

# SUPERIOR COURT OF CALIFORNIA COUNTY OF STANISLAUS

**Michael A. Tozzi**  
Executive Officer  
Jury Commissioner

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August 29, 2011

Honorable Brad Hill, Presiding Justice  
Court of Appeal, Fifth District  
2424 Ventura Street  
Fresno, California 93721

Re: Stanislaus County Superior Courthouse Project

Dear Justice Hill:

We are writing you today to express our deep concern regarding the possible delay of the Stanislaus County Superior Court project. As we describe our situation to you, we hope that you will see, as we do, the need to move this particular project forward.

Daily we put staff, public, and judicial officers at risk as we struggle to move inmates across public areas, wire computers together through asbestos filled walls and ceilings and expose staff to inmates in much too crowded quarters within our courtrooms. We hold inmates (regardless of the security level), sometimes by the dozen, in jury rooms located next to judicial chambers.\* We do this in a courthouse constructed in 1957 for a population of 147,800. In 2010, the residents of Stanislaus County numbered 559,708 – a more than 300% increase for which the building was designed to accommodate.

Because of security, facility, and other environmental issues, a coordinated effort by the Administrative Office of the Courts (AOC), the Stanislaus County Superior Court (Court), and the Department of Finance (DOF) resulted in the formal recommendation of a new courthouse.

The Stanislaus project is defined as an immediate need in state evaluation; a logical solution to the many facility shortfalls in this court. The 2010 Project Feasibility Report generated by the AOC, identified the critical need for a new courthouse and highlighted several improvements that would be immediately satisfied by the project:

*“This project – ranked in the Immediate Need priority group of the Trial Court Capital Outlay Plan that was adopted by the Judicial Council in October 2008 – is one of the highest priority*

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\* See Attachment 1 - Photos

*trial court capital-outlay projects for the judicial branch, [ranking number 6] and was selected by the Judicial Council in October 2008 as one of 41 projects to be funded by Senate Bill (SB) 1407 revenues.”*

A new building would replace seven unsafe, overcrowded, and physically deficient court facilities, create an environment in which the judicial council standards for adult case types can be met, increase efficiency, create capacity for new judgeships, and provide functions not currently offered to the public due to lack of support space.

In the Options Analysis portion of the study, the Court and the AOC looked at two possibilities: 1. Construct a new facility or 2. Renovate the existing structures. In October 2007, the Court and the AOC hired Nacht & Lewis Architects to conduct a complete investigation of all structure, systems, and designs of the Court’s Hall of Records (HOR).

When the Court received the Hazardous Materials Investigation report it was determined that the Court could not make tenant improvements as the structure does not meet California’s Building Code requirements, exceeds the minimum asbestos level, and will not withstand an earthquake. In addition to these main issues there were other problems related to the building structure that make it unsafe and hampered our ability to move forward. These results are what led the AOC and the Department of Finance to determine that a new building was critical. While we are confident that moving this project forward will bring a solution to our situation, we continue to operate in a deficient set of facilities. The following is a sample of our common issues and occurrences by location:

- Title IV-D and Family Law lease, Modesto- These functions are located in a county facility located across the street from the main courthouse and houses one courtroom.
  - Safety: The facility has an ongoing pest problem including a reoccurring infestation of cockroaches and live bats. Court proceedings have been interrupted on numerous occasions to deal with these pest problems.
  - Systems: Broken elevators are a common occurrence, often with staff or members of the public trapped inside.
  - Security: We do not have separate circulation routes for Judicial Officers, staff, or public.
- City Towers Location, Modesto- Located two blocks from the main courthouse in a privately owned leased facility, the Court occupies the fourth and sixth floors.
  - Structural: Entire civil division and four courtrooms are co-located on two floors. These facilities were existing office space. We were forced to work within the boundaries of the existing structure resulting in issues such as wide pillars in the middle of courtrooms, blocking the view of the judge and bailiff.
  - Efficiency: Staff is required to move to a different floor to retrieve documents.

- Safety: Cockroaches are a continuous problem on both floors of this building.
- Security: We do not have separate circulation routes for Judicial Officers, staff, or public.
- Traffic Division lease, Modesto- Located five miles away from the main courthouse, the traffic division houses a courtroom and clerk's office.
  - Overcrowding: On a daily basis the Court experiences overcrowding to the point that the legal limit of persons in the building is exceeded.\*
  - Safety: Parking is shared with other various organizations and businesses in a strip mall type situation. The employee parking is not fully secure as the lines to get into the building wrap around into the employee parking area.
  - Security: The lobby area is a shared space for the entryway, public counter and direct entry into the courtroom. The space was not designed for screening equipment. While it has been installed in the lobby, it gives little to no room for guards to react to any security situations.
  - Security: The parking for judges is not secure; the judge shares space with the public.
  - Security: We do not have separate circulation routes for Judicial Officers, staff, or public.
- Ceres Court- Located five miles south of the main courthouse
  - Overcrowding: The jury deliberation room is not large enough to seat a full jury.
  - Safety: The building contains only one restroom, for public, staff, defendants, and judges, and is not ADA compliant.
  - Security: The main entry is not large enough to properly house security screening equipment and is a shared entrance with the public counter as well as the direct entrance to the courtroom.
  - Security: None of the exterior windows contain protective glass.
  - Security: Parking area for Judicial Officers is not secure.
  - Security: We do not have separate circulation routes for Judicial Officers, staff, or public.

