



SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SACRAMENTO

LAURIE M. EARL  
PRESIDING JUDGE  
DEPARTMENT 47

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August 9, 2012

Hon. Brad R. Hill, Presiding Justice  
Fifth District Court of Appeals  
Chair, Court Facilities Working Group  
2424 Ventura Street  
Fresno, CA 93721

Re Court Facilities Working Group (CFWG) Invitation to Comment

Dear Justice Hill,

The Sacramento Superior Court objects to the proposed decision-making process and “draft criteria” and submits the follow comments in support of our objection.

Let me begin by indicating that sincere consideration of public comment(s) appears artificial. The CWFG has extended a period of public comment and *simultaneously* requires affected trial courts to provide responses to the “draft criteria”. Both the comments and information on each criterion are due to the working group on August 24, 2012. Allowing for thoughtful consideration of public comment(s) before requiring courts to provide the information would allow for a more transparent, genuine process and afford the affected courts and commenters the reverence the invitation intends.

**Need Has Not Lessened**

In 2006, trial courts spent extensive resources in participating in the *Prioritization Methodology for Trial Court Capital Outlay Projects* (the methodology). The methodology provided a basis for determining funding requests for capital outlay projects. The participation by trial courts in this methodology program was extensive, detailed and allowed for significant deliberation. The requirement that trial courts again engage in a similar abbreviated process for justifying the continuing need for a capital outlay project is an exercise in futility. The need for these projects still exists and in all likelihood is exacerbated; the only difference is a decrease in available

funding. Trial courts should not have to spend valuable resources in providing information to justify previous determinations when the data supporting those determinations continues to exist.

### **The Data Which Supports the Need Already Exists**

Many of the “draft criteria” to be used for re-evaluating SB 1407 projects are identical to the criteria used in the original methodology. It would seem the rarest of occurrences that a court’s response to those items would result in reduction of its original prioritization. The need for a court to improve security, reduce overcrowding, correct physical hazards and improve access to court services is much greater today than six years ago. Rather than have trial courts exert time and resources in providing information that already exists, the CFWG should focus on criteria that determines whether there are any significant changes to criteria responses previously provided.

### **Intended Interpretation of the Proposed Criteria Lacks Objectivity**

The original methodology included weighted scores as a basis for measuring established criteria that furthered the main objectives of the capital outlay program. The weighted scores provided a measure of objectivity that is lacking in the proposed decision-making process for re-evaluating SB 1407 projects. The CFWG has determined not to rely upon a numerical rating system for each criterion, as was used in the original methodology, but rather will consider “the various aspects of each project in relation to the full set of [draft] criteria.” This proposed procedure is contrary to the original methodology and allows, inappropriately, for overarching subjective interpretation. The CWFG should continue to rely upon the original methodology which has been extensively vetted and addressed in Project Feasibility Reports. Any supplemental questions should be limited to identifying significant changes to original methodology responses.

### **Objection to Specific Criteria**

**Items #1-5:** The information each of these items solicits is exactly the same as information requested of courts in responding to the original methodology. With the passage of seven years since the original information was provided, buildings have continued to age. Given that limitations inherent in existing building designs continue to exist, problems related to security, overcrowding and other physical problems will not improve. Thorough and exhaustive evaluations of these questions have already been undertaken and trial courts should not have to do so again when there is a high likelihood that the results will not lessen the need for a project but rather serve to heighten it.

**Item #7– Court Usage:** “Estimated Population Served” was a factor of the original methodology and California’s population continues to increase. A fair consideration of the information this question seeks should include estimated *future* population.

The number of filings, dispositions, and jury trials fluctuates from year-to-year, especially in a time of economic downturn. While these numbers are appropriate to form the basis of need, in light of the fluidity of these numbers any adjustment to previously classified need of a project and its prioritization ranking should not be based upon a change in this number. Additionally, will the responses to this question be compared with a prior point in time? If so, what is that point in time? Affected courts should have the opportunity to address any comparison.

Using judicial officer study case weights from a one-year period is not an accurate reflection of judicial needs assessment. It supplies a one-year snapshot without looking at or considering multi-year trends which provide broader, more reliable information.

**Item #12– Expected Operational Impact:** The cost to operate and maintain a facility does not eliminate the need for a new facility and should not be a factor to eliminate or reduce its priority ranking. Doing so would result in a rejection of the methodology and disparate treatment of those projects that provide for an *additional* facility versus those projects that provide for the replacement of an *existing* facility. Similarly, smaller projects would seem to be favored without regard to original methodology. The interpretation of the responses to this item lends itself to subjectivity.

**Item #14– Courtroom and Courthouse Closures:** The phenomenon of closing courthouses or courtrooms is the result of the current fiscal crisis. Closing courtrooms due to lack of resources does not mean those courtrooms are not necessary to provide a level of service expected of the judicial branch. Trial courts should not be penalized for lack of sufficient funding to support operations. Information on how closures are affecting court operations is irrelevant to a determination of level of need. Furthermore, the interpretation and use of this information will result in a select and minor group of branch members, those in the CFWG, making policy decisions on appropriate levels of trial court services. The only appropriate and objective questions are whether the closures are temporary or permanent and whether the use of the closed courtroom or courthouse will be necessary in the future.

**Item #15– “Outside the Box Thinking”:** Evaluation of whether or not a court could meet the objectives of the capital-outlay program by renovating an existing facility rather than building a new or additional facility took place during the infancy of the program. For those courts wherein it was determined that renovation was not a solution, you’ve now asked us to tell you whether we really meant it. While there may be value in reconsidering project scope and budget, doing so on shortened notice, with an inability to discuss with all members of a project’s team diminishes that value. Furthermore, the expense and scope of a project is irrelevant to the need of a project.

**Item #16– Expended Resources:** An evaluation of the amount of resources spent by the AOC on a capital outlay project is irrelevant to a determination of level of need. The AOC is the staff agency that provides support to the trial courts for these projects and is expected to expend resources in doing so. Many of the resources the AOC expends are because of the numerous procedural requirements the AOC demands. Larger and/or more complex projects require more

resources, smaller projects require fewer. Will smaller projects be assigned a greater value in light of this?

**AOC Provided Data:** Many of the “draft criteria” indicate that the AOC will provide data relative to a court’s project directly to the working group. We object to this process as it does not afford individual trial courts the opportunity to review and approve data prior to its reliance by the working group. The more appropriate course would be for the AOC to provide any such data to courts sufficiently in advance of its dissemination to CWFG so that trial courts have the opportunity to review it and if appropriate, address any concerns or discrepancies. It is the trial courts not the staff agency that should approve the dissemination of data on behalf of their court. We hereby make that request on behalf of the Sacramento Superior Court.

**What is Not Asked:** The survey omits the consideration of information significant to well-founded decisions. Notably the “draft criteria” fails to request any information on the impact a delay in a particular project would have on the court and its community. Similarly the “draft criteria” fails to take into account a court’s authorization for additional judgeships. For example the Sacramento Superior Court has been authorized additional judgeships through AB 159, and an additional five JPE have been proposed in the next round of 50. We don’t have space for these judgeships in existing buildings. While it may seem a fantasy that funding for these judgeships will materialize in the next few fiscal years, it cannot equally be said that funding will not occur before the completion of our project. At the very least, a project must accommodate all of the new judgeships by the date the facility opens.

**Live Presentations:** 23 courts with SB 1407 projects have been invited to make a 15-minute presentation to the CFWG on their project. Clearly this is an invitation that a Court should not turn down since the reality is that trial courts have been placed into a position of competing against each other. The extent of resources that will be expended for 23 court representatives to take a full day away from their court for a 15 minute presentation is tremendous. Frankly, decisions will be based upon responses to the “draft criteria”. While the guidelines for these presentations have not been released, if truly necessary and desired, it would seem that providing for audio or video appearance by the court representative would greatly reduce expenditures.

### **Conclusion**

While the CFWG has significant decisions to make, those decisions should be premised upon original methodology and the objectivity and transparency it provided. Trial courts should not have to submit to yet another survey on why their project should go forward. Needs have not changed, funding has. Reevaluating the basis of the rankings is not the answer; if the need existed then, it exists now. Determining which projects should go forward should be based upon the original methodology, project status and the impact a delay would have upon the court and its community.

Hon. Brad R. Hill, Presiding Justice  
Fifth District Court of Appeals  
Chair, Court Facilities Working Group  
August 9, 2012  
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Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in blue ink, appearing to read "Laurie M Earl". The signature is fluid and cursive, with the first name "Laurie" being the most prominent.

