

Williams, Rhonda

From: Kennelly, John
Sent: Wednesday, September 14, 2011 1:11 PM
To: OCCMCOMMENTS
Cc: Hill, Brad; Kirby, Lee
Subject: Downieville Courthouse

Justice Hill:

This is in response to your request for input relating to the Court Facilities Working Group. In reference to the Downieville project, Sierra Superior Court incorporates our correspondence of July 15, 2011 and August 1, 2011, as well as our recent conference call in which you participated, as the necessary information for your group to use in your consideration of the Downieville project.

We have received a letter from Acting Director Overholt, dated August 24, 2011, following up our conference call. Please let me know if you need to be provided a copy of Mr. Overholt's letter.

If there is any other information or input you would like from our court please let me know.

Thank you for your consideration of our project.

Hon. John P. Kennelly
Presiding Judge
johnkennelly@sierracourt.org

Sierra Superior Court
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Copy to Re



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In and for the County of Sierra**

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John P. Kennelly
PRESIDING JUDGE

Lee E. Kirby
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Charles H. Ervin
ASST. PRESIDING JUDGE

July 15, 2011

William C. Vickrey, Administrative Director of the Courts
Ronald G. Overholt, AOC Chief Deputy Director
Judicial Council of California, Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, CA 94102-3688

Dear Director Vickrey and Chief Deputy Director Overholt:

Sierra and Plumas Superior Courts have developed a proposal for your consideration addressing the critical importance of preserving services at our shared regional courthouse along with a significant budgetary scale back of Sierra's new Downieville courthouse project. Our proposal is as follows:

BACKGROUND

The Superior Court of California, County of Sierra courthouse, located in Downieville, is identified by the state as being a "critical need" project based on security, accessibility and structural considerations. This courthouse is in a shared-use facility that is not ADA compliant and lacks security screening. In-custody defendants must walk through public areas to get to the one holding cell. It does not meet modern operational standards.

The courthouse is approximately 4,000 square feet. A new 15,000 square foot courthouse is being funded through Senate Bill 1407 and is currently in the site acquisition phase. The new courthouse will include one full-size courtroom, separate circulation for in-custody defendants, staff and the public, secure holding areas,

areas, adequate space for jury assembly, a deliberation room, a self-help center, family court mediation, a children's waiting room and attorney-client meeting rooms.

Concern has been expressed regarding the cost of the project, which is estimated at \$23,145,000, including the cost to acquire the site. Up to this point it has been difficult to identify sites.

Downieville is located in a canyon at the confluence of the Downie and North Yuba Rivers, with a population of approximately 300 people. It has limited land to build on and would probably require extensive engineering due to the topography. There are no identified vacant parcels for acquisition; the current site being looked at would require the purchase of at least three homes and the homes would have to be demolished.

This potentially could cause even more concern than already expressed in light of the historical nature of Downieville and its buildings. In addition, it is unknown if the owners of these homes are even willing to sell.

The Judicial Council asked the AOC to re-examine the project scope and upon further consideration it was determined that the square footage could be reduced to between 8,000 to 9,500 square feet. This revised scope will still allow for a facility that is safe, ADA compliant, functional for today's business needs, and will meet the long-term needs of the community. A revised project cost has not yet been identified.

PLUMAS-SIERRA REGIONAL COURTHOUSE

Sierra Superior Court also uses a multi jurisdictional courthouse, located in Portola, Plumas County, that serves the citizens residing in the eastern portions of both counties. This area is generally known as the Sierra Valley and the county line between both counties is basically in the middle of Sierra Valley. Culturally and historically the counties share much in common in Sierra Valley.

Both communities have embraced this courthouse and the services it provides to the Sierra Valley. It has proven to be a good concept for the judicial branch in providing access to justice for both counties in the Sierra Valley.

This 6,500 square foot courthouse was completed in November, 2009 at a cost of \$6,496,000 and is the first trial court project to be fully financed and managed from start to finish by the AOC. The courthouse contains one full-size courtroom, separate circulation patterns for staff and the public, a private office for mediations and a jury deliberation room.