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\* See Attachment 1 - Photos

- Turlock Court- Located fifteen miles south of the main courthouse
  - Overcrowding- The main entry is not large enough to properly house security screening equipment and is a shared entrance with the public counter as well as the direct entrance to the courtroom.
  - Safety: The limited restroom facilities are not ADA compliant.
  - Security: None of the windows contain protective glass.
  - Security: We do not have separate circulation routes for Judicial Officers, staff, or public.
  
- Hall of Records (HOR) - This is considered a separate facility that connects to the main courthouse.
  - Safety: This facility does not have a public bathroom.
  - Safety: The third and fourth floors of this facility are largely unusable due to “severe and intractable fire and life safety code deficiencies”. There are no legal exits out of the north wing’s upper floors.
  - Safety: There are no ADA compliant toilets in this building.
  - Safety: There are no ADA compliant exits in this building.
  - Security: We do not have separate circulation routes for Judicial Officers, staff, or public.
  
- Main Courthouse
  - Structural: Due to little or no ducting, building temperatures are incredibly difficult to regulate, and are often hot or cold to the extreme that it makes concentration difficult for judges, court staff, and jury members. The AOC has spent over half a million dollars in three short years on repairs to chillers and other supporting equipment. All were critical infrastructure repairs needed to keep the system running and supplying service to the court.
  - Structural: We have space that could be utilized by overcrowded staff, but have been prohibited from occupying it per the state fire marshal. We also have a prohibition on the amount of file storage we can use due to weight load.
  - Structural: Asbestos and lead paint are found throughout the building. IT staff are forced to work directly in and around these areas due to required cabling through the walls and ceilings. In addition, when repairs are needed, they are much more costly due to the required restoration process. This is best illustrated through our most

recent flood of the basement due to the aging fixtures. This situation resulted in the required asbestos abatement and replacement of over 1700 square feet of working area. In 2010 we had a similar incident due to aging pipes, which damaged and destroyed criminal court records including those with active warrants.

- Structural: In 2010, we had a one-week span where the entire building relied on two restrooms. These restrooms accommodate one person at a time and were the only restroom facilities for juries, staff, public and security. This situation was the result of decaying plumbing and invasive root systems.\*
- Systems: Broken elevators are a common occurrence, often with staff or members of the public trapped inside.
- Overcrowding: Stanislaus County is slated for four new judgeships. We will be without courtrooms for most of them. In fact, we have been forced to utilize judicial vacations to accommodate repair work to courtrooms and support areas. Judges have literally shared chambers and courtrooms.
- Overcrowding: Support spaces for staff are completely inadequate for current workload.\*
- Overcrowding: File space is limited even for active files. Boxes are regularly moved and rotated in order to accommodate even the slightest shift in workload storage.\*
- Safety: The courtrooms are not ADA compliant for staff, judicial officers, jury or the public.
- Safety: There is one ADA compliant exit in this building.
- Safety: Our most recent inspection from the State Fire Marshall sited 48 violations that included deficiencies in the 53-year-old sprinkler system, which only covers a portion of the basement, non-ADA compliant fire exits, and the placement of cabling throughout circulation areas.
- Security: The court has one secure holding cell for 16 courtrooms. Jury rooms have been converted into holding areas in order to accommodate the volume of inmates circulated through the courthouse daily. These jury rooms hold inmates of varying security level and are adjacent to judicial chambers on multiple floors.\*
- Security: Public Hallways are shared for circulation of judicial officers, staff, and public and used to transfer in custody inmates from courtroom to courtroom.\*
- Security: The judicial chamber windows are not bullet resistant or covered with reflective coating allowing views from the public parking garage, the street and the rooftop jail exercise area.\*

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\* See Attachment 1 - Photos

- Security: The judicial parking lot is located adjacent to the downtown jail facility. The judicial officers can be seen coming and going and are exposed to views from the parking garage, street and rooftop jail exercise yard. Frequently they are exiting amid crowds waiting for visiting hours at the jail.\*

While we acknowledge that this is just one of a number of important initiatives, this project will allow for a successful result for the Court and the AOC. There are key reasons for continuing to move forward with the Stanislaus County Courthouse:

A new courthouse will create significant savings in ongoing operational costs for the Court and the AOC. Many of the buildings are currently under lease. All leases can be dissolved, and the ongoing payments eliminated. Attached to this letter you will find a schedule outlining the existing leases, their funding sources and the detail of when their funding source is gone. These leases **do not** have ongoing funding sources.\*\* Eliminating the leases will ultimately result in an annual savings of \$ 1,054,468. Also, while not in the local court's budget, the cost associated with HVAC related work orders have become staggering, recurring expenses for the AOC that will be eliminated upon completion of the project. Based on our recent history, this is a savings of just over half a million dollars.

