



Superior Court of California
County of Mendocino

RICHARD J. HENDERSON
Presiding Judge

DAVID NELSON
Assistant Presiding Judge

CARYN A. DOWNING
Court Executive Officer

August 23, 2012

Justice Brad R. Hill, Chairman
Court Facilities Working Group

RE: SB 1407 Projects

Justice Hill and Group Members:

The Superior Court of Mendocino County herewith submits additional information regarding the proposed Ukiah courthouse construction project as requested in your letter of July 23, 2012. Both the Presiding Judge and the Court Executive Officer will attend the Court Facilities Working Group meeting on September 5 to answer any question or to provide any additional information you or the CFWG may have.

Hon. Richard J. Henderson
Mendocino Superior Court
Presiding Judge

Superior Court of California County of Mendocino

General Background

The Superior Court in the County of Mendocino currently serves a population of 87,572 with eight judges and one AB 1058 commissioner located in two courthouses: seven judges and the commissioner in the main courthouse in Ukiah and one judge in the single courtroom branch court in Ft. Bragg (Ten Mile branch) serving the coastal area. The court recently closed a single courtroom branch court in Willits which had served the northerly area of the county. The proposed project would replace the main courthouse in Ukiah.

The main courthouse in Ukiah consists of two sections, the older built in 1928 and the “new” section built in 1950. The structure was initially designed to house general county offices and the court. Three of the existing seven courtrooms were built in 1950 and four more were added in the nineties by the conversion of former office facilities. The “new” 1950 addition was constructed with the floor levels offset from, rather than level with, the floor levels in the older section levels, creating a “split level” effect.

The building’s single elevator serves only three of the building’s six levels. The basement and second and fourth levels are accessible only by stairways. Three courtrooms and several public access offices are inaccessible to the handicapped public and totally ADA non-compliant.

Proposed Courthouse Site

The four and one half acre new courthouse site (“Depot Site”) is part of a larger nine acre parcel on the east side of the downtown core that formerly housed a rail yard. Although the property is still owned by a railroad (the North Coast Rail Authority), the City of Ukiah has taken the lead in organizing a complex transfer of title through a property developer

eventually to the state. The transfer will include the complete remediation of contamination under a plan already approved by the Regional Water Quality Control Board. The site is located approximately two blocks from the existing courthouse, well within walking distance of the downtown core and nearby legal and other offices. The EIR has been completed and certified and the challenge period has expired.

Primary Benefits of New Courthouse

The existing courthouse is plagued by the same problems facing many other project courts: dangerous prisoner transfer conditions, chronic overcrowding and antiquated facilities. These issues will be addressed below.

There are three critical factors that should compel the Court Facilities Working Group and the Judicial Council to proceed with the construction of the new Mendocino courthouse without delay:

1. **Accessibility:** Approximately one third of the current courthouse is absolutely inaccessible to anyone confined to a wheelchair or unable to hobble up and down stairs. Due to the “split level” design, the individual levels are separated by seven to fifteen stairs. The single antiquated elevator in the “new” section serves only three levels, leaving three levels served by stairways alone. The three courtrooms currently serving high-volume family, juvenile and traffic law matters and related public offices are located on the levels not served by the elevator. The building is significantly non-compliant with ADA standards.

2. **Seismic Safety:** The Mendocino courthouse is one of only ten courthouses that have been rated by AOC/OCCM as posing an “*unacceptable* seismic risk.”

3. **Cost of Project Delay: \$ 8.09 Million:** A substantial delay in the Mendocino courthouse project could result in increased pre-construction costs of approximately \$ 8.09 million. The NCRA has agreed to sell the Depot Site for the appraised value of \$2 million, which reflects a cost “savings” in the site acquisition budget (\$3.466 million) of \$1.47 million. The NCRA has no obligation to hold the site off the market. A substantial delay will most likely result in the loss of the Depot Site with the consequent loss of savings-over-budget.

The AOC/OCCM Facilities Management Unit has estimated the cost of maintaining and repairing the current courthouse *beyond* the period necessary for its immediate replacement at approximately \$ 6.626 million. (See below for further information and documentation re these savings.)

Response to CFWG Criteria

1. **Security:** The current courthouse is little more than a converted public office building with no effective provisions for security except for weapons screening stations at the two entrances.

1.1 **Prisoners:** The primary security problem relates to the transportation to and housing of prisoners within the courthouse. All prisoners, including those accused of multiple homicides, gang-crimes, and other violent crimes, are transported in vans which park in the street next to a courthouse entrance. Custodial deputies block pedestrian traffic while the prisoners are shuffled across the sidewalk into the courthouse and then to a crowded holding facility created from a storage room. The prisoners are then herded in shackles along crowded hallways and crammed into the single small (4' x 7') elevator serving the entire building to be taken to the appropriate courtrooms.

The most obvious risk of danger from this method of transporting prisoners is to the public and staff. There have been instances in the past where supporters attempted to pass weapons to inmates, including a gun. The close proximity of prisoners to the armed correctional officers in the confined space of the elevator places the officers at risk. There is also a danger *to* inmates from disgruntled supporters of victims. Occasionally there are high profile cases which attract large numbers of supporters of both the victims and the prisoners. The court is then faced with a volatile mix of prisoners and emotional, sometimes irrational, people confined in small areas which are difficult to secure.

