

# SUPERIOR COURT OF CALIFORNIA COUNTY OF STANISLAUS

Michael A. Tozzi Executive Officer Jury Commissioner

**Rebecca J. Fleming** Asst. Executive Officer 800 - 11th Street Modesto, California 95354 Telephone (209) 530-3111 Fax (209) 576-6350 www.stanct.org

August 24, 2012

Honorable Justice Brad R. Hill, Chair Court Facilities Working Group Administrative Office of the Courts 455 Golden Gate Avenue San Francisco, CA 94102

**Re: New Modesto Courthouse, Stanislaus** 

Dear Justice Hill and Court Facilities Working Group Members,

Per your request, attached please find comments on the criteria provided by Stanislaus County Superior Court.

**Respectfully yours,** 

Ricardo Cordova Presiding Judge

Cc: Judge Jack Jacobson

Judge Loretta Murphy Begen Michael A. Tozzi, Superior Court Executive Officer Rebecca Fleming, Superior Court Assistant Executive Officer Please accept the following comments for New Modesto Courthouse - Stanislaus Superior Court written comments on draft criteria to be used for re-evaluating this critical project.

## 1. Security

Stanislaus County Superior Court operates on a daily basis from seven different locations. Our security needs are vast with many issues of concern. Judges, staff, jurors and the public are co-mingled in narrow corridors daily. The inmates are regularly transported across the same public corridors in large groups. The inmates are transported from the jail tunnel up through the single inmate transport elevator. At this time the elevator is unreliable and has been nonfunctional several times per month over the past year. Our alternative to the elevator is a clear single-pane stairwell that is a direct exit to the street and less than 100 yards from a major intersection.

Our judicial officers have a single entrance/exit route from the "secure" parking lot at the main courthouse where their vehicles with license plates are exposed daily to the public and the jail exercise yard. This parking lot empties into a one-way street at rush hour; therefore judicial officers must wait in their car unable to move to a position of safety in the event of an emergency. The "secure" parking lot is visually exposed to the parking garage across the street and within a "scope" view of a potential shooter. Four judicial chambers with single pane glass also share this exposure. Please see additional detail by location below:

- Title IV-D and Family Law
  - These functions are located in a county facility located across the street from the main courthouse and houses one courtroom.
  - We do not have separate circulation routes for Judicial Officers, staff, or public.
  - o Inmate holding cell is outside the courtroom off the public lobby
- City Towers Location
  - We do not have separate circulation routes for Judicial Officers, staff, or public.
- Traffic Division
  - 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.
  - Parking area for Judicial Officer is not secure
  - Ceres Court
    - 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.

- o None of the exterior windows contain protective glass
- Parking area for Judicial Officers is not secure.
- o We do not have separate circulation routes for Judicial Officers, staff, or public.
- Turlock Court
  - o None of the windows contain protective glass
  - We do not have separate circulation routes for Judicial Officers, staff, or public.
  - o Parking area for Judicial Officer is not secure
- Hall of Records (HOR)
  - We do not have separate circulation routes for Judicial Officers, staff, or public.
  - o Public entrance to building has no screening equipment
- Main Courthouse
  - 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.
  - Inmate transport elevator goes down frequently forcing movement of inmates through glass non-secure stairwells
  - Public Hallways are shared for circulation of judicial officers, staff, and public and used to transfer in custody inmates from courtroom to courtroom.
  - 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.
  - 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.

## 2. Overcrowding

Overcrowding has been a constant problem in our court. Waiting and lobby areas in all locations are insufficient. In three locations, there are not sufficient rooms to dismiss juries for a break without requesting that they leave the secure court area. One of those locations does not offer a secure deliberation room with sufficient space to seat a full jury panel. Security equipment is not properly housed due to space and file space has long been an issue in all locations with 7000+ boxes of files now stored offsite.

- Title IV-D and Family Law
  - o No waiting area for court clients. Lobby shared with other agencies
- City Towers Location
  - Lobby area not big enough for court waiting and transaction windows
- Traffic Division
  - On a daily basis the Court experiences overcrowding to the point that the legal limit of persons in the building is exceeded.
  - o Line to get into the building wraps around into the employee parking area
- Ceres Court
  - The jury deliberation room is not large enough to seat a full jury
  - The lobby area has no waiting area, is shared entrance with the public counter as well as direct entrance to the courtroom.
- Turlock Court
  - 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.
- Hall of Records (HOR)
  - Family Law lobby public counter lines snake through the lobby ending up outside the building daily.
- Main Courthouse
  - 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.
  - o Support spaces for staff are completely inadequate for current workload.
  - 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.

# **3. Physical Condition**

The physical condition of our courthouse locations have been deteriorating for some time. We have chronic issues including pest infestation, lack of public restrooms, ADA compliance and structural concerns from the Fire Marshall. Please see the details listed below by location.