Our facility project has been formulated to consolidate all locations with the exception of the Juvenile Division into one facility. It will be the single location for an entire county of over 560,000. Three of our current facilities, including the main courthouse are physical buildings that are desirable to the community and can be sold to recoup funds directly into the State Court Construction Fund. In fact, the main courthouse sits in the center of the downtown district adjacent to the Gallo Center for the Performing Arts, which makes it a prime target for future development.

In Stanislaus County, our community partnerships are strong and enthusiastic. We do not have the infighting and discord many current projects are experiencing. We have collegial, effective Public Advisory Group meetings. We have active, engaged employees working with this group as well as with the AOC/OCCM and consultants to establish the details of this project. All participants have been met with well thought out, fully researched data. We have met every deadline and will continue to meet every request for information, demonstrating a level of preparedness and cooperation that will result in a success for this court, this community and the branch.

Collaboration with our justice partners has been concise and efficient. Decisions have been made in Stanislaus that are still at issue in other counties. This includes our decisions for site selection, which have resulted in two excellent potential locations. We are confident that this project will be met with success as we move towards negotiations for acquisition. The completion of these negotiations will not only solidify the Court's future path but also contribute to the vitalization of the local economy.

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\* See Attachment 1 - Photos

\*\* See Attachment 2 – Facility Funding Plan

Stanislaus County Superior Court is fully prepared to sustain a new facility with the responsibilities that brings. Our facility efficiency will be maximized by our preparation in the Information Technology area. We made a concerted effort many years ago to move to the most efficient technology possible, and have established the technology expertise on staff to fully support a multi-media, high tech building. We have a very collegial relationship with our Sheriff, who is our sole security provider, and will be able to efficiently support the new building with no anticipated increases in security costs.

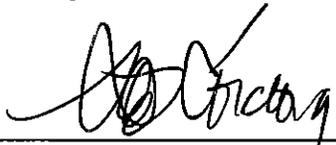
We have established a committee that supports “going green” and consistently educates our staff about the options for them at work and at home. While this may seem non-essential, the Judicial Branch is embracing an environmentally friendly relationship with the communities they are working with. They are using LEED ratings, which require an understanding of environmental sensitivity by the court. This priority is already established in Stanislaus.

We have a Children’s Waiting Room (CWR) fund that will completely support the finish work for the CWR in the new courthouse. It also generates an income sufficient to fund the support contract for the program on an ongoing basis.\*\*\*

We have operationalized Trial Court Trust Fund budget cuts through the reductions of FY 10/11. Through reorganization and a voluntary retirement separation program, we have made the responsible, necessary changes in order to be solvent. With that, we have also been able to maintain our emergency reserve.

As the epicenter of government and public resources in this community, the Court cannot serve the public without adequate facilities. We have literally run out of options. The Court is requesting the continuation of this project in order to secure our ability to meet the needs of Stanislaus County. We ask that you evaluate us on our obvious need and our ability to bring this project to a successful close as opposed to our pecking order in the original approval list. We have been and will continue to be a court that uses our resources and opportunities for the good of the branch.

Sincerely,



Honorable Ricardo Cordova,  
Presiding Judge



Honorable Jack Jacobson,  
Facilities Committee Chair

c: Copy Notation List on following page

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\*\*\* See Attachment 3 – Children’s Waiting Room Funding Plan

Court Facilities Working Group:

Honorable Patricia M. Lucas, Vice-Chair  
Honorable Donald Cole Byrd  
Honorable Candace D. Cooper  
Honorable Keith D. Davis  
Honorable Samuel K. Feng  
Honorable Robert D. Foiles  
Honorable William F. Highberger  
Honorable Jamie A. Jacobs-May  
Honorable Jeffrey W. Johnson  
Honorable Laura J. Masunaga  
Honorable Gary R. Orozco  
Honorable David Edwin Power  
Honorable Robert J. Trentacosta  
Mr. Michael J. Bocchicchio, AIA  
Mr. Anthony P. Capozzi  
Mr. Stephen Castellanos, FAIA  
Ms. Melissa Fowler-Bradley  
Mr. Stephen Nash  
Ms. Linda Romero Soles  
Mr. Larry Spikes  
Mr. Kevin Stinson  
Mr. Val Toppenberg  
Ms. Ellen Warner  
Mr. Thomas J. Warwick, Jr.