Security Benefits: Most of these security problems will be alleviated by the new courthouse design which incorporates an enclosed secure sally-port, adequate holding cells, dedicated secure hallways and elevators for the transport of prisoners.

Operational Benefits: Better transportation and holding facilities will also result in significant operational savings. Presently prisoners can only be transported in small groups or, sometimes, individually, forcing the court staff and counsel to stand idly by for up to thirty minutes at a time while one group of prisoners is transported back to the jail and another group or a single prisoner (depending on security classifications) is brought to the courthouse. With some high-risk prisoners requiring two custodial officers for transportation, it will sometimes take two or three hours to get through a calendar that should take thirty minutes.



Custodial deputy unloading prisoners in the public street outside of the west door of the courthouse. With round trips, approximately 12-15 van transfers may occur on any given day.



Prisoners removed from transport van and awaiting custodial deputy to escort them into the courthouse.



Prisoners under escort along public hallway in vicinity of jury assembly room. On jury selection days, this hallway is generally teeming with prospective jurors who cannot all be seated in the jury assembly room, the door to which is depicted in the center of the photograph.



Prisoners and custodial officers packed into the only elevator in the building enroute to upper level courtrooms. Note the serious security risk with so many prisoners in so close proximity to custodial officers with firearms.

1.2. Staff and Judges: Staff and the judges, when outside of their respective offices and chambers, are in constant contact with the general public, witnesses and criminal defendants. It is certainly not uncommon for a judge to encounter in the public hallway a defendant whom he/she has just sentenced or an emotionally distraught parent against whom he/she has just issued a child custody or protective order. Even more disturbing is that those persons also share the one small elevator with the judge. Judges' parking is located in a near-by unsecured lot, where confrontations have occurred in the past between disgruntled litigants and judges.

Security / Operational Benefits: With the new courthouse design, public access will be separated from staff/judge access eliminating some potential security problems. That separation from the public will also promote operational efficiency with the more central location of offices, judges' chambers, etc.

2. Overcrowding: The court currently occupies approximately 29,000 functional square feet or 68% of the shared-use courthouse¹. The comparable square footage required for the current project is 81,255 Department Gross Square Feet. Assuming the scope of the project will be reduced from nine to eight courtrooms, the DGSF may be reduced by the same amount (11%) to 72,317. Accepting that estimated reduction, the available effective area in the current courthouse is deficient by a factor of 2.5 or 60%.

The AOC/OCCM had previously determined² that the renovation and/or expansion of the courthouse at the existing site is "not viable." Even if the court were to occupy the *entire* existing structure, the available effective area would be deficient by a factor of 1.7 or 41.2%.

The practical effect of this size deficiency is severe overcrowding, primarily in the areas of court offices that are available to the public. Corridors and public access areas adjacent to courtrooms are overcrowded resulting in security problems and general confusion. There are no conference rooms for attorneys and clients or witnesses, so these conversations occur in crowded hallways.

The current courthouse facilities are woefully inadequate for the conduct of jury trials. The jury assembly room will seat 130 people. For a single major felony trial, the commissioner brings in 200-250 prospective jurors. As a result jurors are camped throughout the adjacent hallways during the check in process. Those outside the assembly room can't hear or see the juror video or hear announcements made by the jury commissioner. When two or three jury trials go out on the same day, the overcrowding is chaotic and embarrassing. Jurors have no alternative but to

¹ The facilities information for this section is taken directly from the AOC/OCCM Project Feasibility Report (11/2/09) at section 2.7. NOTE: The Willits branch, considered in the report, has since been closed and its case load transferred to the main branch.

² 11/2/09 Project Feasibility Report (Mendocino) at section 3.2.2

sit on the adjacent stairs to complete written forms. Shackled prisoners are led directly through the same corridor teeming with prospective jurors.

The courthouse has a single jury deliberation room so when more than one jury is deliberating, any other jury will have to deliberate in a courtroom. As they come and go from the courtroom they must walk through the same narrow corridors where litigants, attorneys and their supporters await a verdict.

3. Physical Condition: The courthouse had not been adequately maintained since the Board of Supervisors and county offices relocated in the early eighties. The building suffers constant leaking from rainwater and interior plumbing leaks. The heating and cooling systems operate inconsistently and erratically at best. The entire courthouse is sometimes at the mercy of its single antiquated elevator. The steps are constructed of slippery terrazzo material with shallow treads. There have been numerous documented falls by staff and members of the public, some of which have resulted in claims.

Asbestos: Many of the pipes and heating and cooling ducts are insulated with asbestos. All major repair work is now preceded by costly localized asbestos removal, substantially increasing the cost and scope of work. This is becoming more and more of a problem as the antiquated heating and cooling systems need major repairs, updating and replacement.

The AOC Facilities Maintenance Unit estimates that it would cost \$710,262 in repairs just to keep the building operating *during* the five-year construction period for a new courthouse. If the courthouse were not immediately replaced, the cost of repairs will escalate to \$ 7,326,257. (See: Appendix One: 8/2/12 Memo from AOC/FMU)

4. Access to Court Services: Due to the split-level configuration of the courthouse, three courtrooms and several public-access offices are located on upper levels not served by the single elevator in the building. People seeking access to these areas must be able to negotiate up to seven steps to one level and fifteen to another.

