
From: Todd, Mary B.
Sent: Monday, August 27, 2012 3:44 PM
To: OCCMCOMMENTS
Subject: Invitation to Comment - Criteria for Determining SB 1407 Projects to Move Forward

Thank you for the opportunity to provide comment on the criteria for determining which SB 1407 projects will move forward in light of the devastating reductions to the Courthouse Construction Funds and Immediate and Critical Needs Account. It is my understanding that the deadline for comments was extended to today so it is my hope that this comment is timely.

My comment is directed to proposed criteria number 12, Expected Operational Impact.

In the last few months the trial courts sustained an overwhelming blow not only to their operating budgets and fund balances but also to their ability to effectively fund multi-year projects, save for future needs or manage their budgets on a multi-year basis. Effective July 1, 2014, the trial courts will be limited to carrying over only 1% of the court's operating budget. This amount will not be adequate to cover cash flow or even a very modest emergency. It has been reported that the actions of the Legislature and the Governor with respect to the Judicial Branch Budget is due, in part, with concerns that after 15 years of state trial court funding there still remains great disparity in the funding levels of trial courts.

Absent a BCP for funding the moving and operational costs related to a new facility, effective July 1, 2014, the ability of any trial court to fund the costs related to moving to a new facility will only be by shifting costs within their existing local budgets. To include this factor as a measure of a project's viability could disproportionately harm court's that are comparatively underfunded. Likewise, the same could apply when determining the opportunities with respect to cost savings through the elimination of lease costs, consolidation and reduction of staff, etc. A better resourced court may have greater opportunity to become efficient than a comparatively underfunded court who out of necessity has become as lean and efficient as possible. While I can support that this criteria could be a valuable factor in some instances, some methodology or adjustment must be applied to court's that may not have as great an opportunity to achieve this criteria due to comparative under funding.

That being said, I think it is incumbent on the Court Facilities Working Group to require trial courts to take into account the economic realities of operating in the new facility when approaching the project design. Trial courts, project managers and architects must approach the design process with the understanding that there may not be additional funding to operate the facility effective day one and design accordingly.

Thank you again for the opportunity to comment.

Mary Beth

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August 24, 2012

Submitted Electronically

Court Facilities Working Group
455 Golden Gate Avenue
San Francisco, CA 94102-3688
email: OCCMComments@jud.ca.gov

RE: PROPOSED PROCESS FOR SELECTING SB 1407 PROJECTS TO MOVE FORWARD

Dear Members of the Court Facilities Working Group,

On behalf of California Preservation Foundation (CPF), thank you for allowing us an opportunity to share our comments on selecting courthouse projects to move forward. CPF is the only statewide nonprofit organization dedicated to the preservation of California's diverse cultural and architectural heritage. Established in 1977, CPF works with its extensive network to provide statewide leadership, advocacy and education to ensure the protection of California's diverse cultural heritage and historic places.

For the past two years, California Preservation Foundation has been tracking the courthouse projects throughout the state after concerns were raised in Nevada City regarding their historic courthouse project. Since then, CPF has commented on two Environmental Impact Reports that will have significant and unavoidable impacts to historic resources: Nevada County Courthouse and Los Angeles County Courthouse in Glendale, both of which are under consideration for reassessment. CPF has submitted multiple letters offering comments to the Court Facilities Working Group.

Of the original 50 Courthouse projects, 27 of them involve courthouses over 50 years old and potentially eligible for the California Register of Historic Places, listed below.

1. Siskiyou County, New Yreka Courthouse 1857
2. Nevada County, New Nevada City Courthouse 1864, 1937, 1963
3. Glenn County, Willows Courthouse Renovation/Expansion 1894, 1940
4. Tuolumne County, New Sonora Courthouse 1898
5. Sutter County, New Yuba City Courthouse 1904, 1962
6. Solano County, Old Solano Courthouse Renovation 1911
7. El Dorado County, New Placerville Courthouse 1913
8. Yolo County, New Woodland Courthouse 1917
9. Plumas County, New Quincy Courthouse 1920
10. Tehama County, Red Bluff Courthouse 1920

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11. Mendocino County, New Ukiah Courthouse 1920, 1950
12. Inyo County Courthouse 1921
13. Imperial County, New El Centro Family Courthouse 1923
14. San Bernardino County Courthouse 1926
15. Alpine County, New Markleeville Courthouse 1928
16. Court of Appeal, Third District, Stanley Mosk Building Renovation 1928
17. Santa Barbara County, Santa Barbara Criminal Courthouse 1929, 1954
18. Los Angeles County, New L.A. Mental Health Courthouse 1930
19. Shasta County, New Redding Courthouse 1950, 1956, 1965
20. Riverside County, Banning Justice Center 1951
21. Los Angeles County, New Glendale Courthouse 1953
22. Sierra County, New Downieville Courthouse 1953
23. Los Angeles County, New Eastlake Juvenile Courthouse 1954
24. Riverside County, New Indio Juvenile and Family Courthouse 1955
25. Los Angeles County, Long Beach Court Building 1959
26. San Diego County, Central Courthouse 1961
27. Butte County, Chico Courthouse 1961, 1966