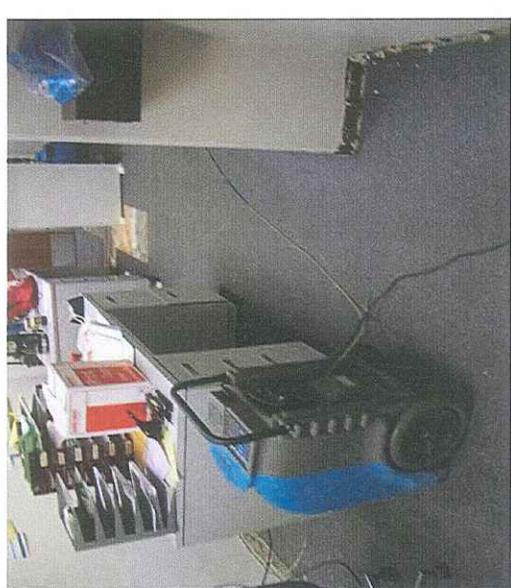
Stanislaus County Superior Court Facilities Executive Committee:

Honorable Loretta Begen  
Mr. Michael A. Tozzi  
Mrs. Rebecca Fleming

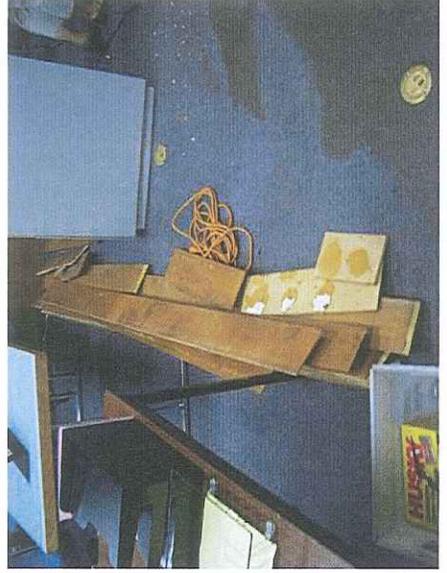
Failed connections and pump



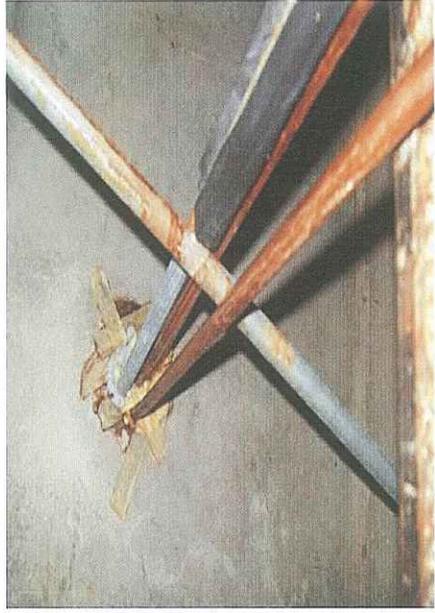
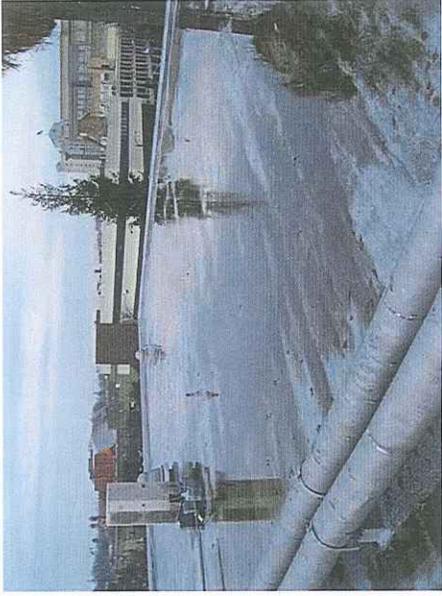
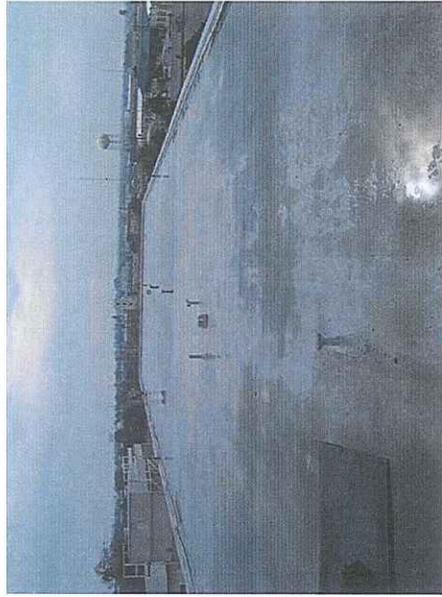
Basement Flood in Between Dept's 13 & 14 - August 20, 2011