Ironically, the three courtrooms that are the least available to the public house those court services that are most-used by the public: family, small claims, traffic and juvenile law matters. (For security transport





Family, juvenile and traffic law courtrooms have no direct access to an elevator. Members of the public and staff members with access problems must hobble up the stairs or make other arrangements. Court staff, litigants and attorneys must carry or drag necessary files and documents needed for courtroom work up and down the stairs to access levels three and five. Cleaning staff must pack their equipment and accumulated garbage up and down the stairs.

Depicted in the picture on this page is Judge David Nelson, assigned to the juvenile court located on level 4. Although currently on leave recuperating from knee surgery, when he returns he will be unable to get to his own courtroom for a period of two or three weeks.

reasons, the criminal courtrooms must be located on the levels served by the elevator.) Many people with crutches or access disabilities can manage to negotiate the stairs with assistance. However, the court must frequently interrupt court proceedings to move cases to accessible courtrooms on other levels to accommodate those in wheelchairs or with severe mobility challenges, thereby displacing court proceedings in the “receiving” courtroom. While these court services are technically “available” to all, it is only with significant personal effort and public embarrassment that the

services are available to some disabled. The courthouse is inherently and obviously non-compliant with ADA standards. There always seem to be three or four staff members with back and leg problems. Assignments for these employees must be made on the basis of access rather than ability or need.

5. Economic Opportunity: The City of Ukiah has offered to sell the 4.5 acre Depot Site to the AOC for \$2 million, a price far below the acquisition budget of \$3.14 million. Additionally, the City and the North Coast Rail Authority have offered to convey needed access and utility easements to the site at no cost.

A decision by the Judicial Council to delay the new Ukiah courthouse project would create a significant risk that the Depot Site would not be available if and when the Ukiah courthouse project is re-visited in the future. The City of Ukiah has entered into a contract which requires Weston, a brownfield developer, to immediately remediate environmental contamination on the site in anticipation of sale to the state. However, neither the City nor Weston has the ability to wait years for a return on their investment—if the AOC is unable to purchase the site shortly after remediation is completed, Weston will market the parcel for sale.

If the Depot site is sold to a third party, very few parcels of bare land exist within downtown Ukiah which are suitable for a new courthouse. Other site options explored by the Project Advisory Group in 2009-2011 were substantially more expensive to purchase and to develop. Environmental review would have to be repeated. The momentum for this project, as well as the significant financial investment in the Depot Site to date, would be lost.

6. Project Status:

6.1 Site Acquisition: Although the Mendocino courthouse is still in the site acquisition phase, it is almost ready for submission to SPWB for acquisition approval. The AOC has completed its due diligence, the seller has agreed to a sale at the appraised value and an EIR has been completed, approved and certified and the statute of limitations for a legal challenge has already expired. The only remaining contingency is site

remediation which will be funded by the selling railroad. The remediation plan has already been approved by the RWQCB.³ The city expects the six to eight week remediation work to begin by early September.

The new courthouse site consists of a 4.5 acre portion of a larger nine acre parcel controlled by the City of Ukiah and located on a former train yard site on the eastern edge of the downtown core (the Depot Site). The agreed sales price of \$2 million is well within the acquisition budget of \$ 3.446 million. The city is in the process of drafting an agreement between the owner (North Coast Rail Authority) and the intermediary site developer for the transfer of title to the state.



Aerial photograph of downtown core depicting locations of current courthouse and proposed acquisition site. The smaller dashed circle denote five minute walking time from existing courthouse and many downtown offices and shops.

³ Regional Water Quality Control Board.



Architectural depiction of proposed courthouse location on 4.5 acre Train Depot site. 4.5 acre site outlined in red. The site developer will control the development and sale of the remainder parcel to the south.

6.2 Reassessment: The project is subject to reassessment because the proposed number of courtrooms (nine) exceeds the number of judicial officers (eight) assigned to the courthouse. The local court concurs with the proposed reduction to eight courtrooms.

The local court had initially requested the retention of the “extra” courtroom to provide more flexibility in bringing the Ten Mile branch court judge to Ukiah to assist with trials and hearings as needed. That is a luxury the court is willing to forego to reduce the construction budget.

7. Court Usage: The work of the Superior Court in Mendocino County is divided between the main courthouse in Ukiah with seven judges and a 0.4 part-time AB 1058 commissioner and a branch in Ft. Bragg, one and a half hour to the west, with one judge.

7.1 Assignments:

Main Branch: Each judge is assigned to an individual courtroom with the Commissioner sharing the use of Department C:

<u>Dept.</u>	<u>Judge</u>	<u>Assignment</u>
A	Ann C. Moorman	Criminal
B	John A. Behnke	Criminal
C	David A. Riemenschneider	Family Law
	Com. David Basner	Family Support
E	Cindee F. Mayfield	Civil
F	Jeanine B. Nadel	Civil / Traffic
G	David E. Nelson	Juvenile Law
H	Richard J. Henderson	Master Calendar
<u>Ft. Bragg:</u>	Clayton L. Brennan	All branch matters

7.2 Estimated Population Served: This is a difficult calculation. Out of a population of 87,572, approximately 26,702⁴ people reside in the coastal area. However, the coastal court, Ft. Bragg, handles predominately misdemeanor, traffic and Fish and Game code matters and some juvenile and family law matters. A good portion of the family and juvenile matters and most of the felony matters arising in the coastal area are heard in Ukiah. The court estimates that approximately ninety percent of the court's caseload is handled in the Ukiah courthouse.