*Laurie M Earl*  
*Presiding Judge of the*  
*Sacramento Superior Court*



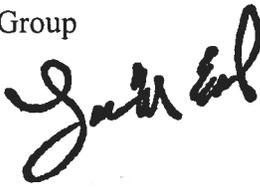
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SACRAMENTO

HON. LAURIE M. EARL  
PRESIDING JUDGE

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(916) 874 -5487

August 24, 2012

TO: Court Facilities Working Group

FROM: Hon. Laurie M. Earl,  
Presiding Judge 

SUBJECT: Sacramento's Response to Invitation to Comment

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Attached is Sacramento Superior Court's response to the Invitation to Comment on the Draft Criteria for Selection of SB 1407 Projects to Move Forward. Sacramento's response provides a very detailed justification outlining the reasons its new criminal courthouse should move forward. The general topics of discussion are highlighted below:

- Severe security deficiencies, overcrowding, fire / life / safety and building deficiencies.
- The costs associated with relocating the court's primary data center to a temporary location if the new courthouse is not completed by 2018. These costs are estimated at **\$4.8 million**.
- An agreement has been reached on the purchase price for our site. Delaying the project could result in the loss of the only viable building site in close proximity to the DA, PD, Sheriff's Department, main jail, existing Schaber Courthouse, and juror parking.
- This project is strongly supported by local criminal justice partners District Attorney Jan Scully, Public Defender Paulino Duran and Sheriff Scott Jones, as well as Senator Darrell Steinberg, Assemblymember Roger Dickinson, Major Kevin Johnson.
- All options to resolve the court's space issues have been exhausted.

## Sacramento Superior Court’s Response to Invitation to Comment on Criteria for Selection of SB 1407 Projects to Move Forward

In response to the Court Facilities Working Group’s invitation to comment on the draft criteria to be used for re-evaluating 31 SB 1407 projects, the Superior Court of California, County of Sacramento, offers the following information to support the importance of moving forward with Sacramento’s New Criminal Courthouse project. This project would relocate all criminal functions and the court’s primary data center into a new criminal courthouse, and the Gordon D. Schaber (GDS) Courthouse would be maintained for civil and administrative functions.

### 1. SECURITY DEFICIENCIES

**Describe the security problems in the facility or facilities to be replaced or improved by the SB 1407 project (that can be resolved by the design of the proposed capital project), and the safety, operational, and public service impacts of these security problems.**

- a. The Gordon D. Schaber Courthouse was not designed with a dedicated, secured circulation path for in-custody defendant movement above the second floor. The third, fourth and fifth floors, which accommodate 33 of the 44 courtrooms, have a non-public, private corridor that extends around the perimeter of the building. Judges and staff must use this corridor, which runs along the glazed exterior of the building to access courtrooms, judicial chambers, and court clerk offices. This corridor is also used to escort in-custody defendants into court. The issues with using an unsecured, private corridor for in-custody movement are:
  - i. Access into judicial chambers and court clerk offices is unrestricted from this corridor affording in-custody defendants numerous escape routes or an opportunity to harm a judge and/or staff member if that is the intent.
  - ii. In-custody defendants must pass through court clerks’ offices before entering the courtrooms. As they go by the clerk’s desk, a variety of office supplies (e.g., stapler, pens, scissors, etc.) are within reach. (FIGURE 1)
  - iii. When staff encounters an in-custody defendant being escorted to court, they are to remove themselves from the corridor until the defendant passes creating operational inefficiencies for staff.



(FIGURE 1) In-custody defendants must pass through court clerks’ offices before entering the courtrooms

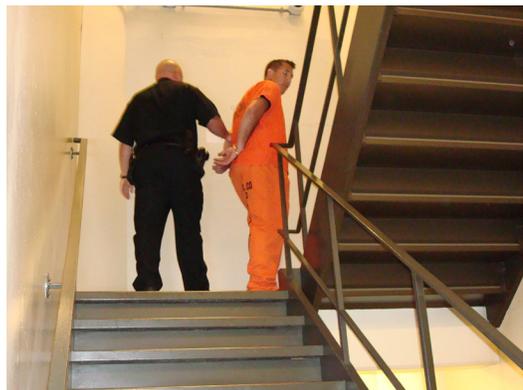
- iv. The hallway is a required fire exit route wherein doorways are unrestricted and exit directly into the main public corridors. Excluding numerous attempts, two defendants actually succeeded in escaping by running out into the public corridors, then down the emergency exit stairwells.
- v. The hallway and its circulating occupants (in-custody defendants, judges, and staff) are visible from upper floors and rooftops of adjacent buildings and parking structures which makes them susceptible to snipers.
- vi. The movement of in-custody defendants is staff intensive for Sheriff's personnel who must physically escort in-custody defendants to and from the courtroom, as well as monitor queuing in-custodies as they wait to move through a congested circulation system. In modern courthouses where the in-custody elevator and holding cells are adjacent to the courtroom, in-custody defendants can be delivered quickly, unescorted, directly to the courtroom.

b. The only in-custody elevator is located on the west side of the building. While the private corridor extends around the perimeter of the building, it crosses the public lobby at each end of the building. As a result, in-custody defendants must be escorted across the public corridor/lobby to access courtrooms on the east side of the building. (FIGURE 2)



(FIGURE 2) In-custody defendants must be escorted across the public corridor/lobby to access courtrooms

c. The in-custody elevator does not extend above the fourth floor. To access courtrooms located on the fifth floor, in-custody defendants are escorted up one flight of stairs in a non-secured area. Traversing stairs is a safety concern for both the deputy and defendant. There have been several incidents wherein in-custody defendants who were shackled tripped going up and down the stairs. To access courtrooms located on the sixth floor, public elevators and public corridors must be used. (FIGURE 3)



(FIGURE 3) To access courtrooms located on the fifth floor, in-custody defendants are escorted up one flight of stairs in a non-secured area

d. The in-custody elevator is undersized and overtaxed. The in-custody delivery vehicle used for transportation to and from the jail accommodates 40 in-custody defendants. However, the in-custody elevator only accommodates ten occupants. The small elevator slows the movement of in-custodies into central holding located on the second floor, and requires additional custody

officers to secure in-custody defendants waiting to use the elevator. The additional trips increase the wear and tear on the elevator equipment. When mechanical difficulties occur, there is no secure or safe alternative for moving the in-custody defendants from the basement sallyport into central holding, or to the courtrooms on the remaining floors.

- e. The facility only has one in-custody elevator, causing delays to court. The start time for a judge's calendar is dictated by the ability to timely deliver an in-custody defendant into the courtroom. Each morning and afternoon, in-custody defendants are transported from the main jail to the courthouse, then moved from the basement vehicle sallyport into central holding using the one, undersized elevator. Once staged in central holding, the 36 courtrooms on upper floors must compete for use of the one elevator, causing delays in starting courtroom proceedings. These delays results in a waste of valuable resources while judges, attorneys, staff, and other courtroom participants sit around waiting for the in-custody defendant.
- f. The court holding facilities are inadequate. On average, the GDS Courthouse receives 126 in-custody defendants on a typical standard weekday. After a court holiday, the number increases to approximately 165. Central holding, located on the second floor, is comprised of two separate holding pods - one is situated between high-volume courtrooms 3 and 4 (north tank with 2 large and 6 small cells), and the other is situated between high-volume courtrooms 8 and 9 (south tank with 1 large and three small cells). In-custody defendants appearing for preliminary hearings and trials are also housed in Central Holding. The issues with the current holding facilities are:

- i. There are not enough cells to support the in-custody capacity or separation requirements. Pursuant to Title 24 standards, the combined capacity of all 12 holding cells is 70 (far less than the daily average of 126 in-custody defendants). Additionally, with only nine small separation cells, segregating gang members, state prison inmates, combative inmates, men/women, juveniles/adults, and inmates that are in protective custody is extremely challenging. The average number of in-custody defendants requiring separation is 21.6 a day. During the program verification phase of Sacramento's project, the AOC contracted with Dan L. Wiley & Associates, Inc., a well-known consulting firm that specializes in court/security operations, to study and analyze the holding requirements for the new criminal courthouse. The results of the holding analysis varied depending upon the actual building design but at a minimum, **49 holding cells** are needed to support the capacity and separation requirements for central holding and the high volume calendar departments. (FIGURE 4)



(FIGURE 4) There are not enough cells to support the in-custody capacity or separation requirements

- ii. The holding area is classified as existing-noncompliant and cannot be modified or enlarged because code requirements for detention areas have increased and would now require the addition of fire sprinklers and 2-hour fire barriers around the perimeter of holding areas.
- iii. Holding cells do not provide for modesty for in-custody defendants using the toilet, which is now a requirement.
- iv. There is one holding cell on the fourth floor and one on the fifth floor to support the trial courtrooms on those floors. However, these cells are too small to support all 11 courtrooms on each floor. During recesses most in-custody defendants must be escorted back to central holding on the second floor resulting in delays to court proceedings.
- v. The facility only provides two secure attorney/client interview rooms, which are located in north tank. In-custody defendants housed in south tank must be escorted down to north tank to meet and confer with their attorney resulting in delays to court proceedings. Due to the lack of separation cells, the interview rooms are frequently used to temporarily segregate inmates making them unavailable for attorneys.