**Basement Flood in Between Dept's 13 & 14 - August 20, 2011**



**Roof Problems – Standing Water and Leaks into building (Directly into Information Tech. Room)**



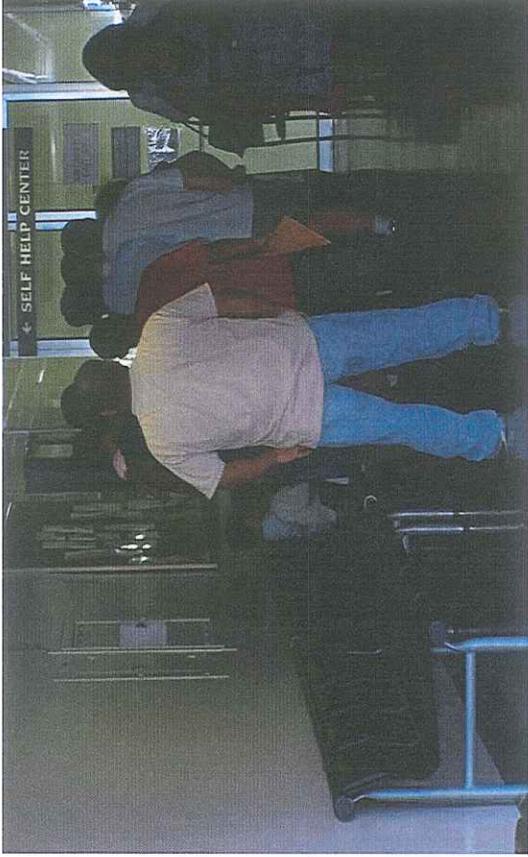
**2010 Sewage Pipes Issue – Replacement due to tree roots growing inside pipes – 800 11<sup>th</sup> Street Main entrance**



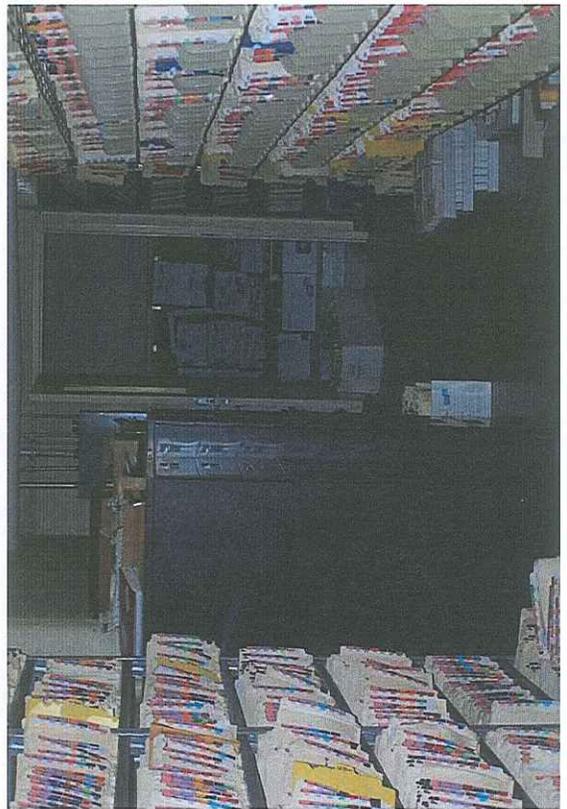
**Security - Inmates in public hallways**