7.3 Number of Filings:

FY 2009-2010

Total Filings = 29,151

Filings per Judicial Position Equivalent = 3,313

7.4 Number of Dispositions:

FY 2009-2010

Total Dispositions = 27,588

Dispositions per Judicial Position Equivalent = 3,135

⁴ Source: US Census Bureau.

7.5 Number of Jury Trials:

FY 2009-2010

Total Jury Trials = 71

Jury trials per Judicial Position Equivalent = 8.1

7.6 Weighted Filings Data:

Preliminary Assessed Judge Need Based on Weighted Filings Data

Assessed Judge Need Update Based on New Caseweights and 3-Year Average Filings from FY2007-2008 TO FY 2009-2010 = 8.2

Shortfall or Overage of Judicial Positions vs Assessed Judge Need = 0.2

Percent Difference Between Judicial Position and Assessed Judge Need = 2%

8. Type of Courthouse: Main courthouse. When the Project Feasibility Report was prepared in November 2009, court operations were then conducted in *three* locations: the main courthouse in Ukiah and in two single judge branch courts in Willits and Ft. Bragg. The Willits branch court was closed as a cost-saving measure in December 2009 and its operations consolidated with those in Ukiah. The Ft. Bragg branch court continues to operate on a full-time basis.

9. Disposition of Existing Court Space: The court currently occupies 68% of the available space, sharing the rest with the County of Mendocino. Legal title is held by the state which will transfer title back to the county when the court vacates the building. The AOC will provide any additional required information relating to the ownership and occupancy of the existing courthouse after the structure is vacated by the court.

10. Consolidation of Facilities: The November 2009 Project Feasibility Report observed the court then “operated from two *unsafe, overcrowded and physically deficient facilities in the cities of Ukiah and Willits.*” The court has since closed the Willits branch court as a cost-savings measure and consolidated those operations with the Ukiah main courthouse which remains “*unsafe . . . and physically deficient*” but is now all the more crowded.

11. Resolution of Court's Facilities Problems: The construction of proposed new courthouse facility would replace the existing Ukiah facility in its entirety and all court operations would be moved to the new facility. That move would obviously resolve all security, access and physical deficiencies plaguing the existing structure.

12. Expected Operational Impact:

12.1 Moving and Operational Expenses: One time moving expenses are roughly estimated at \$ 26,950.⁵ There will be an increased cost for US Mail service of \$4,693 to replace service currently provided by the county. Janitorial services will increase from \$69,084 to between \$145,608 and \$182,010. Utilities paid by AOC would increase from \$110,537 to approximately \$202,234.

12.2 Funding Sources: One-time expenses will be covered by revenue from summary judgments. Net cost increase for US mail service can be absorbed with existing staff. Net cost of increased janitorial service can be covered through the general fund.

12.3 Cost Savings: There are no cost saving identified at this time.

12.4 AOC Operational Savings: Information to be provided by AOC directly to CFWG.

13. Qualitative Statement of Need: With any substantial delay, the Mendocino Court runs the risk of losing a site it can acquire for well under the acquisition budget and one that cannot be duplicated for convenience and amenities.

13.1 Site Acquisition: The City of Ukiah controls ownership of a nine acre site of former railroad yard which has a determined degree of contamination. After about two years of discussion and negotiations, the City has entered into an agreement with the legal owner (North Coast Rail Authority) and a developer ("Weston") whereby Weston

⁵ 8/21/12 quote from Bekins, Lake County Van and Storage.

will purchase the property and clean it to the satisfaction of the Regional Water Quality Control Board. Weston will sell to the state a 4.5 acre site for the courthouse for \$2 million, well below the approved site acquisition budget of \$3.4 million. Weston contemplates completing the site cleanup by December 2012. With the estimated cost of the site clean-up at \$700,000 Weston cannot afford any substantial delay in the contemplated sale to the state. If the purchase is delayed, Weston will put the cleaned and then very desirable site on the open market. At the very least, the court will lose an opportunity to acquire a well-situated site at a significant savings over budget.