- Title IV-D and Family Law
  - 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.
- City Towers Location
  - 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.
  - o Cockroaches are a continuous problem on both floors of this building.
- Traffic Division
  - Parking is shared with other various organizations and businesses in a strip mall type situation.
  - There is not a waiting area outside the courtroom, therefore public are confined to a small space standing before the courtroom doors open
- Ceres Court
  - The building contains only one restroom, for public, staff, defendants, and judges, and is not ADA compliant.
- Turlock Court
  - The limited restroom facilities are not ADA compliant
- Hall of Records (HOR)
  - This facility does not have a public bathroom
  - 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.
  - o There are no ADA compliant toilets in this building
  - o There are no ADA compliant exits in this building

- Main Courthouse
  - 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.
  - 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.
  - 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.
  - Technology office has a cardboard box hanging in the office to direct the airflow for the servers.
  - Judicial restrooms are so small; the occupant can't turn around or pick something up off the floor without hitting ones head on the paper towel dispenser.
  - The sewage system for the main courthouse has had to have major repair due to tree roots growing through and blocking the lines. This caused a sewage spill onto the street and forced the replacement of 80 feet of line.
  - The third floor of the main courthouse has been prohibited for use by staff due to the non-compliance of safety in exit stairwells as well as concerns on the capacity of weight load of the floor itself.
  - The main courthouse has experience two floods resulting in damage as a result of decaying/bursting pipes.
  - The inmate transport elevator has continued to deteriorate to the point of recently trapping 3 inmates and a deputy in the elevator for 25 minutes.
  - Seven different HVAC systems support the main courthouse causing constant inconsistency of temperature.

Six of our seven locations have varying degrees of non-compliance with ADA access. These issues span from access to the building, access to witness/jury boxes, judicial officer benches and finally access to restrooms.

- Title IV-D and Family Law
  - Broken elevators are a common occurrence, often with staff or members of the public trapped inside.
  - o Public counter is shared with another agency.
- City Towers Location
  - o Staff is required to move to a different floor to retrieve documents
- Traffic Division
  - Entrance to the building is not ADA compliant
- Ceres Court
  - Entrance to the building is not ADA compliant
- Turlock Court
  - o Entrance to building is not ADA compliant
- Hall of Records (HOR)
  - Broken elevators are a common occurrence, often with staff or members of the public trapped inside.
  - o Basement entrance is very difficult to maneuver for ADA compliance.
  - No public access to a bathroom in this facility.
- Main Courthouse
  - Broken elevators are a common occurrence, often with staff or members of the public trapped inside.
  - o Public restrooms are not ADA compliant
  - Witness boxes, jury boxes and judicial benches are not ADA compliant.

#### 5. Economic Opportunity

The economic climate of the central valley lends itself as an asset to a significantly reduced project cost for the Stanislaus County Superior Court. With two potential sites equally viable, the

downtown will have little disruption from this move. The community around us is supportive and embraces the idea of a single, centralized location for the court facility. The results of this opportunity will bring a renewed vitalization to the downtown area by the consolidation of seven locations into the single main courthouse while allowing the state to sell and recoup costs from four of the locations.

#### 6. Project status

This project is currently in Site Acquisition. There are two viable options afforded to the court at this time. Both sites are within two blocks of the current site. It should be noted that while this project was one of the later projects approved, it has moved quickly and without issue. The process has been and can continue to be an "issue free" project with success for all involved. \*See attached letter from Stanislaus County Board of Supervisors

In regard to the question about future cost of land, the real estate broker provided this information:

I cannot predict that the commercial real estate market in Modesto, CA will be any different a year or two from now relative to an increase in value due to an increase in demand nor can I find any source that would substantiate appreciation in the commercial real estate market. I do know this: when I was given the direction to find approx. 3 acres of contiguous property, downtown Modesto approx. 2 years ago I knew it would be a difficult proposition. Downtown Modesto is not a large geographic area and much of the property is improved and controlled by either government, schools or private entities with no intention of selling at any price. During the time that we worked on this assignment we were successful in identifying two sites that were suitable to the advisory group, the former Modesto Bee location and the Team Modesto site. The former Modesto Bee location is owned by developers/speculators that are interested in making a profit from their investment. If there were other interested buyers in the market that were ready, willing and able buyers or tenants, I'm certain they would negotiate with them in earnest to make a deal for the property.

The case for a court in Modesto could be summed as follows: there are a limited number of opportunities available for a new court in the downtown business district and if action is not taken soon to solidify a position there may never be another opportunity to do so regardless of the real estate market.

