

William D. Lehman
Presiding Judge

Kristine S. Kussman
Court Executive Officer



Courthouse
939 Main Street
El Centro, CA 92243
(760) 482-2250

The Superior Court of California
County of Imperial

August 27, 2012

Honorable Brad Hill
Administrative Presiding Justice
Fifth District Court of Appeals
2424 Ventura Street
Fresno, CA 93721

Re: Imperial – El Centro Family Courthouse Project

1. Security

Juvenile – (13-13) current location does not have entrance security, any type of security screening, or holding cells for incarcerated parents or defendants.

Family Support – (13-11) current location does not have holding cells for incarcerated parents or defendants.

Family Law – (13-6) current location does not have holding cells for incarcerated parents or defendants

New building will have sally port and cells underground for both adult and juvenile parties with direct access to the courtrooms without having the incarcerated person commingle with the public in the hallway.

2. Overcrowding

Juvenile – (13-13) has limited area in courtroom (546 sq ft) and little or no seating outside courtroom for parties waiting for the confidential case to be heard. Juvenile Clerk's office including storage has limited area (188 sq ft). With two staff assigned the work area and ability to receive filings is not adequate to meet the public needs. The Chambers is accessed through the Clerk's office and is (263 sq ft) a restroom of (30 sq ft), and a closet of (39 sq ft). Current standards for Chambers are 400 sq ft.

Plaza (13-11) has 18,200 sq ft with 478 sq ft leased to a third party. We are attempting to sub-lease the building because the lease is a court expense of an average of \$450,000 annually. The Court entered into the lease for this space because we were out of space to continue court

operations and in anticipation of the completion of the Family Courthouse Project. The lease was a 10 year length and will expire February 2019.

3. Physical Condition

Juvenile (13-13) was built in 1976's with 1066 total square feet. Seating capacity in the courtroom is 23, and waiting area outside the courtroom is 20 seats. The parties who are going to court must walk through the Adult Probation staff offices to gain access to the seating area. Parties must exit through the same area when the hearing has concluded. This building does not have any security of any kind except for the bailiff located inside the courtroom.

4. Access to Court Services

Juvenile (13-13) Court is isolated from any public or any other court services. The nearest public transportation stop is 1/8 of a mile away, and the area to travel from the stop to the facility is not ADA compliant. Public transportation is infrequent, and is located outside the El Centro city limits.

5. Economic Opportunity

Purchase of land and recording was completed at a cost of \$1.5 million. The site is 3.57 acres within the El Centro City limits with public parking and access to the Main court 2 miles away. Our County has a high level of unemployment and the project would provide construction jobs to workers who are currently out of work.

6. Project status

6.4.3 Preliminary plans have been paused pending the outcome of this review.

6.8.2 On February 12, 2012 the site was purchased for 3.57 acres at a cost of \$1.5 million and is centrally located in the County seat.

7. Court Usage

7.1 – As of 8/17/12

Brawley (16 miles from County Seat – El Centro)

County Owned Building – Shared Usage

Number of Courtroom(s) – 2

East (13-1) 1,296 sq ft

Official – Judge Juan Ulloa & Referee Bohlander

Usage – Criminal, Small Claims, Infractions, Jury Trials

Days Used – Monday through Friday

West (13-2) 1,296 sq ft
Official – Criminal Grand Jury, Assigned Judges
Usage – Criminal Grand Jury, Jury Trials
Days Used – Friday every week, and as needed for Jury Trials

Calexico (13-3) 1,288 sq ft (15 miles from County Seat – El Centro)
AOC Owned Building
Number of Courtroom(s) – 1
Official – Judge Raymond A. Cota & Referee Bohlander
Usage – Criminal, Small Claims, Infractions, Jury Trials
Days Used – Monday through Friday

El Centro (County Seat)

AOC Owned Building

Number of Courtroom(s) – 7

Department 1 (13-4) 1,275 sq ft
Official – Judge William D. Lehman
Usage – Criminal, Jury Trials
Days Used – Monday through Friday

Department 2 (13-5) 1,001 sq ft
Official – Judge Christopher J. Plourd & Referee Bohlander
Usage – Criminal, Small Claims, Jury Trials
Days Used – Monday through Friday

Department 3 (13-6) 755 sq ft – No jury box
Official – Judge Diane B. Altamirano
Usage – Family Law, Adoptions, Juvenile
Days Used – Monday through Friday

Department 5 (13-7) 1,003 sq ft
Official – Judge Poli Flores, Jr. & Referee Bohlander
Usage – Criminal, Small Claims, Jury Trials
Days Used – Monday through Friday

Department 7 (13-8) 1,802 sq ft
Official – Judge Jeffrey B. Jones
Usage – Civil including LPS, Guardianship, Jury Trials
Days Used – Monday through Friday

Department 8 (13-9) 783 sq ft
Official – Judge Ruth B. Montenegro & Referee Bohlander
Usage – Criminal, Small Claims, Jury Trials
Days Used – Monday through Friday

Department 9 (13-10) 1,802 sq ft
Official – Judge Donal B. Donnelly
Usage – Civil including Probate, Jury Trials
Days Used – Monday through Friday