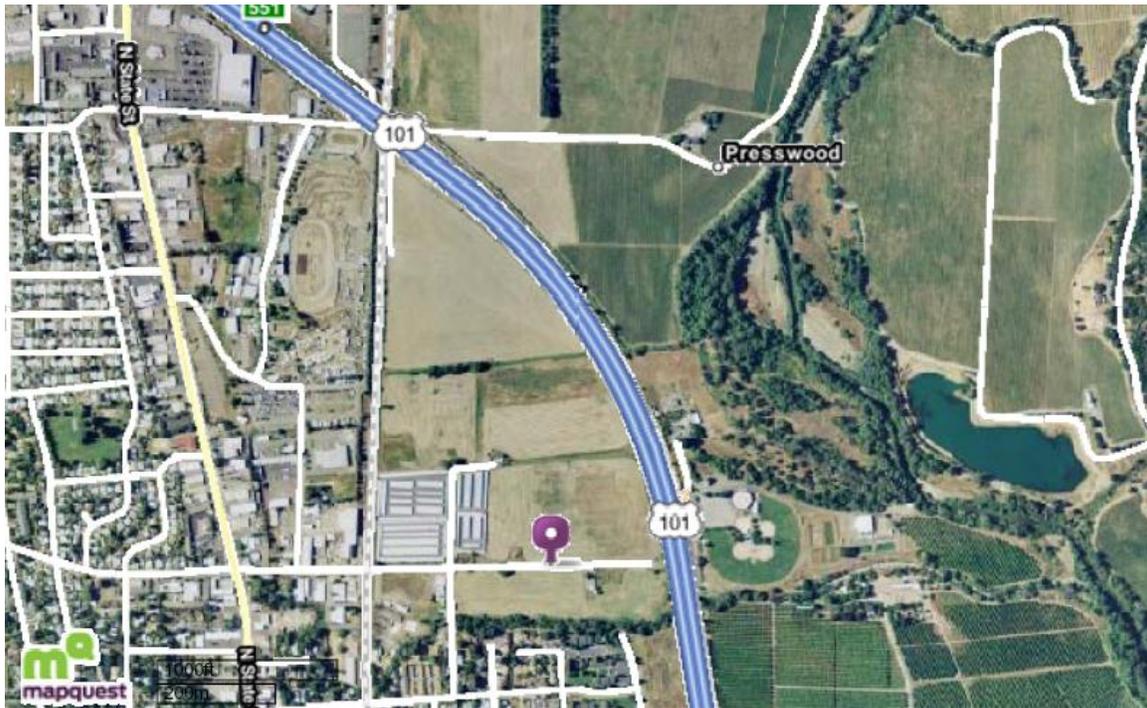
13.2 Unique Site Characteristics: The site is somewhat unique in that it is the *only* significant undeveloped parcel located reasonably close to the downtown core, only a five minute walk for the current courthouse and nearby offices. It is located on a major street within a quarter mile of freeway and has easy access to all utilities. The construction of a well-designed courthouse at this location can easily serve as a community focal point for decades to come.

There are no other similar sites in the community. The site selection committee considered another downtown-core site (“Library Site”), but it proved *far* too expensive with multiple ownerships and some existing commercial development which would have to be relocated. The committee considered three other undeveloped sites on the far eastern edge of town. One site, North Orchard, was located on the edge of a shopping center and adjacent to the freeway. The other two sites (Brush Street and Brush Street Triangle) are located in undeveloped areas with no utilities or infra-structure. The sites are located distant from any commercial services and in an area which permits industrial uses. The Brush Street sites would be cost prohibitive to develop.

13.3 Benefits to Community: The City of Ukiah has been extremely supportive of the courthouse relocation project. A City representative has been a member of and active participant in the Project Advisory Group since its inception in 2009. The City had offered to undertake various off-site improvements through the use of its redevelopment area resources, but has now lost that ability. However, the City has remained very active in the project and has been instrumental in the development of an agreement among the property owner (NCRA), the site developer and the City to have the site environmentally cleaned and ready

for acquisition within a matter of months. Additionally, the City has negotiated the transfer of two necessary access easements to the state at no cost.

The location of the courthouse at the Depot Site can contribute significantly to the development of the downtown area. The nine acre contaminated site has remained vacant since the last railroad use decades ago. The proposed location of the courthouse on the north 4.5 acres would make the clean up and development of the entire parcel financially feasible. The development of the entire parcel will include a street extension from the west (Clay Street) which would significantly improve circulation in the area and would greatly encourage the development of what can only be described as a blighted area to the west.



Locations of the three alternate sites in vicinity of freeway and undeveloped industrial and mixed-use properties. The North Orchard site (bottom center, west of the blue colored freeway) is located on the north edge of an existing shopping center. The two Brush Street sites (vic. of purple dot) are in areas with no utilities or interior roads, with very poor access and with general zoning that permits industrial and mixed uses.

14. Courthouse/Courtroom Closures:

14.1 Courthouse Closures: In December 2009, the court closed what had been a single-courtroom branch in Willits after giving the required closure notices. The Willits court had served the entire northern area of the County with regular calendars for criminal (both felony and misdemeanor matters through trial), small claims and traffic matters. The court closure added another thirty minutes of travel time to north-county residents, bringing some one-way trips to ninety minutes. The branch court was closed solely for budgetary reasons and its judge and caseload transferred to the Ukiah main courthouse. The main branch has been able to absorb the additional caseload, but the transfer has resulted in additional overcrowding.

14.2 Courtroom Use: All seven courtrooms in the main courthouse are used on a daily basis, as is the single courtroom in the Fort Bragg branch.

15. “Outside the Box” Thinking: The local court has not been able to develop any “shared use” proposals for either the courthouse facility or the site. Most county operations, including the Sheriff’s Office and the jail, are located in an administrative center about 2 miles to the northwest. The site developer approached the county about the relocation of the jail to the south half of the larger parcel. The county apparently does not have the resources to seriously consider tying up the site for even a future relocation. The City of Ukiah has ample space for its present and anticipated needs at its administrative center on the west side of the downtown core.

The court has explored with the AOC project team and the architects various design proposals to reduce project costs. Two or three of the eight proposed courtrooms can be reduced in size and the jury boxes can be eliminated. The court concurs with the reassessment recommendation to reduce the number of courtrooms from nine to eight. At the design stage the court will continue to work with the AOC team to critically review space requirements. The court had discussed a design of the jury assembly room with a location outside of the security screen. While this may not result in a cost savings, it may facilitate public-service type use of the jury room during non-court hours. The jury assembly room could also be designed for shared uses, such as a training room, self help center, etc.