## 2. OVERCROWDING

**Describe the overcrowding in the facility or facilities to be replaced by the SB 1407 project, and the related safety, operational, and public service impacts.**

- a. **Jury assembly areas.** The current jury assembly room has a maximum capacity of 146 occupants and is inadequate to handle the daily average of 307 new jurors reporting for service. Cases involving multi-jury trials exacerbate the situation, increasing this figure to over 500 new jurors. When the court was cited by the City Fire Marshal for overcrowding, the court installed 140 additional chairs and a public address system in an open mezzanine adjacent to the jury assembly room, increasing the combined seating capacity to 286 -- an improvement, but still inadequate for the demand. To compound the problem, the jury assembly room and mezzanine are located on the same floor as the court's four high-volume criminal courtrooms, which also produce a large influx of pedestrian traffic. The lack of space to accommodate the sheer volume of traffic on this floor forces jurors to either stand for long periods of time or sit on the floor (which is a common occurrence). Even during recent



(FIGURE 5) Congested Jury Assembly Room



(FIGURE 6) Overflow seating in open mezzanine

inspections, the fire prevention inspectors have reprimanded the court for the overcrowded conditions on this floor, and in particular the jury assembly room. (FIGURES 5&6)

- b. **Courtroom corridors.** All of the courtrooms on floors three through six are used for evidentiary proceedings. The public corridors are narrow and do not provide adequate seating for the number of jurors and other case participants. Additionally, witnesses, family members, jurors, and law enforcement officers waiting to testify, share the same waiting area. Because space is so limited, they frequently sit or stand next to each other. Co-mingling of jurors and other trial participants in undersized hallways has caused mistrials when jurors have inadvertently overheard comments from other court participants. (FIGURE 7)



(FIGURE 7) Congested public corridors

- c. **Public entrances.** Approximately 4,500 people a day, or 90,000 per month, enter the GDS Courthouse. The entrance lobbies on both the east and west sides of the building are small with minimal queuing areas. Each entrance lobby only accommodates one screening station, which causes long lines, and forces most people to queue outdoors, sometimes in inclement weather. On a typical morning and afternoon it can take up to ten minutes to get through the entrance screening stations, and an additional ten minutes waiting for an elevator, resulting in attorneys, litigants, and jurors being late for court. (FIGURE 8)



(FIGURE 8) Queuing at West Entrance

- d. **Substandard courtrooms.** The average size trial courtroom at the GDS Courthouse is 1,100 square feet, and most are less than 30 feet wide. The undersized litigation well makes it extremely difficult to accommodate cases involving more than one defendant. In multiple defendant / multiple jury cases, the courtrooms are temporarily retrofitted to accommodate all of the attorneys, litigants, interpreters (if applicable), and jurors. Even with the retrofits, the sightlines for the second, and sometimes third, juries are less than ideal. The additional tables and chairs within the litigation well hinder the attorneys ability to freely move around when presenting evidence and/or interacting with the witness / juries. The number of multiple defendant / multiple jury cases is ever increasing. To eliminate these cases in Sacramento is not an option as it would greatly impact court scheduling and prosecutorial / defense resources. The courtrooms are also not ADA compliant requiring witnesses in a wheelchair to testify in front of the bench. The current AOC standards call for 1,600 to 2,400 square feet per courtroom. Since multi-defendant cases are common, larger, wider courtrooms will resolve the issues cited above.

- e. **Lack of dedicated storage space.** Due to the lack of space, supply items that would normally be kept in a storage room are stockpiled in staff areas and infringe upon workspaces. Additionally, departmental circulation paths are typically occupied by carts and other items. Both situations create inefficiencies and unsafe conditions, which frequently must be addressed during the annual fire inspections. (FIGURE 9)



(FIGURE 9) Supply storage in photocopy room

### 3. PHYSICAL CONDITION

**Describe the key physical problems of the facility or facilities to be replaced by the SB 1407 project, and the related safety, operational, and public service impacts of these conditions.**

- a. **Unable to provide for new Judicial Position Equivalent (JPE).** The GDS Courthouse does not have vacant courtrooms for the ten (10) new criminal and civil JPE's Sacramento will be receiving from AB 159 and the third set of 50 judgeships (SB 1150). Throughout the years, **all** practical office spaces within the courthouse have been converted into courtrooms. As a result, renovation to add courtrooms is not an option for Sacramento.
- b. **Inadequate fire detection and suppression systems.** The building's fire detection system consists of smoke detectors in the elevator lobbies and duct detectors in the HVAC return air system. However, in order to reduce electrical costs the HVAC is turned off after hours and on weekends, which essentially disables the fire detection system. The fire suppression system is limited to the basement and first floor, as these are the only two floors equipped with fire sprinklers. The courtroom floors--levels two through six--do not have sprinklers. On a Saturday in 2003, a fire occurred in an employee workstation, which was fortunately located on the first floor of the building. Since the HVAC system was off, the fire was not detected until the flames triggered the heat sensors in the sprinklers. When the fire department finally responded there was extensive damage to one half of the entire first floor, as well as damage to and/or destruction of court files. If this fire had occurred on a floor without sprinklers, the building would have sustained major damage that would have resulted in having to close a majority (if not all) of the courthouse until repairs could be completed. The impact on the public would be significant, as Sacramento does not have vacant courtrooms in other facilities to handle the displaced caseload.
- c. **Inadequate fire exiting routes for both the public and in-custody defendants.** The GDS Courthouse was never designed to handle the 4,500 people it receives each day. The emergency exit stairwells located on the north and south sides of the building cannot accommodate this volume of traffic. The most recent fire alarm occurred during the day when the building was fully occupied. The public corridors and emergency exit stairwells became so congested that people on the sixth floor were literally trapped for over 25 minutes; they were unable to move from the sixth floor and exit the building until the lower

floors cleared. The crowds and blocked passageways caused several members of the public to panic, exasperating the situation. The facility also lacks a code compliant exit route for in-custody defendants. During emergency evacuations, in-custody defendants are escorted down a public stairwell to the basement, and then secured in the vehicle sallyport for transportation back to the main jail. Since the transport vehicle can only accommodate 40 inmates, multiple trips are required before all in-custody defendants can be safely evacuated from the building.

- d. **Accessibility Issues.** Only one courtroom in the GDS Courthouse is wheelchair accessible to the witness stand and bench. Due to the lack of space in the well, the remaining 43 courtrooms cannot be retrofitted to add ramps or lifts. Witnesses in a wheelchair are forced to testify in front of the bench; this placement does not allow all courtroom participants to clearly see and hear the witness. Additionally, the public service counter on the south side of the building is not ADA compliant, and the walkway on either side of this counter is too narrow to accommodate a wheelchair thereby preventing access to staff areas and services behind the counter. At the exterior, only the back entrance of the building is disabled accessible. There is a portion of the first floor that is only accessible via stairs. Likewise, the elevated plaza on the front of the building is only accessible by stairs.
- e. **Inadequate number of elevators.** The GDS Courthouse has only five elevators, one of which is inaccessible to the public or staff since it is dedicated to the movement of in-custody defendants. The remaining four elevators are used to move the public, judges, staff, files, exhibits, and freight. During peak usage times it can take on average six to ten minutes to catch an elevator causing severe congestion in the public elevator lobbies, as well as significant inefficiencies, inconvenience, and frustration for all court users and staff. The County's elevator service expert and Public Work's elevator consultant have stated that at least six elevators are needed just to support the public visitors the court receives on a daily basis. While addressing the mechanical failures, the recent elevator renovation project was not able to resolve the capacity demand issues within the building. Additionally, there is no elevator dedicated to judges and staff, requiring judges to crowd into elevators with the public which creates an additional security risk.
- f. **Poor seismic rating.** The GDS Courthouse received a seismic risk level of V. In 2004, an assessment and study was conducted to ascertain the probable retrofit cost associated with a structural retrofit to upgrade the structure to a DSA seismic risk level of IV. At that time the preliminary cost estimate for the structural upgrades was not less than \$9.0 million.
- g. **Vehicle height limitation for basement garage.** Due to overcrowding at the main jail, a large percentage of in-custody defendants are housed at the Sheriff's Rio Cosumnes Correctional Center (RCCC) located approximately 30 miles from downtown Sacramento. These inmates are transported by bus each day for court appearances. Since the vehicular entry and exit ramps leading into the courthouse basement will not accommodate vehicles exceeding a height of 10 feet, Sheriff's Department personnel unload these inmates at the main jail, and they are then transferred to a specially modified, smaller vehicle for transportation to the GDS Courthouse. The height limitation also prevents access for delivery trucks.

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- h. **No loading dock.** The lack of a facility loading dock necessitates all deliveries occur through the west-side public entrance, which slows the movement of the public through security screening. It is nearly impossible to screen all deliveries without shutting down the lines to screen the public.
  - i. **Outdated security system.** The security equipment used for in-custody movement is at the end of its life expectancy. The push button control panel that electronically opens detention doors is no longer manufactured and replacement parts are not available. In June 2012, the security maintenance service provider informed the AOC / Court that the system will need to be replaced as soon as possible. The last security upgrade completed in 2004 cost \$2.5 million.
  - j. **Susceptible to flood damage.** Pursuant to the Sacramento Regional Flood Control Agency, "Sacramento's risk of flooding is the greatest of any major city in the country." The GDS Courthouse is located within "Zone AR", an area susceptible to a 100-year flood event as defined by FEMA. The basement is only 9 feet above sea level. In the worst possible flooding scenario, the basement would be submerged under 14 feet of water. All building mechanical equipment, emergency generator, and main distribution rooms for power and voice/data that are located in the basement would be destroyed.