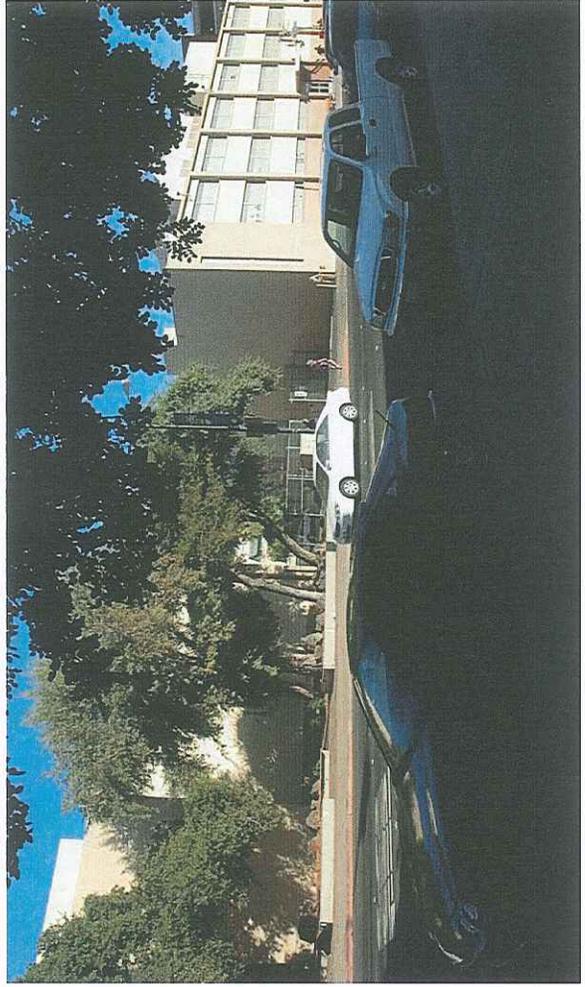
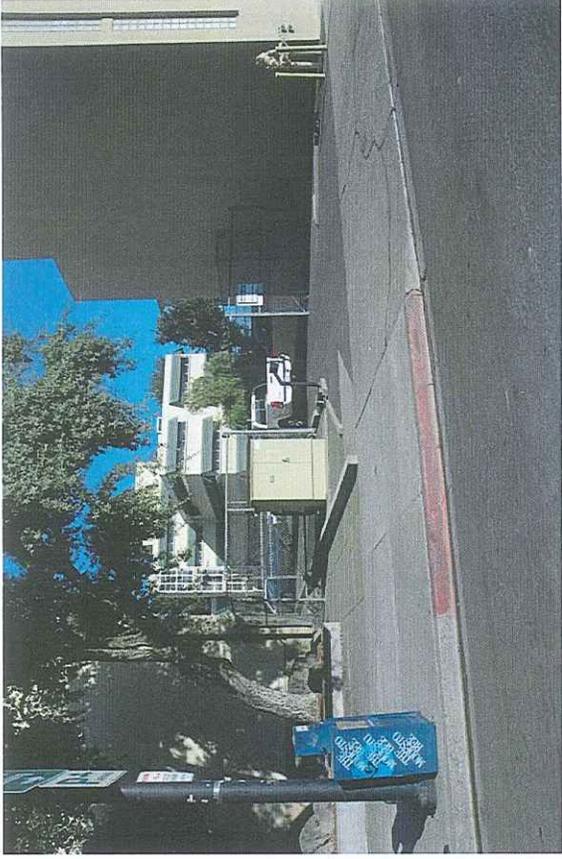
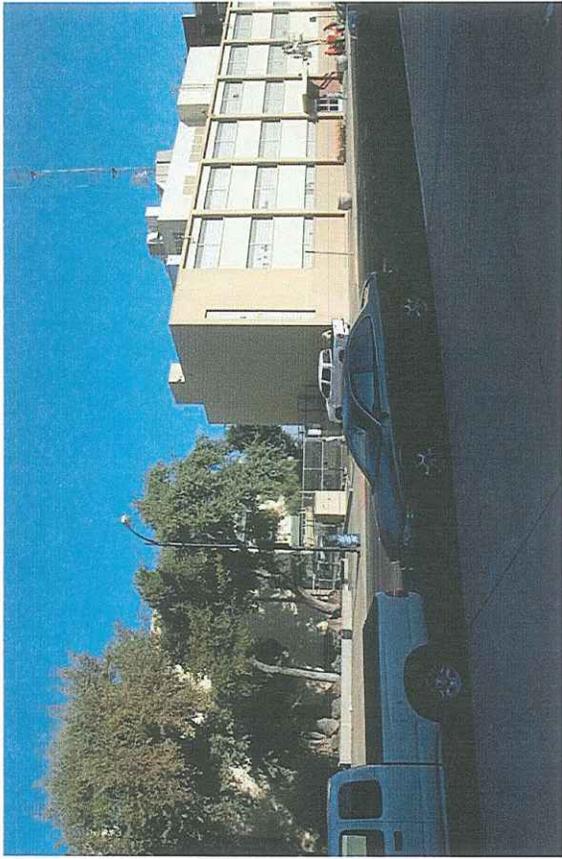
# Overcrowding Issues