16. Expended Resources:

16.1 Mendocino Superior Court: It is very difficult to assess in terms of money or time the energy and resources which the local court has expended on the proposed courthouse project. All of the judges and staff were genuinely excited at the prospect of working in a modern, safe, secure courthouse. The local economy had been depressed for about fifteen years, with 17% of the population living below the poverty line (statewide: 13.7%). Public funding of a project of this magnitude is well beyond the capabilities of the county and the cities. When the project was first proposed, the presiding judge immediately appointed three judges, the Court Executive Officer and several key court staffers to work with the AOC and the community on the project. The judges and court staff have spent innumerable hours working with county and city officials, community leaders and the AOC trying to make the project a reality.

16.2 AOC: Information to be provided by AOC.

16.3 City of Ukiah: The City of Ukiah estimates that it has devoted approximately \$750,000 in staff time over the past three years to assess and implement a process of transferring the Depot Site to the AOC for development as a new courthouse. The City of Ukiah has:

- Negotiated and obtained an agreement with North Coast Rail Authority to secure a 4.5 site for development;
- Gathered extensive due diligence material on behalf of the AOC;
- Conducted Phase II site characterization for the preferred site;
- Completed a flood plain analysis;
- Commissioned appraisal services;
- Verified public infrastructure required for development is available adjacent to the site;
- Provided substantial information to Skidmore, Owings, and Merrill. architectural firm for the project, to assist with site development and building orientation and pre-design;

- Developed and obtained an approved Remedial Action Plan (RAP) for the North Coast Regional Water Quality Control Board for environmental clean-up of the site;
- Contracted with Weston solutions (brownfield developers) for environmental clean-up work to facilitate acquisition of the preferred site. Shovel ready plans for remediation have been prepared;
- Constructed the necessary traffic and intersection improvements and committed to under grounding utilities fronting the project site.

Appendix One

August 2, 2012 Memo from Brent Dalrymple AOC/FMU
To Caryn Downing CEO Mendocino Court



Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS

REGIONAL OFFICE

455 Golden Gate Avenue • San Francisco, California 94102-3688
Telephone 415-865-4990 • Fax 415-865-8795 • TDD 415-865-4272

MEMORANDUM

Date	Action Requested
August 2, 2012	For your review
To	Deadline
Caryn Downing CEO - Mendocino	N/A
From	Contact
Brent Dalrymple AOC - OCCM -FMU	N/A
Subject	
New Court Construction - What if	

Per your request I have put together this information for your use. The bulk of this information comes from the FMU long term planning tool called VFA. VFA is a service we have contracted with to help with long term facility needs and budgeting. I have broken down this information into two separate categories, First, the projects FMU will need to request funding for to keep the Mendocino Courthouse operating for the next 5 years or so just to get by, These are highlighted in Yellow (*Sec. 1*). Second, the projects FMU will need to request funding for to keep the Mendocino Courthouse operating if a new courthouse is not built, these are highlighted in Green (*Sec.2*).

The first list includes several items that have been put off due to the new courthouse scheduled to come online in 2014. These projects are listed in no particular order. All cost numbers are based on Rough Order of Magnitude, however they should be within 15% of final quoted amounts. Also Please note all line items listed as renewals are based on age of current system and projected life span. Not all identified items are fundable with the current budget limitations.

Sec. 1: Needed Modifications for a 5 year building

2009	HVAC – Chiller Renewal	\$ 213,861
2009	Elevator Controls Renewal	\$ 38,665
2009	HVAC – Exhaust Fans Renewal	\$ 32,953
2009	HVAC Roof package Units Renewal	\$ 37,745
2010	HVAC – Condensate Return Vacuum system rebuild	\$ 175,000
2010	Rood – Recoat of existing roof	\$ 60,000
2012	HVAC – Steam Coil replacement (3 Units)	\$ 102,000
2013	Water Intrusion – Sealing	\$ 50,038
		\$ 710,262

Sec. 2: Needed Modifications for a building longer than 5 years

2009	Life Safety – Exit Signs Emergency patch of travel	\$ 60,814
2009	HVAC – Return Fan Replacement	\$ 56,000
2009	Electrical – Branch Wiring Renewal	\$ 398,733
2009	HVAC – AHU Renewal	\$ 532,085
2009	Electrical –Main Switch Gear Renewal	\$ 365,922
2009	HVAC Controls – Tstat & Timer controls	\$ 29,952
2009	Room Signage Renewal	\$ 41,213
2009	Light Fixture Interior Renewal	\$ 402,374
2009	Wall Finish – Paint Renewal	\$ 160,512
2009	Door Wood Interior Renewal	\$ 86,817
2009	Toilet partition Renewal	\$ 26,947
2009	Plumbing – Water Coolers Renewal	\$ 15,404
2009	Storefront Renewal	\$ 12,793
2010	Life Safety – Fire Alarm upgrades to current codes	\$ 279,587
2010	Water damage renovation Entry	\$ 34,818
2010	Roof Renewal	\$ 360,793
2010	Non Code Compliant Stair handrail	\$ 92,121
2014	Life Safety – Emergency lights	\$ 29,695
2014	HVAC – Steam Piping Replacement	\$ 350,000
2014	ADA – Bench	\$ 168,748
2014	ADA – Jury Box	\$ 73,895
2014	ADA – Witness Stand	\$ 75,659
2014	ADA – Signage, Evac Routes	\$ 13,729
2014	ADA – Interior Door Hardware	\$ 98,608
2015	Restroom Accessories Renewal	\$ 18,705
2015	ADA – No Elevator access to floors 2 & 4 ?Elevator?	\$ 350,000
		\$4,846,186