#### 7. Court Usage

This courthouse will house 26 courtrooms and all operations with the exception of Juvenile Delinquency. This will be the main location to serve all of Stanislaus County residents, estimated at 519,940 people.

The numbers of Court filings in Stanislaus County were 117,276 for FY 2009-10 with the number of dispositions for the same time frame at 95,309. The numbers of jury trials in Stanislaus County for the same time frame were 286. All of these statistics are rising with each new year. Stanislaus County is estimated at 37.8 for weighted filings in the same FY.

#### 8. Type of Courthouse

The building of the New Modesto Courthouse will consolidate 7 of the 8 facilities becoming the centralized main courthouse. The only facility that will not be housed in the new building is the Juvenile Delinquency calendar which is co-located with the county Juvenile Hall. This consolidated facility will

be closely located to public transportation, regardless of the site chosen. Of the four facilities, the value of Modesto Main and Hall of Records (court share) is appraised at \$5,840,000.

## 9. Disposition of Existing Court Space or Facility

Please note that information provided by AOC staff incorrectly states the consolidation of only 3 of the 7 buildings to be vacated. The correct number is 7 of 8 facilities will be combined into the Main Courthouse. From there, four facilities can be sold and three leases cancelled.

## **10.** Consolidation of Facilities

Building of the new Modesto Courthouse will consolidate 7 of the 8 current buildings held. This will free up 3 leased spaces and give the ability to sell 4 buildings.

- Title IV-D Lease, Modesto
  - These functions are located in a county facility located across the street from the main courthouse and houses one courtroom.
- City Towers Lease, Modesto
  - Located two blocks from the main courthouse in a privately owned leased facility, the Court occupies the fourth and sixth floors.
- Traffic Division Lease, Modesto
  - Located five miles away from the main courthouse, the traffic division houses a courtroom and clerk's office.
- Ceres Court, AOC Owned
  - Located five miles south of the main courthouse
- Turlock Court, AOC Owned
  - o Located fifteen miles south of the main courthouse
- Hall of Records (HOR), AOC Owned, Modesto
  - This is considered a separate facility that connects to the main courthouse.
- Main Courthouse, AOC Owned, Modesto

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

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.

# 12. Expected Operational Impact

The AOC has averaged in excess of \$550,000 per year to maintain Modesto Main and Hall of Records buildings only. All were critical infrastructure repairs needed to keep the system running and supplying service to the court. **\*Cost Summary attached** 

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.

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

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 ceiling 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. Because of security, facility, and other environmental issue, 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 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."

#### 14. Courtroom and courthouse closures

Ceres, Turlock, and Department 9 of the main courthouse buildings have been temporarily closed due to a retirement and budget cuts. These courtrooms are anticipated to be reoccupied.

## 15. "Outside the Box Thinking"

Co-locate key functions to share staff and resources, i.e. Self Help Center near the Family Law unit.

Co-locate Mediation services near Family Law unit and Family Law courtrooms.

Create multi-purpose spaces that can be used as conference rooms, training rooms and conference room for all Judicial Officers.

Create courtrooms with sliding walls to make the room larger or smaller depending on use of the courtroom.

## **16. Expended Resources**

To be provided by AOC Staff

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1010 10th Street, Suite 6500 Modesto, CA 95354 Phone: 209.525.4494 Fax: 209.525.4410

August 21, 2012

Honorable Justice Brad R. Hill, Chair Court Facilities Working Group Administrative Office of the Courts 455 Golden Gate Avenue San Francisco, CA 94102

RE: New Modesto Courthouse, Stanislaus – OCCM 12-01

Dear Justice Hill and Court Facilities Working Group Members,

The Stanislaus County Board of Supervisors encourages the Judicial Council to move forward with the new Courthouse project. The new Modesto Courthouse project is needed to resolve security issues, including a lack of separation of movement of persons in custody from the public, Court staff and judiciary. The new courthouse project will enable the Superior Court to consolidate its functions in a safe, efficient and appropriate facility.

It is our understanding that the Modesto Courthouse project is currently in the site acquisition stage, and the State Public Works Board has approved the in-depth analysis and negotiations for two sites in downtown Modesto – both about two blocks from the current courthouse location. Stanislaus County has expressed its concerns that relocation of the courthouse away from the County's downtown jail facility will result in the need for additional inmate transportation at a significant expense estimated at \$1 million to Stanislaus County. Currently, inmates are transported to the Modesto Courts via a secure, underground tunnel connected to the jail. The currently proposed locations will require vehicular transportation of inmates, presenting a somewhat greater security risk.