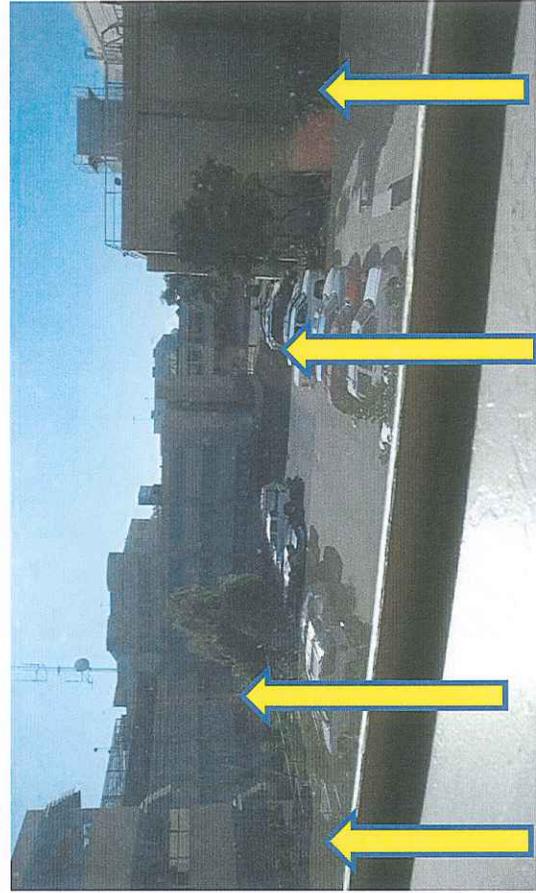
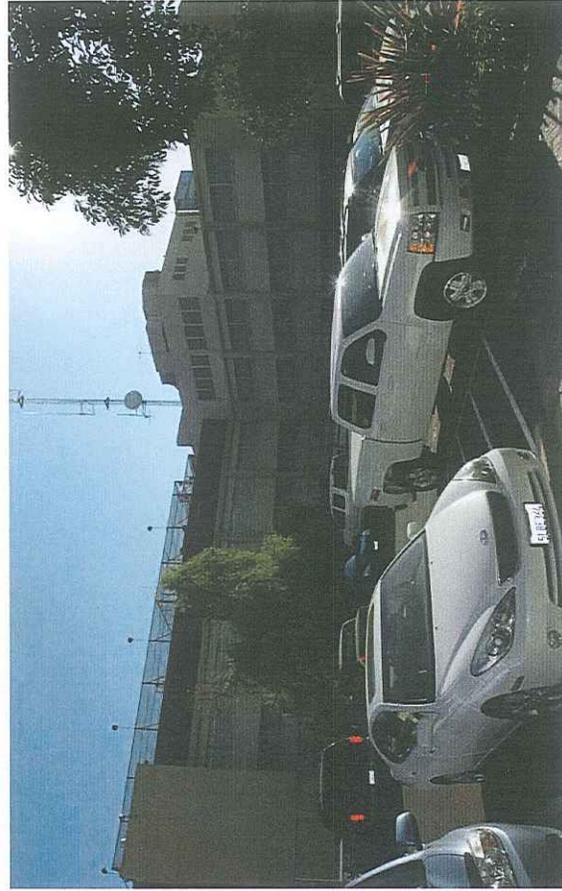
Operational Work Areas