Sec. 3: Needed Modifications that are needed but not yet fundable

2009	ACT (Asbestos) ceiling tile renewal(1x1)	\$ 250,483
2009	ACT ceiling tile renewal (2x4)	\$ 96,782
2009	Exterior Window renewal	\$ 268,520
2009	Floor Finishes Renewal Carpeting	\$ 391,710
2009	Floor Finished Ceramic Tile Renewal(restroom)	\$ 27,185
2009	Exterior Door Renewal (3x7)	\$ 12,512
2009	Exterior Door Renewal (6x7)	\$ 68,244
2009	Interior Doors Holding Cell Bars Renewal	\$ 41,444
2009	Casework Renewal	\$ 78,060
2009	Fixed Seating Upholstered Renewal	\$ 112,277
2009	Fixed Seating Wood Renewal	\$ 20,407
2009	Fixed Seating Pedestal Renewal	\$ 40,767
2009	Light fixture Exterior Renewal	\$ 2,149
2009	Wall Finish – Paint Exterior Block	\$ 69,854
2009	Ceiling Finish – Paint Plaster Renewal	\$ 85,404
2009	Sanitary Waste Renewal	\$ 214,440
2009	Stone Veneer Renewal	\$ 145,890
2009	Plumbing – Domestic Water Distribution Renewal	\$ 237,601
2009	Fire Sprinkler Renewal	\$ 316,336
		\$2,480,065

The total identified needs listed above total \$ 7,326,251

NOTE: After 2016 the renewals really kick in bring the total need thru 2031 to \$ 17,805,989



Superior Court of California County of Mendocino

From the Chambers of
HON. DAVE NELSON
Assistant Presiding Judge

August 22, 2012

Dear members of the Court Facilities Working Group:

I have been involved with planning and implementing the new courthouse project in Ukiah since its inception. I have often cited the issue of the lack of access to handicapped individuals as one of the glaring reasons we needed a new courthouse in Ukiah, but I did not have a clear realization of what this meant until recent events gave me a more personal view of the problem.

I am assigned to the juvenile court which handles dependency and delinquency matters in Dept. F of the Ukiah courthouse. Dept. F is located in the old Ukiah Justice Court in the older part of the courthouse building. It is a small, ancient courtroom but we have retrofitted it to serve the needs of juvenile matters with circular tables for a more family like atmosphere. In-custody parents or delinquents must be marched past waiting family members and/or witnesses through the courtroom to a holding facility in the old jury deliberations room, which is behind the judge's chambers. They walk within a few feet of me on the bench which presents serious security issues but that is not the purpose of this letter.

Dept. F is in the back of the courthouse and not served by elevators. To reach my courtroom I have to go up 12 stairs or down twelve stairs and then up another four stairs. This did not present a problem to the old, relatively healthy me. And litigants and public members were able to make it there or not depending on their physical abilities. Certainly no one in a wheel chair made it and we did offer to move cases to accessible courtrooms if someone made a specific request. I am left wondering how many people were stranded on lower landings given my recent experience.

My knee went bad and I required a total knee replacement. In the months leading up to surgery with increased pain in my leg, I would plot out my approach to my courtroom depending on whether I was more comfortable going up stairs or down. I budgeted in more time. And I risked falling each time I made my way up or down using the hand rail. Since the surgery, I have not been able to get to my courtroom. I am on a medical leave while I recuperate but a walker will not negotiate the stairs. I could make it up there with great time and effort (and risk) with my cane but have not braved it yet (three weeks out from surgery)

It has given me a new respect and appreciation for those with disabilities. Litigants and members of the public should have justice accessible to them without a risk to their fragile health. The three courts out of seven in our building that are not accessible serve juveniles, traffic and small claims and family law. It is an affront to the people who are called to these courts that we cannot provide them with access to justice.

I doubt I will be able to make the hearing on Sept. 5 (although you do have elevators that would provide me with access), but I offer this small personal anecdote as a bit of evidence in support of the need for a new court house in Ukiah.

Thanks for your consideration and deliberations on these important issues.

