counties, a mere portion of the most critically necessary projects.

Aging and unsafe court facilities have suffered from years of deferred maintenance. The safety of the people who work in and use these facilities and the quality of our judicial system lie in the balance. As Governor Schwarzenegger said when he signed this bill, "Improving our state's aging court facilities has been an integral part of my promise to Californians to rebuild our infrastructure and increase public safety. This bill not only delivers on that promise to finance desperately needed construction projects, but it will also help create thousands of jobs for California workers."

Nonetheless, there are shortsighted proposals to reduce and delay courthouse construction projects by shifting the revenue from court fees and fines to ongoing operational expenses. Indeed, the presiding judge of the Superior Court of Los Angeles has been urging this tack. In seeking support from business groups and law firms, the presiding judge fails to recognize the critical infrastructure needs that exist throughout the rest of the state. In many cases the courthouse is the only courthouse in the county. Thankfully, 53 out of the 58 presiding superior court judges in the state openly oppose LA's position. In the interest of a functional judiciary system, our infrastructure needs, and a stronger economy, this idea should be rejected.

First, delays in implementation would prolong security risks. In March 2009, a defendant in a Stockton courtroom was shot to death after he attacked the judge with a handmade weapon. No barrier separated the witness stand from the judge's bench, illustrating the direct relationship of security to courthouse design and construction. (A new Stockton courthouse is now in the design

phase.) In many of the courthouses to be replaced, in-custody defendants move through the same hallways used by the public, which can easily lead to intimidation of victims, witnesses, and jurors. Inadequate security is a major concern in courthouses that deal with gang-related criminal proceedings. Many courthouses are seismically deficient as well. In fact, several have seismic ratings indicating substantial level of risk to life and safety due to a seismic event.

Implementation of SB 1407 presents an unparalleled opportunity for economic stimulus at a time when the state's economy is at historic lows. The Administrative Office of the Courts estimates that the \$5 billion in construction projects will create 105,000 jobs through direct employment and provide an indirect boost to local economies. The negative impact of delay would be felt throughout the construction industry and related trades.

Lastly, delays would escalate costs. As bad as the current recession is, it also brings a window of opportunity for reduced pricing on land, design, and construction. Assuming typical construction escalation costs, delaying for one year would undermine the state's buying power by an estimated \$300 million. If construction is delayed, cautious private sector participants will increase their bids to mitigate the perceived increased risk of uncertainty in doing business with the State of California. This risk assessment could lead to unnecessary increased costs and reduced buying power.

What better time than now to move forward with important state infrastructure when construction and site acquisition costs are at a low mark and construction industry unemployment is at a high mark?

“Our judicial system does not need, want, or expect palaces,” Chief Justice Ronald George has said. “But it does deserve facilities that are secure, well maintained, and adequate to serve the public's needs.”

We agree.