#### **4. ACCESS TO COURT SERVICES.**

**Describe how the proposed project will improve access to court services for court users. For example, describe how the project will expand or improve access to court services for an underserved population.**

- a. **Consolidation of services.** This project consolidates five existing facilities into either the proposed new criminal courthouse or the existing GDS Courthouse thereby reducing the number of downtown facilities serving the public from seven to three. The consolidation of all civil and administrative functions into the GDS Courthouse will greatly improve the court's operational efficiency, access to justice, and overall service to the public.
- b. **Implementation of video arraignment.** To date, the lack of funding, infrastructure, and space have prevented the Sacramento Superior Court and its justice partners from using video conferencing for arraignments and other non-evidentiary criminal hearings. The new criminal courthouse will have video arraignment capabilities, and the County is currently trying to secure funding to renovate Rio Cosumnes Correctional Center, which will include a room for videoconference hearings and attorney meetings.
- c. **Increased access to courthouse.** There are no other sites in downtown Sacramento that can equal the public transit opportunities offered by Lot 41 in The Railyards. The intermodal transportation center linking rail, light rail and bus will be located across 5th Street from this courthouse. By automobile, the courthouse is within a few blocks of the area's major highway connectors: I-5, I-80, and Highway 50.

- d. **Increased resolution of civil cases.** The physical limitations of the current courthouse, when coupled with the shortage of judges, have resulted in chronic delays and uncertainty for civil litigants. The completed project will allow for truly separate civil and criminal divisions and enhance access by those seeking to have civil conflicts resolved.
- e. **Improved service to jurors.** Jurors deserve to be treated in a manner that reflects the importance of their task and the appreciation we have for their service. From the under-sized jury assembly room, to the lack of space that permits separating empanelled jurors from other trial participants, and the inadequate deliberation rooms, the GDS Courthouse severely lacks the very basic elements necessary to support its jurors. This project affords jurors the dignity and respect they deserve for their service to the community by providing adequate, comfortable spaces designed to meet their specific needs and requirements.
- f. **Attorneys / Client conferences.** Due to the lack of attorney / client meeting rooms, attorneys must meet and confer with their clients in public corridors or stairwells. When the defendant is in-custody, most meetings occur in the courtroom because the secured meeting rooms are unavailable. The new criminal courthouse will provide private spaces for attorney / client conferences as well as attorney in-custody defendant interview rooms attached to holding.

## 5. ECONOMIC OPPORTUNITY.

**This criterion is defined in the Prioritization Methodology for Trial Court Capital Outlay Projects adopted by the Judicial Council in 2008 (the methodology) as “free or reduced cost of land for new construction, viable financing partnerships or fund contributions by other government entities or private parties that results in lower project delivery costs, cost savings resulting from adaptive reuse of existing facilities, operational efficiencies from consolidation of court calendars and operations, savings from sharing of facilities by more than one court, and building operations cost savings from consolidating facilities.” This should be an opportunity that is already in place or confirmed. Please also indicate if the new project is located adjacent to a county jail facility or police station, and whether or not a direct connection will be provided for prisoner transport, which can result in savings to the county.**

- a. **Consolidation of facilities.** This project will allow the court to close four locations and consolidate various court administrative functions, court reporters, legal research staff, civil settlement conferences, and civil law and motion into either the new criminal courthouse or the existing GDS Courthouse. The consolidation of these downtown court facilities will result in the elimination of \$1.2 million in annual lease costs to the AOC.
- b. **Avoidance of unnecessary relocation expenditures.** If this project is not completed by December 2018, the AOC will have to spend an estimated \$4.8 million to relocate the Court’s IT Department and primary data center to a temporary location. The Court’s IT Department and primary data center is currently location in a County-owned building.

Pursuant to the terms of the Joint Occupancy Agreement, the Court is allowed to occupy this space until December of 2018. See Item 13(a) below for additional information.

- c. **Reduced cost of land.** An agreement on the purchase price of the land (Lot 41 in The Sacramento Railyards) for the new criminal courthouse has been reached. The owners of the property, Inland American Real Estate Trust Incorporated, are anxious to kick-start development within The Railyards and were willing to accept a price substantially lower than their appraised value. Should the project be delayed and the property not be purchased at this time, the purchase price will most likely increase as the economy improves.

## 6. PROJECT STATUS

**Refers to the current phase or stage of a project.**

As noted under Item 6.2.11 in the draft criteria, Sacramento's New Criminal Courthouse project is currently in the final stages of Site Acquisition. Architecturally, we have: 1) validated the space program, 2) completed massing studies, 3) evaluated sustainability options, 4) analyzed building orientations, and 5) selected a concept design. Prior to pausing acquisition activities, an agreement had been reached on the purchase price for the site, and the Property Acquisition Agreement was under review.

## 7. COURT USAGE

**This criterion is determined by the extent to which all courtrooms are used in a county; the size of the estimated population served; and the estimated caseload, which is defined as the number of filings, number of dispositions, and number of jury trials.**

With regard to the number of jury trials and weighted filings data, refer to Sacramento's comments to the information provided by the AOC staff which will be submitted on August 27, 2012.

7.1 Courtroom Locations and Judicial Officer Calendar Assignments – See Attachment A

7.2 Estimated Population Served – Data to be provided by AOC staff

7.3 Number of Filings – Data to be provided by AOC staff

7.4 Number of Dispositions – Data to be provided by AOC staff

7.5 Number of Jury Trials – Data to be provided by AOC staff

7.6 Weighted Filings Data – Data to be provided by AOC staff

## 8. TYPE OF COURTHOUSE

**Refers to either a Main or Branch courthouse.**

Response: Main Criminal Courthouse

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## 9. DISPOSITION OF EXISTING COURT SPACE OR FACILITY

**Refers to an agreement between the State and another party, which will be responsible for space currently occupied by a court that will be vacated once the capital project has been completed.**

The court's IT Department and primary data center is located in a County owned building located at 799 G Street in downtown Sacramento. The AOC and County of Sacramento entered into a Joint Occupancy Agreement concerning this space, which is to be vacated and relocated into the new criminal courthouse. Pursuant to the terms of the Joint Occupancy Agreement, the court is permitted to occupy the space, rent free, for a period of ten years. In 2016, the County has the option of giving the court a Notice to Vacate by December 2018, or start charging prevailing market rate for the space occupied. The County has notified the Court of its intention to exercise the Notice to Vacate in 2016 as prescribed in the JOA. The AOC will be responsible for leasing new space and the tenant improvement costs associated with relocating the court's primary data center and IT Department. See item 13(a) below for the fiscal impact.

## 10. CONSOLIDATION OF FACILITIES

**Refers to the replacement or consolidation of disparate leased or owned space that will improve operational efficiencies. Leased or owned spaces, such as modular buildings, should be included.**

In order to provide additional courtrooms to hear criminal evidentiary hearings, two civil law and motion judicial officers were moved from the GDS Courthouse and relocated to 800 9th Street, a leased facility with only one courtroom. Whereas, both departments were originally able to schedule both morning and afternoon calendars, each department can currently only hear matters half a day placing limits on the number of cases on the calendar. As a result, the public has to wait longer for their court date. This facility provides no parking, requiring judicial officers to park elsewhere and walk to the building. In one instance, when a judge was exiting the building for the evening, he was verbally accosted by a disgruntled litigant who was outside waiting for the judge to leave. Lastly, since this is a low rise building, judicial chambers and staff areas are clearly visible through windows facing the street. This project provides for the consolidation of all functions located at 800 9th Street back into the GDS Courthouse, which will allow the court to expand the Law & Motion calendars, reduce delays, and enhance service to the public. The project also eliminates the inherent safety issues associated with working in the 800 9th Street building.

## 11. EXTENT TO WHICH PROJECT SOLVES A COURT'S FACILITIES PROBLEMS

**Refers to the degree to which the court's identified facilities problems in a specific county can be solved by constructing a new courthouse.**

- a. **Provides space for new judgeships.** Among all downtown court buildings, Sacramento currently has 49 courtrooms available for each of the 49 judicial officers assigned to preside over criminal and civil proceedings. Pursuant to AB 159 and the proposed SB 1150, Sacramento is scheduled to receive ten (10) new judgeships. This court does not have vacant courtrooms in the location where they are most needed (criminal and civil case-loads) for these new judgeships. The New Criminal Courthouse project will provide the courtrooms necessary to support the new judgeships, enabling the court to adjudicate these case types in a timely manner and reduce backlogs in civil cases.
- b. **Provides a safe and appropriate environment to conduct court business.** Courthouses are built to serve the people. It is a grave disservice that jurors, while performing their civic duty, must stand or sit on floors due to the lack of available seating. It is unfortunate when facility constraints require the co-mingling of jurors, victims, witnesses, the accused, and family of the accused, while waiting for court. There are inherent safety issues when a Judicial Officer shares the same elevator as the litigant (or family member) whose case the judge just ruled upon in court. Likewise, escorting inmates through public and staff areas exposes occupants to unnecessary safety risks. This project resolves these deficiencies by providing the necessary elements, services, and dignity a modern courthouse offers.
- c. **Improved utilization of Sheriff's resources.** Due to the lack of dedicated circulation for inmate movement, on average 18 deputies are devoted to escorting in-custody defendants to and from courtrooms on a daily basis. The new criminal courthouse will allow in-custody defendants to be delivered securely, un-escorted, to a courtroom, and eliminate delays in court proceedings by using the adjacent holding cells for short recesses. These existing Sheriff's positions will be reallocated resulting in no increases to security costs.
- d. **Reduction in Civil backlogs.** Due to the statutory requirements, a large percentage of court resources are dedicated to processing criminal cases. Civil matters face long delays which severely impacts the ability to resolve legal disputes in the local business community. The new criminal courthouse and new judgeships will permit the realignment of assignments, increasing the number of courtrooms dedicated to adjudicating civil cases, thereby reducing backlogs.