Plaza (13-11) Branch Court 1,307 sq ft (1 mile from El Centro Main Courthouse)
AOC & Court Leased Building
Number of Courtroom(s) – 1 - No jury box
 Official – Referee Bohlander & Commissioner Jim B. Jones
 Usage – Infractions, Family Support
 Days Used – Monday through Friday

Jail (13-12) Branch Court 900 sq ft (3 miles from El Centro Main Courthouse)
County Owned Building – Shared Use
Number of Courtroom(s) – 1 - No jury box
 Official – Criminal Judge rotate 1 day each per week
 Usage – Criminal
 Days Used – Monday through Friday

Juvenile (13-13) Branch Court 546 sq ft (3 miles from El Centro Main Courthouse, No public access)
County Owned Building – Shared Use
Number of Courtroom(s) – 1 - No jury box
 Official – Judge Christopher W. Yeager
 Usage – Juvenile
 Days Used – Monday through Wednesday

Winterhaven (13-14) Branch Court 821 sq ft (60 miles from El Centro Main Courthouse)
AOC Owned Building
Number of Courtroom(s) – 1 – not suitable for jury trials
 Official – Judge Raymond A. Cota & Referee Bohlander
 Usage – Infractions, Criminal
 Days Used – Wednesday infraction, Thursday one day per month for misdemeanors

7.2 - Estimated Population Served
Imperial County 2011 data – 174,000

7.3 - Number of Filings
 2010-11 - 75,852
 2011-12 - 73,637

7.4 Number of Dispositions
 2010-11 – 82,144
 2011-12 – 71,683

7.5 Number of Jury Trials
 2010-11 - 62
 2011-12 - 68

7.6 Weighted Filings Data – To be provided by AOC staff

8.1 Main Courthouses

Brawley (16 miles from County Seat – El Centro)
County Owned Building – Shared Usage
Number of Courtroom(s) – 2

Calexico (13-3) (15 miles from County Seat – El Centro)
AOC Owned Building
Number of Courtroom(s) – 1

El Centro (13-4 through 13-10) (County Seat)
AOC Owned Building
Number of Courtroom(s) – 7

8.2 Branch Courthouses

Plaza (13-11) Branch (1 mile from El Centro Main Courthouse)
AOC & Court Leased Building
Number of Courtroom(s) – 1 – No jury box

Jail (13-12) Branch (3 miles from El Centro Main Courthouse)
County Owned Building – Shared Use
Number of Courtroom(s) – 1 - No jury box

Juvenile (13-13) Branch (3 miles from El Centro Main Courthouse, No public access)
County Owned Building – Shared Use
Number of Courtroom(s) – 1 - No jury box

Winterhaven (13-14) Branch (60 miles from El Centro Main Courthouse)
AOC Owned Building
Number of Courtroom(s) – 1 – Not suitable for jury trials

9. Disposition of Existing Court Space or Facility - AOC staff to provide data to Working Group.

Family Court Project will allow us to vacate the Juvenile and Plaza locations. The following moves will occur: move Juvenile (13-13) to new building, move Dept 3 (13-6) Family Law to new building and allow move from Plaza (13-11) Infractions to Dept 3 (13-6), move Plaza (13-11) Family Support to new building.

Additionally it will allow overflow jury trials, preliminary hearings, Grand Jury, and assigned judges to have proceedings in this building. New site is 2 miles from main El Centro Courthouse.

10. Consolidation of Facilities

Plaza (13-11) has a current cost for lease of \$400,000 to \$500,000 annually with the lease expiring February 2019. The Court's current budget does not provide for continuance of the lease expenses, therefore, we are looking for a tenant to sub lease. If sub lease is complete, Infractions, Human Resources, Accounting, Collection, and Finance Departments will move to El Centro courthouse, and Family Support will move to Brawley West (13-2) until Family court is completed. When Family Courthouse is completed Family Support will move to new Family building with Juvenile (13-13), and Family Law (13-6). Existing Juvenile location will not be used by the court because it is a limited access court and is a County Shared building. This new location would allow the court to consolidate three Clerk's offices. Juvenile both delinquency and dependency, Family Support and Family Law would be consolidated at this location. The consolidation would provide a more economical efficient use of staff and resources including equipment, supplies, utilities, and Bench Officers. The public would have unrestricted access to the Juvenile Clerk's office that currently does not have public access. The public must call ahead so that staff can meet them and either accept the documents or walk them through the courtroom to the Clerk office. Additional savings will be achieved in technology, specifically with wide area network connections. Juvenile court would be relocated with new technology that will provide more efficient, greener equipment for communication and IT services.

Our court has had a long term plan that included the Family Court Project as part of the solution to become more efficient with the resources provided to us as well as the resources provided to the court by the AOC.

11. Extent to Which Project Solves a Court's Facilities Problem

Juvenile (13-13) is located inside the County Probation Department, this forces parties in a case to pass through inside working area of Adult Probation to get to the courtroom and has limited area for incarcerated parents in addition to no entrance security. Additionally, the location of this courtroom makes it unusable for any other types of cases because there is no public access.