Approximately two-thirds of the population base of Sierra County is located east of the Yuba Pass. The Sierra Valley continues to expand as a "bedroom community" for Reno and Truckee.

This geographical area of California can receive significant snowfall during the winter months and the roads from this area to either Downieville (Sierra Superior Court) or Quincy (Plumas Superior Court) are impassable as a result. For example, separating Downieville (elevation 2,900 feet) from the Sierra Valley (elevation 5,000 feet) is Yuba

Pass, which is at an elevation of 6,701 feet. The regional courthouse provides greater access to justice for citizens located in the eastern portion of both counties.

The court hears traffic matters for both Plumas and Sierra courts from this courthouse. In fiscal year 2011-2012 the Plumas Superior Court will initiate a self-help pilot program for family law and family support cases. The self-help pilot program will allow litigants to file family law and family support documents at the regional courthouse in lieu of driving over 35 miles to the Quincy courthouse or 55 miles to the Downieville courthouse.

The regional courthouse is currently staffed with two court clerks employed by the Plumas Superior Court. Funding for one-half of a position has been provided by the AOC for fiscal years 2009-2010, 2010-2011 and through December 31, 2011, with Plumas Superior Court using its reserves for the remaining funding of the position.

However, there is no guarantee that funding from the AOC will continue beyond December 31, 2011 and the Plumas Superior Court has insufficient reserves to continue funding the position. Currently, Sierra Superior Court has six allocated positions, four of them are filled and two are vacant due to budget constraints.

Therefore, Sierra Superior Court does not have available resources that can be shifted to the regional courthouse to assist Plumas Superior Court. As a result, there would only be one court clerk at the new regional courthouse which creates the following issues:

- Supervision and security issues when there is only one clerk working alone in a courthouse.

- The possibility of closing the courthouse if the court clerk calls in sick and there is no court clerk that can travel the 35 miles from Quincy to Portola. Additionally, depending on the weather conditions it may be impossible for an employee to travel from Quincy to Portola even if one is available in Quincy.

- The courthouse must be closed for a one hour lunch break, two mandated 15-minute rest breaks, and daily trips to the bank to make deposits. Under Government Code section 68106, the court must notify the public and the Judicial Council regarding its proposed reduction in service hours. The reduction in service hours will be inconvenient for the public since the court will be closed multiple times throughout the day; the public perception of this will not be positive.

- The potential for sexual harassment issues with only one female court clerk and one male security officer assigned to the courthouse may exist.

- The most severe outcome could be a request from Plumas and Sierra Superior Courts to close the regional courthouse due to budgetary constraints. From a public perspective this will not reflect well for the judicial branch and the efficient use of our resources given the fact that over \$6 million was spent to construct the courthouse in 2009.

PROPOSAL

The Sierra Superior Court needs a new courthouse that is functional for today's business needs, is ADA compliant, provides the necessary security for staff and the public, and meets the long-term needs of the community. However, the court is also cognizant of the community concerns regarding the cost of a new courthouse and the current fiscal crisis facing the State of California and the judicial branch.

Therefore, the court is amenable to a different approach regarding a new courthouse. The court proposes a two-pronged approach that should be considered as one proposal and not to be bi-furcated.

A. Sierra Superior Court proposes renovating the current courthouse space. This proposal consists of the following:

1. The current courthouse space would be gutted and renovated to provide for ADA compliance, making the environment safe for the staff and public, providing functionality for today's business needs, and as a result meeting the long-term needs for the community.
2. There is sufficient space around the current courthouse to allow for a modular building(s) to temporarily house court operations during the renovation.
3. There are sufficient trades' personnel available to work on the renovation and it is highly recommended that the AOC utilize the local contractors. This requirement will address a community concern about non-local workers being utilized on the construction of a new courthouse and will provide good will in the community.
4. This proposal will save the State of California millions of dollars and will be an economical solution to remedy the issue of an inadequate courthouse for today's environment.