## 12. EXPECTED OPERATIONAL IMPACT

**Refers to savings or cost increases in areas such as staffing, janitorial, security, and building operations.**

12.1 Estimated one-time and ongoing cost impacts - See Attachment B

12.2 Funding source(s) to be used - See Attachment B

12.3 Potential ongoing cost savings - Not applicable

12.4 Response to be provided by AOC staff on elimination of AOC funded lease costs, etc.

### **13. QUALITATIVE STATEMENT OF NEED TO REPLACE A FACILITY OR FACILITIES**

**Refers to key aspects of the proposed project that may not be reflected in the project's assignment to a priority need group based on the methodology employed by the Judicial Council in 2008 to select projects for funding by SB 1407.**

- a. **Project delay will result in a duplication of costs.** As mentioned previously, a further delay to this project will result in the AOC having to build out a costly IT data center in two different locations; one, in a temporary leased facility, which would then be abandoned when these functions are incorporated into the new courthouse. The court's IT Department and primary data center is located in a County owned building located at 799 G Street in downtown Sacramento. The AOC and County of Sacramento entered into a Joint Occupancy Agreement concerning this space, which is to be vacated and relocated into the new criminal courthouse. Pursuant to the terms of the Joint Occupancy Agreement, the court is permitted to occupy the space, rent free, for a period of ten years. In 2016, the County has the option of giving the court a Notice to Vacate by December 2018, or begin charging prevailing market rate for the space occupied.

In the economic downturn, the County has been relocating departments from leased facilities into County-owned buildings, and the court's presence in 799 G Street hinders their ability to streamline and consolidate County departments. In order to consolidate all outlining IT Departments, the County has notified the Court of its intention to exercise the Notice to Vacate at the first opportunity permitted by the JOA. If the new criminal courthouse is not completed by 2018, the AOC will be responsible for leasing temporary space in another facility, along with the tenant improvement costs associated with relocating the court's primary data center and IT Department. The court consulted with Sierra West Group, a cost estimating company, regarding the anticipated tenant improvements costs for this space -- which includes the specialized building requirements for an IT data center (24/7 HVAC, special fire suppression system, generator, fiber connections between buildings, etc.)

A delay to this project will result in an estimated cost increase to the AOC of \$4.8 million, and duplication of the high costs associated with constructing an IT data center. Pursuant to Sierra West Group's findings, lease improvements are estimated at \$2.1 million, excluding soft costs. Amortizing TI costs over a short-term, five-year lease equates to an annual cost increase starting at \$941,520.<sup>1</sup>

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<sup>1</sup> Ongoing annual lease cost based upon 5-year, full service lease, plus tenant improvements, annual interest rate of 4.75%, and soft costs. Pursuant to AOC staff, the current prevailing market rate for rent in downtown Sacramento is \$3.00+ per square foot. Adding a 3% escalation factor per year, lease rate effective 2018 would start at \$3.58 SF and cap at \$4.03 SF on the fifth year of the lease.

b. **A delay could result in the loss of the only viable building site.** Sacramento has completed the Site Acquisition phase, during which time over a dozen sites were investigated. The process resulted in only 2 viable options: Lot 41 in the Railyards and 300 Capitol Mall. An analysis of the Capitol Mall site revealed potentially costly site development conditions, as well as opposition from government and community leaders. Lot 41 has the complete support of Sacramento's Sheriff, the District Attorney and Public Defender as the site is within walking distance of their primary offices. This lot is the ideal location because of its proximity to the GDS Courthouse, the Sacramento County Main Jail, existing county provided free juror parking, and public transit. A map depicting these adjacencies is included as Attachment C. Other key elements that make Lot 41 more desirable than other lots in The Railyards are:

- i. It is a full city block;
- ii. The lot's configuration is nearly square, permitting the architects the greatest flexibility in orienting the courthouse on the site to reduce overall operating expenses;
- iii. The architects are able to take advantage of the existing grade of the lot to provide grade level access which is required on two floors, eliminating costly excavation;
- iv. The lot allows continuous vehicle and/or pedestrian access around the entire building, affording necessary access to the site perimeter for public entries, required exiting, judges' parking entry/exit, in-custody defendant vehicles, trash/recycling, deliveries, etc.;
- v. As the gateway into The Railyards development, the site provides civic prominence;
- vi. The lot provides more direct access to the intermodal transit facility. Vehicular access is direct from major surface arteries and the freeway.

A purchase price of \$10 million has been agreed upon on Lot 41 in The Railyards. If this lot is not purchased soon, it may not be available in the future. In all of the discussions to relocate the arena to the City owned land bordering The Railyards, Lot 41 was often mentioned as an ideal site for hotel/retail development. The loss of this location could create substantial operational impacts, not to mention costs and delays for the court and its justice partners. There were no suitable and available lots found in downtown Sacramento. Any reasonable alternatives to Lot 41 would be much more costly to purchase (no vacant land) beyond the proximate neighborhood.

c. **Community leaders support the project.** Sacramento is the seat of not only county government, it is the Capital City of California. Government is a large component of the economy of this city and county, more so than any other city or county in our State. With this in mind we have worked closely with government leaders on our plans and location. We have been in synch since Day One on the need to build in proximity to what we might call 'the Campus of Justice Partners' depicted in Attachment C. Insurance Commissioner Dave Jones, who as an Assemblymember sponsored the bill (SB 1407) which makes the

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Judicial Branch construction project possible, has been a vocal supporter of Lot 41 and this project. President Pro Tem of the Senate Darrell Steinberg along with Assembly-member Roger Dickinson have confirmed their support for our project and for securing Lot 41. Mayor Kevin Johnson, the City Council, Board of Supervisors, and County Executive Bradley Hudson, all strongly support moving forward with this project. And as noted elsewhere the Sheriff, District Attorney, and Public Defender all want this project to be built on Lot 41 for its importance in maintaining the 'Campus of Justice Partners'.

Sacramento Superior Court and the AOC have worked very hard to develop a collaborative working relationship with the community and its elected officials. As the Capital of California, government leaders recognize this project as being a major investment and benefit to downtown Sacramento and its community. The project provides immediate and long term economic stimulus to the area, and brings new life and uses into the local government zone 'Campus of Justice Partners' in downtown Sacramento.

Development of The Railyards will transform the face of downtown Sacramento, a feat strongly desired by the City. The City sees this project as an opportunity to jump start development in The Railyards. It supports the City's goal to create a vibrant, safe and attractive Central City by adding a landmark building to the skyline that would set a standard of high quality urban aesthetics for The Railyards development.

- d. **This project is the last option for Sacramento.** While some people may say what harm would a delay cause, "It's just a few more years", the delay of a new downtown Sacramento courthouse is already in its 27th year. On several occasions the need for the courthouse was justified, proceeding into development, only to be abandoned each time by some downturn in economic fortunes. The money saved by the county in not building a new courthouse in the mid-1980's resulted in inefficiencies and waste as people and other resources had to be added to compensate for an inadequate allocation of space. The GDS Courthouse was constructed in 1965 with only 22 courtrooms for all types of court cases. This single courthouse served the entire County of Sacramento, and housed the court's justice partners -- the District Attorney, Public Defender, Probation, and Court Reporter offices. Between 1973 and 1987, these ancillary agencies were gradually relocated to provide the necessary space for 22 additional courtrooms required to handle the increased caseloads of the court.

The need for a new courthouse was justifiable over 27 years ago. In the mid-1980's, there was a multi-departmental planning effort to construct a new downtown justice complex. After five years of planning and development, the project was suspended due to the inability to secure funding for construction and on-going building maintenance. Sacramento had to develop other, less costly means to accommodate the growth and over the years the court was forced to bifurcate its functions and relocate all case types, other than criminal and civil, to branch court facilities outside of downtown Sacramento. Additionally, administrative functions were relocated to lease facilities to provide space within GDS for operational functions critical to criminal and civil. The result is a courthouse consisting primarily of courtrooms, and the population required to operate those courtrooms.

Sacramento is out of options and its citizens have been deprived long enough of a place that is safe, secure, adequate, and which reflects the importance and dignity of the work done within its walls. The New Criminal Courthouse is Sacramento's only hope in resolving the:

- i. Court's long-term space and overcrowding issues associated with the increased workloads in civil and criminal cases, and
- ii. Safety / security deficiencies inherent in the GDS Courthouse, which are associated with the housing and movement of in-custody defendants.
- iii. Court's inability to provide courtrooms and space for the ten (10) new judgeships and associated staff.
- iv. Court's operational inefficiencies created by bifurcating civil functions due to facility constraints.
- v. Court's inability to resolve civil matters in a timely manner.