The current El Centro Courthouse has three holding cells for 7 courtrooms. These holding cells are not adequate for the many types of inmates from the local jail, two State Prisons, and Juvenile Probation. The new Family building will allow for juveniles and parents who are incarcerated a secure location throughout the proceedings including secure transportation to facilities and court proceedings. Public would not share the common area with incarcerated parties as they do currently.

12. Expected Operational Impact

12.1 Estimate and document one-time and ongoing cost impacts to the court related to moving

One-time costs - furniture and miscellaneous items \$150,000

Ongoing costs – Allocation and expenditures currently at the Plaza would transfer to the new Family Court. Most ongoing costs are associated with security and because of vacating the

Plaza (13-11) these costs would not continue at the Plaza or Juvenile (13-13), thereby allowing for the new location to be funded without extra costs. The small net increase for janitorial of \$15,000 will become part of the courts budget.

12.2 Document the funding source(s) planned to be used to address any net cost increases

Trial Court funding, AB1058, and some savings from elimination of Plaza will be use for the one-time costs.

12.3 Document potential ongoing cost savings through elimination of "court funded" lease costs, consolidation and reduction of staff, etc.

The Court will have savings related to managing cases, courier services, and supervision as the Family Court will allow the Court to discontinue use of two facilities Juvenile (13-13) and Plaza (13-11). The ripple effect of consolidation will continue to allow the court to become more efficient and provide public assistance.

12.4 AOC staff to provide data on elimination of AOC funded lease costs and impacts to AOC funded building operational costs, to include offset from County Facility Payment.

13. Qualitative statement of need to replace a facility or facilities.

With 11 full time bench officers and one part time commissioner we do not have enough courtrooms to process the daily calendar. Without the new building and in addition to moving out of the Plaza, the availability of services to parties will be limited to the Juvenile court that does not have public access. Currently, with the lease, we have 14 courtrooms throughout the county. Two courtrooms are not available for day to day public proceedings, Juvenile (13-13) and Winterhaven (13-14). This leaves 12 courtrooms for daily use. Often more than one bench officer is assigned to a courtroom in a given day. Staff and parties must look for case location for each proceeding. Additionally, any space shared with the county creates access issues because of County control. April 4, 2010 there was a 7.2 earthquake that caused damage to the main El Centro Courthouse that has not been repaired as of the writing of this document. We have scaffolding, black plastic, heat, cold, humidity, dirt, and pigeon droppings affecting our access to the courtrooms and our ability to conduct proceedings as required.

The Plaza at 18,400 sq ft will be squeezed into the El Centro Courthouse in County vacant area. Courthouse space vacated by the County is 9,658 sq ft. When we move the staff to the main El Centro Courthouse some of the functions will also need to move to the Brawley location. This creates burdens on the public who must now travel for services. Our Court is dealing with the lack of resources currently, and the plan for the New Family Court will improve the efficiencies on resources. Historically, parking at the El Centro Courthouse has been limited, and when we move the Plaza functions into El Centro or Brawley we will experience the inadequate parking for jurors, parties, and staff.

14. Courtroom and Courthouse closures

14.1 Courthouse or Courtroom closures – None of the courtrooms or courthouses have been closed in our County. Additionally we have not reduced public service hours at any location, they remain at 8:00 am to 4:00 pm Monday through Friday.

14.2 Courtrooms that are not fully scheduled – Courtrooms, except Winterhaven (60 miles from County seat), and Juvenile (no public access), are used daily, and some courtrooms are used by more than one bench officer in the same day.

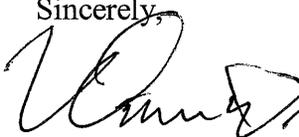
15. “Outside the Box Thinking” Ideas regarding how to reduce project scope.

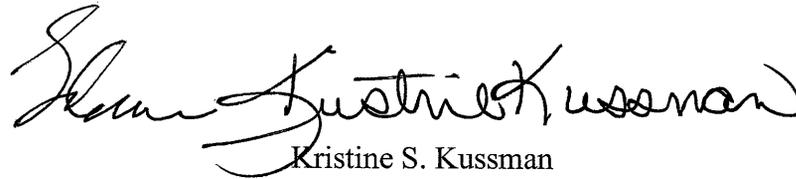
We could reduce the project cost by an additional 10% to 15% beyond the original 10% reduction already made to the first preliminary design. The original request was a reduction of 4% and we achieved more than what was required. Reductions could be obtained by reducing the number of individual offices and make the area more open. This reduces the need for design of air circulation patterns to include no open areas. Additional works will be done with the architects

According to the AOC document indicating number of Bench officers for our court, we would have an increase of more than two. We currently do not have enough courtrooms to hear the cases without moving cases and parties on a daily basis. The increase of Bench officers would be problematic because of a shortage of space. The current staff is keeping up with the work load but the space needs required for court proceedings is the issue that our court faces every day.

16. Expended Resources – AOC staff will provide.

Sincerely,


William D. Lehman
Presiding Judge


Kristine S. Kussman
Court Executive Officer