B. The Superior Courts of Plumas and Sierra counties propose allowing all civil case types to be heard at the regional courthouse. Given the fact that the population base is significant in the eastern part of both counties, this solution will provide for greater access to justice for those residents. The courts propose the following:

1. The AOC will provide permanent and on-going funding for one full-time position to be located at the regional courthouse and be employed by Plumas Superior Court, in addition to the current full-time clerk employed by Plumas Superior Court. These two clerks will be cross-deputized to act as clerks for both courts.
2. Sierra Superior Court sub-leases a facility in the city of Loyalton to conduct family law mediation services one day a month for residents that reside in the eastern portion of the county; all other mediation services are conducted at the Downieville courthouse. The court proposes transferring mediation services from the Loyalton facility to the regional courthouse, which will result in the court vacating the Loyalton facility. This will allow the court to increase the amount of mediation services offered in the eastern portion of the county since a larger percentage of

filings occur from residents in that portion of the county. It should also be noted that the Loyaltan facility does not provide the same security that the regional courthouse provides.

3. The Sierra Superior Court would also expand its small claims mediation and advising services to the regional courthouse to provide access to these services for residents on the eastern side of the county where a majority of its small claims filings generated. During inclement weather, residents from this area are unable to travel to Downieville, consequently they do not have access to small claims mediation and advising services. Currently, these services are only provided at the Downieville location.
4. This proposal addresses the concerns and issues related to the lack of resources at the Regional Courthouse that are identified in this document.

CONCLUSION

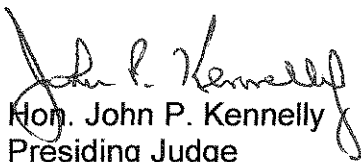
A new courthouse for Sierra Superior Court has been identified as a "critical need" project and Sierra Superior Court acknowledges the need for a new court facility that is safe for staff and the public, is ADA compliant, functional for today's business needs and will meet the long-term needs of the community.


To maintain the vision of this courthouse as presented to the citizens of both counties, it is imperative that the judicial branch take every necessary step possible to ensure the long-standing viability of the regional courthouse.

The court is aware of the severe fiscal crisis facing the State of California and the judicial branch. This proposal will save the state a significant amount of money that can be directed to other "critical need" projects while preserving the continued use of the recently opened regional courthouse. This proposal also provides both courts with sufficient flexibility to ensure access to justice for its respective communities.

Thank you for considering this proposal.

Sincerely,


Hon. John P. Kennelly
Presiding Judge
Sierra Superior Court


Hon. Janet Hilde
Presiding Judge
Plumas Superior Court

cc: Jodie Patel, Regional Director
Northern/Central Regional Office



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John P. Kennelly
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August 1, 2011

Ronald G. Overholt, Acting Administrative Director of the Courts
Judicial Council of California, Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, CA 94102-3688

Director Overholt:

Congratulations on your recent appointment as Acting Administrative Director. Sierra Superior Court wishes you the best of luck in your new position.

This is a follow-up letter to the letter we sent to you and Director Vickrey on July 15, 2011. In our July 15 letter we outlined a proposal to address the issues of a new courthouse in Downieville and making sure the Plumas-Sierra Regional Court would continue to remain open and operating in light of the recent budget reductions the Judicial Branch must absorb.

Since we sent you that letter some new information has come to light that cause Sierra Court to augment its previous proposal with a request that you continue to consider the building of a scaled down new courthouse as an option as well.

I had the opportunity to speak with Judge Pangman, our previous Presiding Judge, about the challenges of attempting to refurbish the current courthouse building. He had previously looked into retrofitting the current building and came to the conclusion that, although an option, the cost of a retrofit might be at least as expensive, if not more expensive, than just starting from scratch and building a new courthouse.

In addition, a potential new site has recently been identified for the building of a new courthouse. Prior to this new site being identified, there had been a lot of resistance from the county and the residents of Downieville to the other sites proposed.

We now have the support of the county for the building of a courthouse for the first time. We are also confident that the residents of Downieville will support the new site as well.