## 14. COURTROOM AND COURTHOUSE CLOSURES

14.1 Courthouses or courtrooms. Not applicable

14.2 Courtrooms that are not fully scheduled. There are three unassigned courtrooms at the GDS Courthouse due to unfilled authorized judge positions, but these courtrooms are typically filled with assigned judges.

## 15. "OUTSIDE THE BOX THINKING"

**Refers to ideas regarding how to reduce project scope and budget, and an examination of creative and potentially less costly ways to address safety, security and functional problems of the courthouse or courthouses to be replaced by the capital project.**

Instead of requiring that all benches be accessible for the judicial officer, provide a reasonable accommodation by providing one courtroom per floor with a ramp for the judge.

## 16. EXPENDED RESOURCES

**Refers to the amount of time and money spent by the AOC, the court, and local communities on the SB 1407 project.**

Data to be provided by AOC staff.

## ATTACHMENT A

### 7.1 – Courtroom Locations and Judicial Officer Calendar Assignments

<b>Gordon D. Schaber Sacramento County Courthouse – Civil and Criminal</b> (Total of 44 courtrooms)			
<b>Dept.</b>	<b>Judicial Officer</b>	<b>Dept.</b>	<b>Judicial Officer</b>
1	Vacant – unfilled authorized position	25	Hon. Richard K. Sueyoshi
2	Vacant – unfilled authorized position	26	Hon. Michael A. Savage
3	Hon. Gary E. Ransom, Retired Judge (allocated to 800 9th Street JPE)	27	Hon. Helena R. Gweon
4	Hon. James P. Arguelles	28	Hon. James E. McFetridge
5	Vacant – unfilled authorized position	29	Hon. Timothy M. Frawley
8	Hon. Kevin J. McCormick	30	Hon. David De Alba
9	Hon. Gary S. Mullen, Retired Judge (allocated to 800 9th Street JPE)	31	Hon. Michael P. Kenny
10	Hon. Creta Curtis Fall	32	Hon. Emily E. Vasquez
11	Hon. Trena H. Burger-Plavan	33	Hon. Lloyd G. Connelly
12	Hon. Maryanne G. Gilliard	34	Hon. Pamela L. Smith-Steward
13	Hon. Raymond M. Cadei	35	Hon. Alan G. Perkins
14	Hon. Eugene L. Balonon	36	Hon. Gerrit W. Wood
15	Hon. Thadd A. Blizzard	37	Hon Ben Davidian
16	Hon. Marjorie Koller	38	Hon. Laurel D. White
17	Hon. Ernest W. Sawtelle	39	Hon. David W. Abbott
18	Hon. Cheryl Chun Meegan	40	Hon. Troy L. Nunley
19	Hon. Patrick Marlette	41	Hon. Roland L. Candee
20	Hon. Michael W. Sweet	42	Hon. Allen H. Sumner
21	Hon. Steve White	43	Hon. Brian R. Van Camp
22	Hon. Russell L. Hom	44	Hon. Robert C. Hight
23	Hon. Geoffrey A. Goodman	45	Hon. Judy Holzer Hersher
24	Hon. Raoul M. Thorbourne	47	Hon. Laurie M. Earl
<b>800 9th Street – Civil</b> (Building only has 1 courtroom, which judges share)			
<b>Dept.</b>	<b>Judicial Officer</b>		
53	Hon. David I. Brown		
54	Hon. Shelleyanne W.L. Chang		
59	Hon. Michael G. Virga		

## ATTACHMENT A - CONTINUED

### 7.1 – Courtroom Locations and Judicial Officer Calendar Assignments

<b>Main Jail – Criminal</b> (Total of 4 courtrooms)			
<b>Dept.</b>	<b>Judicial Officer</b>	<b>Dept.</b>	<b>Judicial Officer</b>
60	Hon. Curtis M. Fiorini	62	Hon. Tami R. Bogert
61	Hon. John P. Winn	63	Hon. Lawrence G. Brown
<b>Carol Miller Justice Center – Traffic, Small Claims, and Unlawful Detainers</b> (Total of 7 courtrooms)			
<b>Dept.</b>	<b>Judicial Officer</b>	<b>Dept.</b>	<b>Judicial Officer</b>
81	Referee Peter S. Helfer	86	Pro Tem Judges
82	Retired Judicial Officer (behind vacant Commissioner position)	87	Comm. Kenneth N. Brody
83	Comm. Philip F. Stanger	88	Retired Judicial Officer (behind vacant Commissioner position)
84	Hon. Donald J. Currier		

<b>Juvenile Courthouse – Juvenile Delinquency</b> (Total of 6 Courtrooms)			
<b>Dept.</b>	<b>Judicial Officer</b>	<b>Dept.</b>	<b>Judicial Officer</b>
90	Hon. Stacy Boulware Eurie	93	Vacant
91	Hon. Robert M. Twiss	96	Vacant
92	Hon. Delbert W. Oros	97	Referee Natalie S. Lindsey
<b>William R. Ridgeway Family Relations Courthouse – Family Law, Probate, and Juvenile Dependency</b> (Total of 15 courtrooms)			
<b>Dept.</b>	<b>Judicial Officer</b>	<b>Dept.</b>	<b>Judicial Officer</b>
120	Hon. Jaime R. Roman	130	Hon. Paul L. Seave
121	Hon. Matthew J. Gary	131	Hon. Jerilyn L. Borack
122	Hon. Sharon A. Lueras	132	Comm. Danny L. Haukedalen/ Hon. Jane Ure, Retired
123	Hon. James M. Mize		
124	Hon. Peter J. McBrien	133	Referee Carol S. Chrisman
125	Hon. Kevin R. Culhane	134	Referee Marlene Hertoghe
127	Comm. Scott P. Harman	135	Referee Dean Petersen
128	Pro Tem Judges		
129	Hon. Christopher E. Krueger		

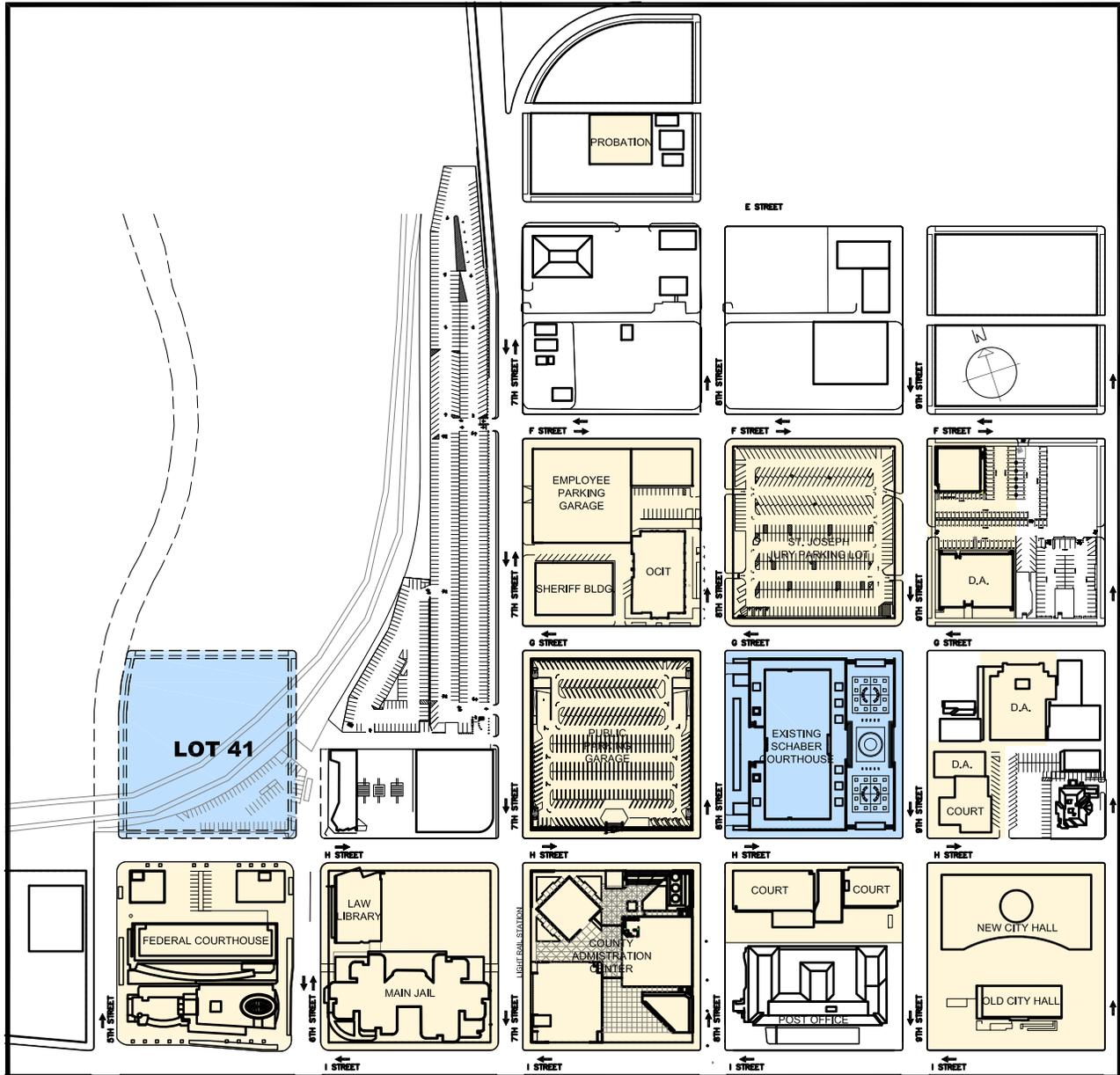
**ATTACHMENT B**

12 – Expected Operation Cost Impact

<b>Description</b>	<b>One-time Cost</b>	<b>Ongoing Cost</b>	<b>Cost Est.</b>	<b>Funding Source</b>
Misc. equipment and supplies	X		\$250,000	Court’s operational budget
Moving Costs	X		\$155,000	Court’s operational budget
Annual Increase in Janitorial Costs		X	TBD	TBD
Annual Increase in Children’s Waiting Room Contract		X	TBD	TBD
Annual Increase in Copier Leases		X	TBD	TBD
Increases in Security Costs	n/a	n/a	n/a	n/a
Increases in Court Staffing	n/a	n/a	n/a	n/a