Of those 27, only seven involve the renovation or continued use by courts. The remaining 20 will be given back to the County, some with plans for reuse but many with no known plans. Due to the current budget restrictions, CPF recommends that the remaining courthouse construction funds 1) should be spent to address the immediate safety and accessibility concerns with the existing facilities that do not need additional courtrooms; and, 2) should be spent on deferred maintenance of all courthouses rather than new construction.

Criteria for Selection

According to the *Judicial Branch AB 1473 Five-Year Infrastructure Plan Fiscal Year 2011–2012* Courthouses were prioritized based on their need and categorized as Immediate, Critical, High, Medium, and Low. Those categorized as Immediate or Critical were given priority based on issues with security, overcrowding, physical condition, and access to court services. While CPF agrees that these issues are significant and should be addressed in the capital outlays, we do not believe that the majority of these need new courthouses as proposed.

The draft criteria to be used by the Court Facilities Working Group to select the projects to move forward is important and CPF is pleased to see that all criteria will be considered and not given priority. The following are CPF's comments regarding some of the criteria as it relates to all the historic courthouse projects.

1. **Security.** The safety of the patrons, judges, juries, employees using the courthouse is important and should be remedied. This can be done in most cases within the buildings themselves. In some cases new entries will need to be constructed possible requiring new egress systems within the structure. There are many examples throughout the country where security checkpoints are housed in additions to historic buildings.

2. **Overcrowding.** Overcrowding is a concern that affects the safety of the patrons but it should be justified by actual use throughout the year not just a peak use once a year or determination based on the population of the county it services. While some courthouses have a justified need for additional courtrooms, some courts will have the same number of courtrooms but will be larger based on formula developed. Is it possible to redesign or expand courtrooms that do not meet the new size requirements?
3. **Physical Condition.** The poor or "substandard" physical conditions occurring in many of the facilities are due to deferred maintenance costs. Can these conditions, including seismic retrofit, be remedied at less cost than new construction?
4. **Access to Court Services.** Improved access to court services for an underserved population is important and can potentially be done within the existing facility. If access to court services needs to be expanded can it be done through existing underutilized space or an addition to the structure?
5. **Economic Opportunity.** Based on the criterion defined in the *Prioritization Methodology for Trial Court Capital Outlay Projects* adopted by the Judicial Council in 2008 "cost savings resulting from adaptive reuse of existing facilities" is identified as an economic opportunity. In many cases this economic opportunity was not evaluated through the initial process, dismissing reuse of many existing facilities as a viable alternative in favor of a new courthouse with no justification or other economic opportunity outlined in the methodology. To understand the costs associated with adaptive reuse, architects, engineers, construction firms with experience in historic preservation should be consulted.

Though not considered, the economic and environmental impacts of constructing new facilities should be evaluated. Decisions being made sometimes in a box, without providing sound economic comparisons of all feasible alternatives, have wide reaching impacts on a community, especially those with strong economic ties to the courthouse in their downtown.

6. **Project status.** CPF recognizes that a lot of time and resources has been expended on all of these projects. All projects should be considered that are still in the preliminary steps not just those identified for reassessment.
9. **Disposition of Existing Court Space or Facility.** While some courthouses are in shared facilities with county governments others are not. When these buildings are vacated many counties are or will struggle with how to use these buildings and where to find the already limited funds to rehabilitate these buildings for an unknown use. If a project is proposed to be vacated, a plan should be in place so the public understands how these buildings will be used in the future other than a large vacant building in their community.
11. **Extent to Which Project Solves a Court's Facilities Problems.** Potentially all problems can be solved when a new courthouse can be built however the better questions is

how can the facilities problems be solved within the existing facility and if not, why? How much? Or what is required in order to do so?

15. **“Outside the Box Thinking”**. All the ideas proposed in the draft criteria under this section, at a minimum, should be evaluated by each court and presented to the Working Group to determine if the scope and costs of the project can be reduced. It is important to use knowledgeable professionals that understand historic buildings to determine the scope and costs of adaptive reuse.

Conclusion

With the number of courthouse replacement projects being proposed, CPF is concerned with the impacts to the historic resources and the historic communities they are located in. Attention must be paid first to the most pressing and immediate safety and accessibility concerns and the deferred maintenance on California's historic legacy.