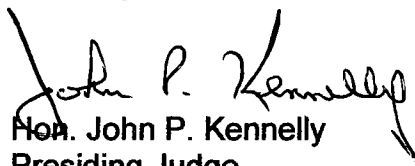
In sum, Sierra Superior Court requests that, in addition to our previous proposal, the option of building a scaled back new courthouse that meets the long term needs of Sierra County remain available.

It would seem entirely possible that the cost of building a new, scaled back courthouse might cost the same as attempting to retrofit the current courthouse. Perhaps a cost analysis of these two options can be done so that an informed decision can be made to determine which option is best.

This second option continues the goal of Sierra Superior Court to be responsive to the fiscal crisis facing the Judicial Branch and yet be able to provide access to justice for the entire population of Sierra County.

Thank you for considering this additional option. We are happy to discuss these options and their potential ramifications with you, Justice Hill and Jodie Patel as you may see fit.

Sincerely,



Hon. John P. Kennelly
Presiding Judge
Sierra Superior Court

cc: Justice Brad R. Hill
Fifth District Court of Appeal
Chairperson-Court Facilities Working Group

Jodie Patel, Regional Director
Northern/Central Regional Office



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TANI CANTIL-SAKAUYE
Chief Justice of California
Chair of the Judicial Council

WILLIAM C. VICKREY
Administrative Director of the Courts

RONALD G. OVERHOLT
Chief Deputy Director

August 24, 2011

Hon. John P. Kennelly
Presiding Judge of the Superior Court of California,
County of Sierra
100 Courthouse Square
Downieville, California 95936

Dear Presiding Judge Kennelly:

Thank you for your letters dated July 15 and August 1, 2011, regarding the new Downieville courthouse project in Sierra County.

As we discussed on Tuesday, August 16, 2011, the option of renovating the existing courthouse building has been considered in the past. However, this option was determined to be unfeasible for many reasons:

- The state does not hold the title to the building.
- The court occupies only 29 percent of the building; the remaining 71 percent is occupied by Sierra County. A renovation would trigger the need for upgrades to the entire building, such as ADA compliance, possible seismic upgrades, and upgrades to certain building systems. The use of state funds for county benefit could be problematic.
- The court would require additional space within the building to achieve the project's objectives, and whether the county would be willing to give up its space is unclear.
- Temporary facilities would be necessary to house the court, and possibly the county, during the renovation work, adding cost to the project.

Hon. John P. Kennelly

August 24, 2011

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Previously, the county and community were not in favor of building a new courthouse. However, in recent months, an acceptable site has been identified that is supported by the county, and both the court and the Administrative Office of the Courts (AOC) have acknowledged that the size of the project can be scaled down. The AOC is currently targeting a building that is about 8,000–9,500 square feet, at a cost that is roughly half of the original budget.

As a result of our August 16 discussion, we agree that the AOC will continue with its site acquisition efforts, including meeting with the court to revise the program requirements to reflect the reduced project size. The option of renovation will be tabled for now, although the Court Facilities Working Group may request additional study of this option at a later date.

Thank you again for your continued support of our capital building program and your flexibility in finding creative solutions that will benefit the court and the Sierra County community. If you have additional questions related to the site selection and acquisition process for this project, please contact Ms. Eunice Calvert-Banks, Real Estate Manager, AOC Office of Court Construction and Management (OCCM), at 415-865-4048 or eunice.calvert-banks@jud.ca.gov.

Sincerely,



Ronald G. Overholt
Chief Deputy Director

RGO/LW/dc

cc: Hon. Janet Hilde, Presiding Judge, Superior Court of Plumas County
Ms. Jody Patel, Regional Administrative Director, AOC Northern/Central Regional Office
Mr. Curtis L. Child, Director, AOC Office of Governmental Affairs
Mr. Lee Willoughby, Director, AOC OCCM
Mr. Robert Emerson, Assistant Director, AOC OCCM
Mr. Burt Hirschfeld, Assistant Director, AOC OCCM
Mr. S. Ernest Swickard, Assistant Director, AOC OCCM
Ms. Eunice Calvert-Banks, Manager, AOC OCCM
Mr. Robert Uvalle, Manager, AOC OCCM