Sacramento – Response to Invitation to Comment  
**ATTACHMENT C**

Site Map showing adjacencies to justice partners



Campus of Justice Partners

# CALIFORNIA LEGISLATURE

STATE CAPITOL  
SACRAMENTO, CALIFORNIA  
95814

August 10, 2012

RECEIVED

AUG 15 2012

CHAMBERS OF THE  
CHIEF JUSTICE

Chief Justice Tani Cantil-Sakauye  
Judicial Council of California  
Administrative Office of the Courts  
455 Golden Gate Avenue  
San Francisco, CA 94102-3688

RE: Support of Sacramento's New Criminal Courthouse Project

Dear Chief Justice Cantil-Sakauye,

As you undertake your deliberation when re-evaluating the SB 1407 projects, we strongly urge the Working Group to keep Sacramento's New Criminal Courthouse Project as a high priority and to continue moving the project forward.

Sacramento has completed the site acquisition phase, during which time over a dozen sites were investigated. The process resulted in only 2 options; Lot 41 in the Railyards and 300 Capitol Mall. Capitol Mall has serious deficiencies including some opposition from community leaders. Lot 41 has the complete support of Mayor Kevin Johnson and the City Council Members, in large measure because of its proximity to the Schaber Courthouse, the Sacramento County Main Jail, existing juror parking, public transit, and the court's key justice partners: Offices of the Sheriff, District Attorney, and Public Defender. Thus, the only viable option is Lot 41. A purchase price on Lot 41 has been negotiated, and extensive due diligence has revealed no serious environmental issues. This lot has been identified as one of the most desirable lots in the Railyards given its adjacency to land that is considered prime for development as an arena. If this lot is not purchased now, it may not be available in the future. The loss of this location could have substantial costs for all who might otherwise be compelled to relocate if we were forced to reopen site selection at some future date. Furthermore, as the economy begins to recover, the price will most definitely go up. Time is of the essence.

With a total score of 16.5 – 9<sup>th</sup> highest out of 41 projects – this project ranked as an "immediate need" in the 2008 judicial branch's capital-outlay plan. The circumstances that warranted this high score have not changed. The Gordon D. Schaber Courthouse is fraught with security and safety deficiencies. Inmates are escorted through public and staff areas because the facility lacks dedicated, in-custody circulation.



Chief Justice Tani Cantil-Sakauye  
August 10, 2012  
Page 2

The holding facilities are too small and inadequate to handle the large volume of inmates, and there are not enough cells to segregate the various inmate classifications. The holding cells are not the only area suffering from overcrowding. Anybody who has been on jury duty in Sacramento County knows that in order to get a seat in the jury assembly room you must get there very early. Otherwise you may find yourself sitting or standing wherever you can find a space on the second floor, possibly intermingled with the defendants.

Sacramento has outgrown the Gordon D. Schaber Courthouse, which was never designed to accommodate the volume of people it serves today. The importance of this project for the citizens of Sacramento and surrounding communities cannot be overstated. Furthermore, securing Lot 41 in The Railyards for the new criminal courthouse is imperative.

We strongly encourage that the Working Group recommend this project proceed, as well as the immediate acquisition of Lot 41 in The Railyards.

Sincerely,

  
**DARRELL STEINBERG**  
Senate President pro Tempore  
Senator, Sixth District

  
**ROGER DICKINSON**  
Assemblymember  
Ninth Assembly District

Cc: Justice Brad R. Hill, Court of Appeal, Fifth Appellate District  
Hon. Patricia M. Lucas, Superior Court, County of Santa Clara  
Hon. Donald Cole Byrd, Superior Court, County of Glenn  
Hon. Candace D. Cooper, Retired, Court of Appeal, Second Appellate District  
Hon. Keith D. Davis, Superior Court, County of San Bernardino  
Hon. Samuel K. Feng, Superior Court, County of San Francisco  
Hon. Robert D. Foiles, Superior Court, County of San Mateo  
Hon. William F. Highberger, Superior Court, County of Los Angeles  
Hon. Jamie A. Jacobs-May, Retired, Superior Court, County of Santa Clara  
Hon. Jeffrey W. Johnson, Court of Appeal, Second Appellate District, Division One  
Hon. Laura J. Masunaga, Superior Court, County of Siskiyou  
Hon. Gary R. Orozco, Superior Court, County of Fresno  
Mr. Michael J. Bocchicchio, AIA  
Mr. Anthony P. Capozzi, Attorney at Law  
Mr. Stephan Castellanos, FAIA  
Ms. Melissa Fowler-Bradley, Court Executive Officer, Superior Court, County of Shasta  
Mr. Stephen Nash, Court Executive Officer, Superior Court, County of San Bernardino  
Hon. Laurie M. Earl, Superior Court, County of Sacramento  
Hon. Robert C. Hight, Superior Court, County of Sacramento  
Lee Willoughby, Director, Office of Court Construction & Management

DORIS O. MATSUI  
5TH DISTRICT, CALIFORNIA  
COMMITTEE ON ENERGY  
AND COMMERCE

**Congress of the United States**  
**House of Representatives**  
Washington, DC 20515-0505

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RECEIVED

AUG 27 2012

CHAMBERS OF THE  
CHIEF JUSTICE

August 24, 2012

Chief Justice Tani Cantil-Sakauye  
Supreme Court of California  
350 McAllister Street  
San Francisco, CA 94102-4797

RE: Proposed Sacramento Courthouse

Dear Chief Justice Cantil-Sakauye:

As discussions to build a new county courthouse in Sacramento move forward, I write to express my strong support for it and ask that the Supreme Court of California and its Trial Court Facilities Working Group make its approval and construction a top priority.

Since 1965, the Gordon B. Schaber Sacramento County Courthouse has served the people of Sacramento by defending our community and victims of crime from some of the nation's most heinous criminals. But as Sacramento's population grows, and law enforcement agencies expand the scope and depth of their investigations, the need for a new courthouse is apparent as each week goes by. Without any dedicated in-custody circulation corridors, inmates, jurors and the public share common spaces. In addition, inadequate inmate holding facilities and space for court support service providers, are just a highlight the deficiencies of the current facility.

As my office is located in the Robert T. Matsui Federal Courthouse, situated across from the proposed site of the new county courthouse, I have been pleased to see the progress that has been made prepare the site for development and place the project even closer to implementation. This progress is apparent as railroad tracks that once intersected the site have been removed, and the site moves closer to readiness for construction. Millions of federal, state and local resources have been devoted to building the infrastructure and preparing for the development of the site. The new courthouse would highlight this success and stand as a major building north of H Street.

As you prioritize projects at your upcoming meeting in September, I am confident that you will take into consideration the tremendous need for a new courthouse facility in Sacramento. Should you decide to make this project a top priority, I will support its development and construction anyway I can and look forward to seeing it completed. Thank you for your thoughtful consideration.

Sincerely,



DORIS O. MATSUI  
Member of Congress



OFFICE OF THE  
MAYOR

CITY OF SACRAMENTO  
CALIFORNIA

KEVIN JOHNSON  
MAYOR

August 22, 2012

Chief Justice Tani G. Cantil-Sakauye  
Judicial Council of California  
Administrative Office of the Courts  
455 Golden Gate Avenue  
San Francisco, CA 94102

*Re: Proposed Sacramento Courthouse*

Dear Chief Justice Cantil-Sakauye:

The City of Sacramento is honored that the State of California plans to build a new courthouse in The Railyards area of Downtown Sacramento. In 2010, the Sacramento City Council passed a Resolution to support the courthouse and we write today to not only reaffirm that support, but to further urge the Judicial Council and Facilities Working Group to advocate for continued work on this iconic project.

First, Sacramento's need for a new courthouse is not disputed. The Gordon B. Schaber Courthouse was not designed for the volume of activity it hosts today nor in a way that protects the safety of its users. Without any dedicated in-custody circulation corridors, inmates, jurors and the public share common corridors, jeopardizing the safety of all. Cramped juror waiting rooms, inadequate inmate holding facilities, inadequate space for court support services, are just a few examples of the deficiencies in the current facility which must lead to significant operational challenges and increased costs.

