



SUPERIOR COURT OF CALIFORNIA  
COUNTY OF KERN

MEMORANDUM

Terry McNally  
Court Executive Officer

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**DATE:** September 23, 2011.

**TO:** Justice Brad Hill  
Chair, Facilities Working Committee

Mr. Lee Willoughby  
Director, OCCM

**CC:** Judge Michael Bush  
Presiding

**FROM:** Terry McNally  
Court Executive Officer

**RE:** Options for Facilities Projects (SB 1407)

Per your request, the following is the Kern County Superior Court concerning projects currently on the list for SB 1407 money. Two projects in Kern, Delano and Mojave, are on the list of 41 projects that are being considered by the Committee for future development.

- I. **DELANO:** This Kern project, based on our understanding of the proposed options, should be on the list of projects to move forward. Options 1 or 2 (pages 1 & 2, Attachment B) provided by staff, indicate that the project will cost \$721,000 to purchase one of two sites already recommended by the local PAG and approved by the SWB for acquisition and \$1,510,000 for preliminary plans.
  - A. Justification. The PAG, the Court and the OCCM have completed their due diligence in the site selection process and the initial design programming has already been initiated. As such, completing the purchase and moving on to the development of the preliminary plans could be completed with minimal delay and expense. However, a delay in the purchase of the property could result in the loss of prospective optimum sites in this fast growing community and increased costs for acquisition and planning.

- This facility will serve a community, Delano, which is one of the fastest growing in the State of California. This growth is due to the two State Prisons that have been constructed and are in operation in the Delano area. The current regional court facility has been overwhelmed by the demand for court services by the growing community and the increased number of cases that are coming from the prisons. Delano lacks the necessary holding cell capacity to appropriately segregate the inmates, some of which are the most dangerous inmates in California. As such, the prisons are required to transport many of their inmates to the Metro Bakersfield Court facility, which increases costs and raises increased security concerns.
- The new facility will accommodate the growth in the Community and address the security and segregation requirements for these high-risk inmates. Further, the prisons in the Delano area, based on a report from CDCR, are part of the select few in California scheduled for capital expansion even with the AB 109 realignment. Thus, demands for court services and the concerns about security will only grow in the near future. An expanded regional facility will help, in the end, the State and Court to minimize inmate transportation costs, improve the efficient use of security personnel, reduce the risk resulting from a security breach, and accommodate the future growth of the community with the allocation of an approved, but unfunded, new judicial position planned for Delano.

II. **MOJAVE:** This Kern project, based on our understanding of the proposed options, should be allocated sufficient funds to complete both the site selection and site acquisition. This would complete the site acquisition phase as described on page four. Staff projects that the cost to complete phase 1 of the site selection process will be \$889,000 for designating the two top sites (already completed by the PAG) and submitting the two recommended sites to the SPWB for approval to move forward on site acquisition.

A. Justification. The PAG, the Court and the OCCM have completed their due diligence in the site selection process. OCCM staff has continued to work on the submission to the SPWB and will be ready to submit the request to the SPWB at its next meeting.

- Much like its counterpart, the Mojave facility serves a prison and, because of its central location in the high desert, an active crossroads of commerce and transportation. The current court holding cell capacity also serves as a Sheriff's substation and again restricts the type of inmate cases currently held at the location. This necessitates an even longer trip down a steep mountain highway to deliver inmates to the metro Bakersfield Court facility. The transport of inmates to downtown Bakersfield increases transportation costs, increases the need for both state and county security personnel, and heightens the potential for a security breach due to an accident.
- Additionally, the summary of the Mojave site is inaccurate. The two sites recommended by the PAG have economic opportunities that should be considered. One, the Mojave Airport has offered to sell land to the OCCM/AOC adjacent to the current court location. It is our understanding

that Airport District is favorably disposed to selling the property at this time. However, as you may know, this area is anticipating rapid expansion due to it being the center of private space exploration efforts in the U.S. Delaying the purchase of the site may result in the interest of the Airport wanting, as they consider future expansion plans. The owner of the other site recommended by the PAG, according to the OCCM representative, has offered to donate the property. Again, as other opportunities improve due to the future plans of the Airport, there is potential that this offer will not be available in the face of significant delays.

In conclusion, if the Committee does not consider the purchase of the Mojave site, OCCM and the AOC should be encouraged to ask the SPWB to expand the site approval time constraints from two to four years given the sweep of facilities funding. The extension of the deadlines would eliminate the cost and staff time necessary to re-submit these site proposals to the SPWB, once approved, due to no fault of the judicial branch.