



Superior Court of California County of Tuolumne

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September 27, 2011

Members of the Court Facilities Working Group:

The Superior Court of California, County of Tuolumne, is included as one of the 41 projects funded by SB 1407 to build a new courthouse for the citizens of Tuolumne County. This project was ranked in the Critical Need priority group of the Trial Court Capital-Outlay Plan that was adopted by the Judicial Council in October 2008.

This project will replace the unsafe and physically deficient court-occupied spaces in the Historic Courthouse, the Washington Street facility, and the leased Jury Assembly Room. These court facilities have significant security problems, many physical problems, and daily deficiencies with Americans with Disabilities Act (ADA) accessibility.

The Historic Courthouse is three stories, with no elevator, and the only access to the upper floors is by way of a wide marble staircase. Several injury claims from slips and falls down the stairs, and one Federal ADA lawsuit that resulted in a Consent Decree for an ADA violation has been filed against the county due to the physical and ADA deficiencies.

The court facilities have significant security problems. There is no in-custody holding. Transportation of prisoners is accomplished by Sheriff's vans parking on the street in front or the side of the courthouses and escorting prisoners through the main public entry and up public stairs and through public corridors. There are substantial security risks by not having dedicated, secured corridors and elevators.

The superior court has been forced to decentralize its operations, requiring an annex facility located two blocks from the main courthouse, and a third location which is a leased suite for jury assembly. None of the facilities completely meets modern operational and security requirements. The fact that these facilities are not consolidated exacerbates their functional problems and prevents the court from operating in a safe and efficient manner.

Any delay in this project would result in denial of clear access to justice for all county residents and negatively impacts overall court operations, in terms of strain on resources, workload, and staff. Operational cost savings will be realized from the consolidation of facilities and the leased Jury Assembly Room will no longer be required once the proposed new courthouse is complete.

There is another significant impact to delaying this project. The County of Tuolumne currently owns the only preferred site selected by the Project Advisory Group (PAG) and the AOC. This land was purchased by the County for a future Law and Justice Center complex that included a new jail, a juvenile detention facility, and the courts. Once the PAG confirmed this as the preferred site, the AOC and the county entered into a Memorandum of Understand (MOU) regarding the purchase of a portion of the County's Law and Justice Center Campus for construction of a new Tuolumne County Courthouse. Two of the major points of the negotiations were the size and location of the parcel for the new courthouse and the price for same. A third key element to discussions regarding the state purchasing property of the site was the availability of all infrastructure (e.g. roadways, water, sewer, power, telephone, etc.) required to support a new courthouse on the property.

The main elements of agreement in the MOU were that a 4.33 acre parcel was proposed to be purchased by the state for the new courthouse; that the purchase price would be \$800,000; that the county was required to complete the infrastructure to the court site before the SPWB would consider approval a final land purchase agreement for the property, with a target date of October 1, 2011; and that the parties agree to act in good faith to secure SPWB approval of a final acquisition package. This is important in that the SPWB is expected to approve the property transaction as negotiated, so long as the infrastructure is completed and both the county and AOC work together to that end.

In order for the court site to be suitable for development and construction of the proposed courthouse, all necessary public and infrastructure improvements had to be constructed and installed as a condition precedent to SPWB authorization for acquisition of the court site. The county advanced the entire cost of the access and utility service to the court site and all infrastructure improvements will be completed by the county by the last week in October.

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The county and the AOC agreed to act in good faith to secure SPWB approval of a final land acquisition package once this was completed. Any delay in the purchase of the court site after the county has completely funded the improvements would severely injure the court and county relationship, and violate the MOU between the AOC and the county.

We urge the Court Facilities Working Group to consider the serious state and local implications in delaying or canceling the critically needed courthouse for the citizens of Tuolumne County, and potentially damaging the well respected relationship between the court, the county, and the community.

Sincerely,

**Superior Court of California
County of Tuolumne**



**Jeanne Caughell
Court Executive Officer**

JC/jb

Court Facilities Working Group Invitation to Comment

Prepared by the Tuolumne Superior Court

Items 1-5: The information requested is the same information provided by courts in response to the original methodology used to prioritize projects as set forth in the Prioritization Methodology for Trial Court Capital-Outlay Projects. Each court's Project Feasibility Report addresses these items in detail and it is highly unlikely that any of those conditions have improved in the areas of security, overcrowding, physical condition, access to court services or economic opportunity.

The Tuolumne court facilities continue to have severe security problems. Court facilities and courtrooms are not secure. Movement of in-custody defendants through public areas of court facilities presents a real risk to public safety. There are no in-custody holding areas. Transportation of prisoners is accomplished by Sheriff's vans parking on the street in front of the courthouses and escorting prisoners through the main public entries and up public stairs and corridors after first clearing the public from those areas thereby halting all public court business until the prisoners have been delivered to the courtroom.

The building is non-compliant with American with Disabilities Act (ADA) standards. There is no elevator in the 3-story building. The lack of a building elevator requires all employees as well as the public to use the steep, hazardous monumental stairway as the only means of vertical transportation. Several employees, members of the public and shackled prisoners have had serious falls resulting in injury.

The historic courthouse does not provide two distinct means of egress as required by current codes. There is a fire escape on the third floor accessed from a window off the corridor. Access requires climbing out the window and onto a platform on the portico roof. That same roof is occupied by multiple air conditioning units. Utilizing the fire escape as a means of egress is marginal at best and unsafe.

A new courthouse would consolidate court operations from three unsafe, overcrowded, and physically deficient facilities in the City of Sonora. Additionally, leased space would no longer be required.

Item 7 - Court Usage:

All five courtrooms located in two facilities have been in continuous use.

7.1 The three-story Historic Courthouse located at 41 W. Yaney has three courtrooms:

Department 1 Hon. Eric L. Du Temple

Department 2 Hon. James A. Boscoe

Department 5 Commissioner Kim Knowles

The Washington Street Courthouse located at 60 N. Washington has two courtrooms:

Department 3 Hon. Donald Segerstrom

Item 8 - Type of Courthouse:

Both the Main historic courthouse and the Washington Street courthouse are located two blocks from each other. A third leased facility for the Jury Assembly Room is situated across the street from the criminal/traffic courthouse.

Item 10 - Consolidation of Facilities:

A new courthouse would consolidate court operations from three unsafe, overcrowded, and physically deficient facilities in the City of Sonora – the Historic courthouse, the Washington Street courthouse, and the leased Jury Assembly Room. This would create operational efficiencies and on-going savings through the consolidation of current court services and through the elimination of a leased facility.

Item 11 – Extent to Which Project Solves a Court’s Facilities Problems:

This court’s facilities problems have been well documented in the Tuolumne Superior Court’s Project Feasibility Report dated September 3, 2009 and there have been no mitigating solutions to the facilities problems since then. In fact, a necessary calendar reassignment to the Washington Street courthouse necessitates further inefficiencies and delays in the movement of files, papers, and calendars from the operational unit to the courtroom several times a day.

Item 12 – Expected Operational Impact:

The cost to operate and maintain a new facility should not be a factor into the ongoing need or change the priority ranking. Due to the severe budget reductions and elimination of adequate reserves this court does not have any viable way to reserve funds for any increased costs related to a new courthouse. This court can reduce costs in the areas of operational efficiencies, eliminate leased space, and consolidate resources and staffing to a single location.

Item 14 – Courtroom and courthouse closures:

The Tuolumne Superior Court has not closed any courthouse or courtroom, but have further reduced clerk counter hours of operation this fiscal year.