As elected representatives for Sacramento, we have been pleased to see the progress that has been made to date on this project. Selection of the Railyards site, completion of environmental due diligence, and negotiations finalized on a purchase price – are all significant milestones that place the project even closer to implementation. We encourage you to capitalize on this progress and keep the momentum going.

This project is important to Sacramento for two significant other reasons. Its location in the Railyards would provide a tremendous iconic landmark for this emerging area. Millions of federal, state and local resources have been devoted to the infrastructure necessary to spur development and the courthouse would be the first major vertical project to showcase the possibilities for the largest urban infill area west of the Mississippi. In

addition, it would provide a great companion to the federal courthouse located directly across H Street.

Lastly, this vital project could not come at a better time for our local economy. With Sacramento's unemployment rate over 11%, the 400 permanent jobs and over 1,800 construction jobs would provide welcome news to our residents and the region. A new courthouse facility would add not only jobs, but significant financial investment into our local economy during construction and for decades to come.

As you prioritize projects at your upcoming meeting in September, we are confident that you will take into consideration the tremendous need for a new courthouse facility in Sacramento and look forward to seeing this project, like the Railyards, stay "on track" to success.

Sincerely,

Kevin Johnson  
Mayor



Steve Cohn  
Councilmember, District 3

c: Justice Brad R. Hill, Chairman of the Trial Court Facilities Working Group

**August 23, 2012**

**Attn: Invitations to Comment**

Administrative Office of the Courts,  
455 Golden Gate Ave.  
San Francisco, CA 94102

Email: OCCMComments@jud.ca.gov

**Subject: Sacramento County Courthouse project**

To Whom It May Concern:

On behalf of the Downtown Sacramento Partnership (DSP) Board of Directors and approximately 500 business and property owners in Sacramento's Central Business District we strongly urge you to reconsider your previous action to pause the Sacramento County Courthouse project and move it forward on schedule.

The Sacramento County Courthouse project represents opportunities on numerous fronts. From an operational perspective, the current facility creates extreme difficulties in carrying out judicial activities. The Schaber Courthouse was not designed for the amount of activity it sees today much less anticipating additional burdens based on projected demand in the very near future. Additionally, overcrowded juror waiting rooms, insufficient inmate holding facilities, and limited space for court support services, are just a few of the deficiencies in the current facility which lead to significant operational challenges.

The location of the proposed Courthouse creates synergies that leverage private and public investments to be a catalyst to the Railyards project. Significant federal, state and local resources have been devoted to the infrastructure necessary to stimulate development. The courthouse would be the first major project and would highlight opportunities in one of the largest urban infill areas in the country.

The Courthouse project could not come at a better time for our local economy. With Sacramento's unemployment rate one of the highest in the country, the permanent and construction jobs would jumpstart our ailing construction industry in the region. As you evaluate these projects at your upcoming meeting in September, we urge you will take into consideration the tremendous need for a new courthouse facility in Sacramento and look forward to seeing this project, like the Railyards, remain on schedule. A new courthouse facility would add not only jobs, but also leverage public and private investment into our local economy for years to come.

Sincerely,



Michael Ault  
Executive Director

CC: DSP Board of Directors  
Denise Malvetti, City of Sacramento

916 442.8575  
FAX 916 442.2053  
980 9th Street, Suite 400  
Sacramento, CA 95814



## THE RIVER DISTRICT

August 22, 2012

Chief Justice Tani G. Cantil-Sakauye  
Judicial Council of California  
Administrative Office of the Courts  
455 Golden Gate Avenue  
San Francisco, CA 94102

### **Re: Proposed Sacramento Courthouse**

Dear Chief Justice Cantil-Sakauye:

The River District is a business association representing approximately 200 property owners and 150 businesses located north of Downtown Sacramento. The area, established as a commercial corridor supported by the railroad, will be pursuing current smart growth trends as it undergoes a transformation to mixed use, transit oriented development.

The River District has supported plans to build a new courthouse in The Railyards area of Sacramento's Central City and we encourage the Judicial Council and Facilities Working Group to work in advocacy for the project.

It is no secret that the Sacramento economy is struggling and a project of this magnitude would bring a significant (and welcomed) investment into our local economy. But this is not the reason to move forward with this project. Since the construction of the Gordon B. Schaber Courthouse, Sacramento County's population has increased by approximately 150%. The existing courthouse struggles to handle the volume of activity it hosts today and is certainly not positioned to accommodate future growth. Cramped juror waiting rooms, inadequate inmate holding facilities, inadequate space for court support services, are just a few examples of the inadequacies in the current facility which contribute to sizeable operational challenges and increased costs. In addition, the changes in security requirements add to the reasons that put this project as a priority for our community.

A great deal of effort went into the selection of the site, completion of environmental due diligence, and negotiations on a purchase price. These achievements have set the stage for implementation and we encourage you to take advantage of this progress and keep the momentum going. As projects are prioritized, please consider the urgent need for a new courthouse facility in Sacramento and keep this project moving forward.

Sincerely,

A handwritten signature in blue ink that reads "Patty Kleinknecht". The signature is fluid and cursive.

Patty Kleinknecht  
Executive Director

c: Justice Brad R. Hill, Chairman of the Trial Court Facilities Working Group



**metrochamber**

SACRAMENTO METROPOLITAN  
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3fold Communications

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UC Davis Medical Center

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**Ardie Zahedani**  
St. Anton Partners

**LEGAL COUNSEL**

**Chris Delfino**  
Downey Brand LLP

**TREASURER**

**Warren Kashiwagi**  
Crowe Horwath

**PRESIDENT & CEO**

**Roger Niello**  
Sacramento Metro Chamber

August 24, 2012

Judicial Council of California  
Administrative Office of the Courts  
455 Golden Gate Avenue  
San Francisco, CA 94102

**RE: Sacramento County Courthouse Construction Project**

Dear Judicial Council of California and Court Facilities Working Group:

On behalf of the Sacramento Metropolitan Chamber of Commerce, I am writing to strongly urge you to continue the construction project for the Sacramento courthouse. This much-needed project comes at a time when it can help ease our high unemployment, improve a desperate urban infill area and importantly, alleviate the operational challenges of the existing, inadequate facility. While we understand and appreciate the difficulties of budget reductions, we urge you to allow this vitally important project to move forward.

The Sacramento Metro Chamber is the largest, oldest and most prominent voice of business in the greater Sacramento area. Representing over 2,000 member businesses and business organizations in the six-county Sacramento region, the Sacramento Metro Chamber serves as the region's leading proponent of regional cooperation and primary advocate on issues affecting business, economic development and quality of life.

At a time when our economy continues to struggle, job creation and economic development are important factors to recovery. The courthouse is a critical lead project for the Sacramento Railyards that can initiate and spark growth not only to a key development area but to our community and our region. A new facility is also necessary to better accommodate the existing and future activities and traffic, in a functionally safe and secure, building.

Again, on behalf of the Metro Chamber, I urge you to reconsider pausing this project and allow it move forward as originally planned.

Sincerely,

**Dennis M. Rogers**  
Sr. V.P., Public Policy and Economic Development

Cc: Denise Malvetti, City of Sacramento  
Stan Van Vleck, Vice-Chair for Public Policy  
Roger Niello, President & CEO

**SACRAMENTO**  
CONVENTION & VISITORS BUREAU

RECEIVED  
AUG 27 2012  
CHAMBERS OF THE  
CHIEF JUSTICE

August 23, 2012

Chief Justice Tani G. Cantil-Sakauye  
Judicial Council of California  
Administrative Office of the Courts  
455 Golden Gate Avenue  
San Francisco, CA 94102

*Re: Proposed Sacramento Courthouse*

Dear Chief Justice Cantil-Sakauye:

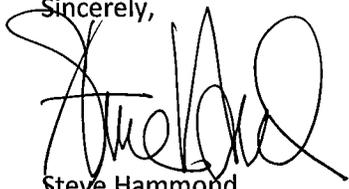
On behalf of the board of directors of the Sacramento Convention & Visitors Bureau (SCVB) and our 600 members, I write today to not only reaffirm our support of the Sacramento County Courthouse Project, but to further urge the Judicial Council and Facilities Working Group to reconsider your previous action to pause the Courthouse Project and ask that you move this iconic building forward.

As an organization that represents a variety of Sacramento businesses, we have been pleased to see the progress that has been made to date on this project. Selection of the Railyards site, completion of environmental due diligence, and negotiations finalized on a purchase price – all significant milestones that place the project even closer to implementation. We encourage you to capitalize on this progress which will also act as a catalyst for new jobs and economic impact at a time when both are desperately needed.

The mission of the SCVB is to market the city and county of Sacramento as a convention and visitor destination to increase revenues and stimulate economic development and growth for the region. This vital project could not come at a better time for our local economy. With Sacramento's unemployment rate over 11%, these new and permanent jobs would provide economic relief to the region. A new courthouse facility would add not only jobs, but significant financial investment into our local economy for decades to come.

As you evaluate these projects at your upcoming meeting in September, we urge you to take into consideration the tremendous need for a new courthouse facility and we look forward to hearing that you've decided to keep this project on schedule.

Sincerely,



Steve Hammond  
President & CEO

SH:sc