Judge's parking access



# Judge's Parking Lot Security



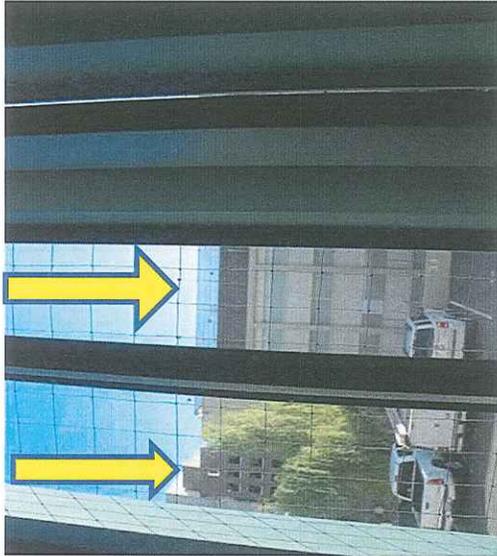
HOR

Jail

Pkg. lot exit

Main Ct. house

Public parking



Jail exercise yard



Security Judicial Chambers

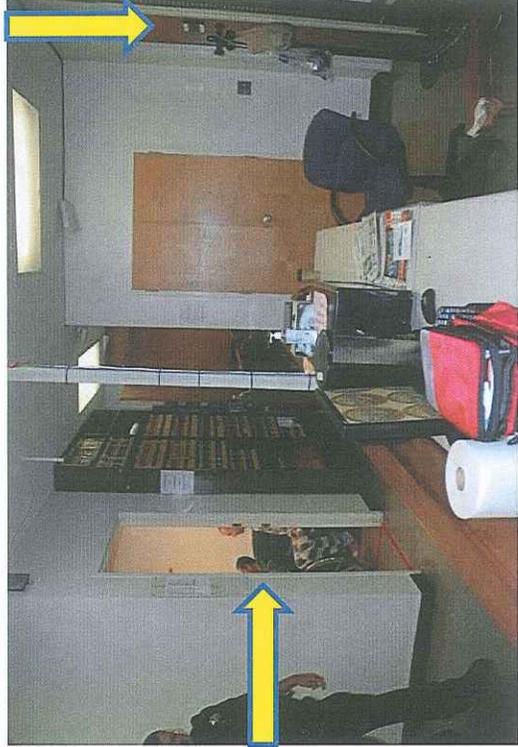


Judicial chamber Inmate

Judicial chamber



Inmates





Facility Funding Plan  
FY 2011-2012

	<u>2011-2012</u>	<u>2012-2013</u>	<u>2013-2014</u>	<u>2014-2015</u>	<u>2015-2016</u>	<u>2016-2017</u>	<u>2017-2018</u>	<u>Total</u>
<b>4th Floor Revenue Sources</b>								
SB56 Funding - Monthly Fund 110001	\$ 186,168.00	\$ 186,168.00	\$ 186,168.00	\$ 186,168.00	\$ 186,168.00	\$ 186,168.00	\$ 186,168.00	\$ 1,675,512.00
Court's CCF (Capital Fund 1400001)	\$ 260,149.00	\$ 273,539.00	\$ 287,330.00	\$ 277,092.00	\$ 52,217.00	\$ -	\$ -	\$ 1,632,006.00
County's CCF	\$ -	\$ -	\$ -	\$ 24,443.00	\$ 316,166.00	\$ 331,236.00	\$ 210,551.00	\$ 882,396.00
<b>4th Floor Annual Lease Expenditure</b>	\$ (446,317.00)	\$ (459,707.00)	\$ (473,498.00)	\$ (463,260.00)	\$ (487,703.00)	\$ (502,334.00)	\$ (396,719.00)	\$ (4,083,553.00)
<b>Total</b>	\$ -	\$ -	\$ -	\$ 24,443.00	\$ 66,848.00	\$ 15,070.00	\$ -	\$ 106,361.00
<b>**Use Fund 120001</b>								
5th Floor Revenue Sources - County's CCF	\$ 329,542.00	\$ 339,428.00	\$ 349,611.00	\$ 360,099.00	\$ 370,902.00	\$ 382,029.00	\$ 393,490.00	\$ 3,155,668.00
5th Floor Monthly Lease Expenditure	\$ (329,542.00)	\$ (339,428.00)	\$ (349,611.00)	\$ (360,099.00)	\$ (370,902.00)	\$ (382,029.00)	\$ (393,490.00)	\$ (3,155,668.00)
<b>Total</b>	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

	<u>2011-2012</u>	<u>2012-2013</u>	<u>2013-2014</u>	<u>2014-2015</u>	<u>2015-2016</u>	<u>2016-2017</u>	<u>2017-2018</u>	<u>Total</u>
<b>Dept 16 - IVD - Fund 1910591</b>								
AB1058 Federal Grant Funding	\$ 126,094.00	\$ 129,876.82	\$ 133,773.13	\$ 137,786.32	\$ 141,919.91	\$ 146,177.51	\$ 150,562.83	\$ 1,207,466.87
Dept 16 - County Lease Expenditure	\$ (126,094.00)	\$ (129,876.82)	\$ (133,773.13)	\$ (137,786.32)	\$ (141,919.91)	\$ (146,177.51)	\$ (150,562.83)	\$ (1,207,466.87)
<b>Total</b>	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

\*\*Contingent on federal grant funding received for lease

	<u>2011-2012</u>	<u>2012-2013</u>	<u>2013-2014</u>	<u>2014-2015</u>	<u>2015-2016</u>	<u>2016-2017</u>	<u>2017-2018</u>	<u>Total</u>
<b>Court's Hall of Records - Fund 110001</b>								
FY 09/10 Trial Court Funding (\$100K)	\$ 100,000.00	\$ 100,000.00	\$ 102,000.00	\$ 105,000.00	\$ 108,000.00	\$ 111,000.00	\$ 114,000.00	\$ 940,000.00
FY 09/10 Expenditure ** (includes utilities)	\$ (95,220.02)	\$ (98,076.62)	\$ (101,018.92)	\$ (104,049.49)	\$ (107,170.97)	\$ (110,386.10)	\$ (113,697.68)	\$ (911,820.41)
<b>Total</b>	\$ 4,779.98	\$ 1,923.38	\$ 981.08	\$ 950.51	\$ 829.03	\$ 613.90	\$ 302.32	\$ 28,179.59

Childrens Waiting Room Funding Plan											8/25/2011
Expenditures		2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	TOTAL- All Fiscal Years			
Contracted Staff - 2 Full-time (On-Going)		\$55,000	\$56,650	\$58,350	\$60,100	\$61,903	\$63,760				
Subtotal:		\$55,000	\$56,650	\$58,350	\$60,100	\$61,903	\$63,760	\$421,435			
One-Time Cost (Furniture, etc..)		\$50,000						\$0			
includes security cameras, DVR, etc.								\$50,000			
Misc. On-Going Costs		\$4,200	\$4,326	\$4,456	\$4,589	\$4,727	\$4,869	\$27,167			
<b>TOTAL</b>		<b>\$109,200</b>	<b>\$60,976</b>	<b>\$62,805</b>	<b>\$64,689</b>	<b>\$66,630</b>	<b>\$68,629</b>	<b>\$498,603</b>			
<b>Revenues</b>											
<b>Sources</b>											
CWR - Fund 180005	TCTF	\$85,000	\$85,000	\$85,000	\$85,000	\$85,000	\$85,000	\$85,000	\$1,345,845		
<b>TOTAL</b>		<b>\$85,000</b>	<b>\$85,000</b>	<b>\$85,000</b>	<b>\$85,000</b>	<b>\$85,000</b>	<b>\$85,000</b>	<b>\$85,000</b>	<b>\$1,345,845</b>		
TCTF= Trial Court Trust Fund Running Bal		\$842,996	\$867,020	\$889,215	\$909,525	\$927,895	\$944,266	\$847,242			