Sincerely,



David Nelson
Judge of the Mendocino County Superior Court

COMMITTEES

NATURAL RESOURCES, CHAIR
SELECT COMMITTEE ON DISABILITIES, CHAIR
SELECT COMMITTEE ON WINE, CHAIR
JOINT COMMITTEE ON FISHERIES AND
AQUACULTURE, CHAIR
BUDGET
BUDGET SUBCOMMITTEE #1
JOINT LEGISLATIVE BUDGET
ENVIRONMENTAL SAFETY AND
TOXIC MATERIALS
GOVERNMENTAL ORGANIZATION

Assembly
California Legislature



WESLEY CHESBRO
ASSEMBLYMEMBER, FIRST DISTRICT

RECEIVED BY
COM SF

2012 AUG 27 P 4:08

STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0001
(916) 319-2001
FAX (916) 319-2101

DISTRICT OFFICES
710 E. STREET, SUITE 150
EUREKA, CA 95501
(707) 445-7014
FAX (707) 445-6607

50 "D" STREET, SUITE 450
SANTA ROSA, CA 95404
(707) 576-2526
FAX (707) 576-2297

200 SOUTH SCHOOL STREET, SUITE D
UKIAH, CA 95482
(707) 463-5770
FAX (707) 463-5773

August 23, 2012

The Honorable Justice Brad Hill, Presiding Judge
Court Facilities Working Group
455 Golden Gate Ave.
San Francisco, CA 94102-3688

Dear Justice Hill:

I am writing to express my support for the proposed courthouse project in Ukiah, Mendocino County.

As you may know, the current Ukiah Courthouse is significantly inadequate in many areas. In particular, the building is not accessible for our disabled community members and employees. There are also serious issues regarding security, overcrowding and the need for seismic upgrades.

The City of Ukiah has worked diligently with the Administrative Office of Courts (AOC) to facilitate this project. The site that has been selected is ideal in many ways including cost, convenience and traffic flow. In addition, the proposed development has initiated the remediation of this brownfield which is consistent with statewide priorities. The County of Mendocino, stagnant in its development, would benefit significantly from the job growth and economic stimulus that this project would provide.

Considering all these factors, as well as the city's \$750,000 investment in the project and even more in AOC investments, I believe this project should be given high priority. I urge you to consider not just the AOC's list of criteria in making this decision, but also the opportunity that is unique to this site and the City of Ukiah's commitment to this project.

Respectfully,

WESLEY CHESBRO
Assemblyman, 1st District

WC:rv:srb





August 20, 2012

The Honorable Brad Hill, Presiding Judge
Court Facilities Working Group
455 Golden Gate Ave
San Francisco, CA 94102-3688

Dear Justice Hill:

I urge you to support the forward progress of the courthouse project proposed for Ukiah, Mendocino County. While we recognize the difficulty of the State's budget decisions, we are striving to maintain the City of Ukiah's and the AOC's investments in this project, which will not only accomplish the goals of AOC but also create much-needed jobs and drive economic development in our county.

Progress in these economic times often requires not only strategic planning, but also an alignment of circumstances that may only happen once in a lifetime. In Ukiah, we believe those circumstances have aligned for the State's proposed courthouse project—we have an affordable site at an ideal location with an agreeable property owner. Based on those circumstances and our good-faith agreement with the AOC, the City has invested considerable resources and funds—roughly \$750,000 to date—to facilitate the AOC in their efforts on this project.

For the last 150 years, the Ukiah courthouse has been located downtown. The Public Advisory Group established by the AOC overwhelmingly agreed at the start of its process that a new Mendocino County Courthouse must remain in downtown Ukiah for historic, civic, and economic reasons. As a result, the City of Ukiah facilitated the delivery of the last infill site of this size available in the downtown. The negotiated purchase price for the property is \$2 million, well under the \$3.4 million budget set by the State. City of Ukiah will provide deeded legal ingress and egress to the site at no additional cost.

Additionally, the City of Ukiah has:

- Negotiated and obtained an option agreement with North Coast Rail Authority to secure a site for development;
- Gathered extensive due diligence material on behalf of the AOC;
- Conducted Phase II site characterization for the preferred site;
- Completed a floodplain analysis;
- Commissioned appraisal services;
- Provided substantial information to Skidmore, Owings, and Merrill, architectural firm for the project, to assist with site development;
- Have an approved Remedial Action Plan (RAP) from the North Coast Regional Water Quality Control Board for environmental clean-up of one of the preferred sites;
- Contracted with Weston Solutions (brownfield developers) for environmental clean-up

work to facilitate acquisition of the preferred site. Shovel-ready plans for remediation are prepared; and

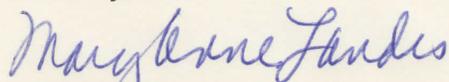
- Constructed the necessary traffic and intersection improvements and committed to undergrounding utilities fronting the project site.

As compelling as we feel our arguments are, we know that other jurisdictions in California are building similar cases with the AOC. However, with the budget constraints faced by this program, we believe it is important for you to consider the potential costs of not moving the Ukiah project forward at this time. The AOC has established that Ukiah needs a new courthouse—if not now, soon. Considerable funding and resources have already been invested in this site, by both the City of Ukiah and the AOC. With the loss of redevelopment and the amount of investment already committed to this site, the City of Ukiah cannot continue to hold on to this parcel. If this site is lost, the investment into it is also lost. Alternative sites outside the downtown will be more expensive and do not have the utilities and infrastructure in place to facilitate development. Without a doubt, the project will be significantly more costly to develop later than if completed now. In the meantime, necessary improvements to the existing courthouse, including seismic and accessibility upgrades, will cost the State well over \$7 million.

With the opportune alignment of circumstances and the partnership of the highly motivated and committed City of Ukiah, we are confident that the forward progress of a new Ukiah courthouse is the right decision for all.

Thank you for your consideration of this project.

Sincerely,



Mary Anne Landis
Mayor, City of Ukiah