In the Trial Court Design Standards, under the objectives section, it specifically states that: In order to provide the courts with the most well-located and thoughtfully sited facilities, the design team must consider:

- Effect on the environment: **Selection of sites** requiring reclamation and cleanup, or sites **with historic buildings**, may reduce environmental impact and **serve as successful examples of reuse**.

There are examples of historical buildings where the objectives of providing a secure and functional court facility to meet current requirements are met while meeting the *Secretary of the Interior are Standards for the Treatment of Historic Properties* (Standards). The AOC is in the planning phase for the renovation of the 1911 Old Solano Courthouse in Fairfield (Solano County) as well as rehabilitating and expanding the 1894 Historic Courthouse in Willows (Glenn County), both of which cost less per square feet than a majority of the new courthouses being proposed. We believe the same attention to creative design and sensitivity to historic resources should be applied to all historic courthouses in California.

If you have any questions or comments, please contact Jennifer Gates, Field Services Director for the California Preservation Foundation at jgates@californiapreservation.org or by phone at 415-495-0349 x 204.

Sincerely,



Cindy Heitzman
Executive Director

cc: Milford Wayne Donaldson, State Historic Preservation Officer, California Office of Historic Preservation



Office of the Court Executive
Superior Court of the State of California
County of Kings

TODD H. BARTON
Clerk of Court
and
Jury Commissioner

JEFF LEWIS
Chief Deputy Court
Executive Officer and
Assistant Jury Commissioner

August 14, 2012

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

Dear Justice Hill:

We are writing to you to reaffirm that Kings County is in need of a new courthouse. As your committee has noted, we are one of six projects which is approved for a new courthouse to be built by 2017.

As mentioned to you, the Committee, and the Administrative Office of the Courts, the present court facilities have too many buildings and entrances to properly secure. This is especially of concern because many of our cases involve inmates from the three State Prisons in Kings County. Further, our current facilities are inadequate for juror assembly resulting in mingling of jurors and inmate families and their friends. The parking for the Judiciary is outside and unsecured. The Judiciary must traverse through the public to travel to their chambers and courtrooms. The current facility is also over crowded causing concerns for the judiciary, staff and bailiffs.

Parking for attorneys, their clients, jurors, and litigants are extremely limited. Many of these individuals must park on a side street without any security cameras.

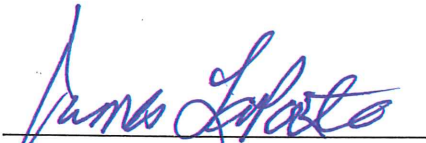
The new building was initially budgeted at \$113,350,000.00 in construction costs. By selecting various value engineering reductions and "shelling out" two courtrooms and associated space for future use we have been able to reduce the construction cost to \$98.7 million. As we finalize the working drawings we will continue to look for further reductions in excess of the minimums promulgated by your committee and the Administrative Office of the Courts. The acquisition of land is completed and ready to begin construction. The AOC and County have executed agreements for the county to construct and link the prisoner tunnel from the county jail to new the court house.

This week we have begun closing the Lemoore courthouse. We will have furniture and staff moved to the Hanford courthouse by September 12, 2012. This move will further overcrowd the current Hanford courts. We are currently using attorney conference rooms for three mediators, court reporters, the Self-Help center, the Family Law Facilitator and bailiffs. In the four court buildings in Hanford there are only four attorney conference rooms. Family Law court is now conducted in the Jury Assembly Room on days where there is no jury and in any open courtroom when available.

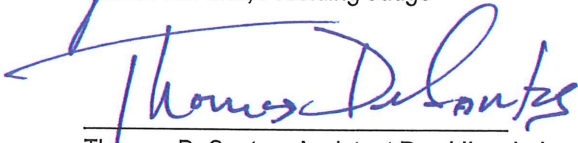
I ask that the Committee, Judicial Council, and the Administrative Office of the Courts keep our project on schedule and properly funded. Kings County needs a new courthouse because of the stated reasons in addition to having an extremely high county unemployment rate.

I thank you and the Judicial Council for your continued support of this immediate need project.

Sincerely,



James LaPorte, Presiding Judge



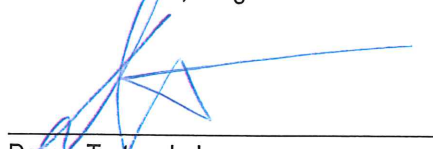
Thomas DeSantos, Assistant Presiding Judge



Steven D. Barnes, Judge



Robert S. Burns, Judge



Donna Tarter, Judge