Stanislaus County stands prepared to work with the Judicial Council and Superior Court to coordinate our jail plans, inmate transportation issues, and justice-related services. The County would appreciate the opportunity to advance these plans in a coordinated and efficient way. The County encourages the AOC to work together, along with the Superior Court, to also re-evaluate options for re-use of the existing site in light of the State's funding reductions. The Court's needs can to be developed in concert with the County's needs to minimize the cost of housing and transporting inmates. If the existing courthouse site proves to be impractical for the new Modesto Courthouse project, the County asks that the AOC consider evaluation of the sites to include the potential for Stanislaus County to collaborate on a new jail facility with a

Honorable Justice Brad R. Hill August 21, 2012 Page 2

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secure inmate transportation connection to the new Courthouse project for a safer more costeffective means of inmate transportation.

If relocation of the Modesto Courthouse is required, advancing this project now will take advantage of an extraordinarily favorable real estate market in downtown Modesto while remaining within three blocks of the vital justice-related services (District Attorney, Public Defender, Probation, Alternative Work Program, Court Appointed Special Advocate, and Sheriff's Civil Unit.) Countless downtown businesses depend on the Court and related services, including restaurants, shops, legal offices, bail bond firms and many others – however, proximity to the County's justice-related services is critical.

Delay or cancelation of this project could have public safety and judicial efficiency implications in our community and could jeopardize the ability to maintain critical linkages of these interdependent services in the future, with great risk to Stanislaus County.

Please make the new Modesto Courthouse project a high priority and continue its funding. Great potential exists, and the AOC, Superior Court and Stanislaus County should plan together to achieve the greatest community benefit and the most cost-effective delivery of public services.

Respectfully yours,

William O'Brien, Chairman Stanislaus County Board of Supervisors

cc: Lee Willoughby, Director, Office of Court Construction and Management Presiding Judge, Ricardo Cordova, Superior Court of California, Stanislaus County Michael Tozzi, Superior Court Executive Officer Cost Summary for 50-A1 (Modesto Main) and 50-A2 (Hall of Records). FY2008-2009

	Values			
Row Labels 🕄	Sum of Total Cost	Count of Total Cost2		
BCWO - Collection Work Order	\$ 46,719.6	5 14		
⊞D - Design	\$ 24,225.0	86		
BFM - Facility Modification	\$ 63,142.9	1 16		
∃JO - Job Order	\$ 257,840.7	6 762		
<b>BPM - Planned Maintenance</b>	\$ 22,855.7	3 <u>1</u> 37		
Grand Total	\$ 414,784.1	3 935		

Note: Data is from September 2008 when CAFM 9i came online. There is no data in CAFM 8.4 data files for buildings 50A1 and A2.

# FY2009-2010

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Row Labels	,·	ues n of Total Cost Count (	of Total Cost2
	\$	70,215.50	23
⊕D - Design	\$	11,888.24	4
	\$	496,785.48	68
🕑 JO - Job Order	\$	317,343.71	1178
BPM - Planned Maintenance	\$	29,248.60	183
Grand Total	\$	925,481.53	1456

Note: Huge jump in cost and numbers reflect first year that AOC assigned a dedicated FMU representative in Stanislaus County.

# FY2010-2011

	Values		
Row Labels	Sur	n of Total Cost Count o	f Total Cost2
■CWO - Collection Work Order	\$	19,132.63	15
🗄 D - Design	\$	3,564.84	4
BFM - Facility Modification	\$	306,006.07	41
🙂 JO - Job Order	\$	235,952.96	760
BPM - Planned Maintenance	\$	17,816.25	137
Grand Total	\$	582,472.75	957

## FY2011-2012

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Values				
Row Labels 🛛 🖓	Sur	n of Total Cost Count o	f Total Cost2	
	\$	53,719.63	16	
🕑 D - Design	\$	3,425.24	10	
BFM - Facility Modification	\$	164,223.50	19	
⊞JO - Job Order	\$	173,673.35	686	
BPM - Planned Maintenance	\$	23,813.37	123	
Grand Total	\$	418,855.09	854	

Note: New Service Provider FFP (Firm Fixed Price) Contract was executed on Sept 1, 2011. Costs for Preventive Maintenance and Job Orders are not fully captured in data above. Some of this is reflective of previous SP (Aleut Facilities Management).

# FY2012-2013 (Year-to-date)

Values			
Row Labels (	🗗 Sum of Total Cost	<b>Count of Total Cost2</b>	
🕑 CWO - Collection Work Orde	r 0	11	
🖲 D - Design	0	4	
<b>BFM - Facility Modification</b>	33776.5	5	
⊎JO - Job Order	23857.05	92	
BPM - Planned Maintenance	2183.99	12	
Grand Total	59817.54	124	

Note: Zero Cost Values for CWO and Design work are for work that is still open. CWO's typically close at the end of the FY and design work that is open is for recent projects in development. Again note that JO and PM work under the FFP model is not accurately captured in CAFM but the volume (count of work is captured properly).

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