Lake County Superior Court

Mendocino County Superior Court

Sonoma County Superior Court

California Courthouse Construction Funding Challenges

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Further Delay In Replacing Immediate and Critical Need Courthouses in Lake, Mendocino, and Sonoma County

Summary

It is requested that courthouse construction funding be restored; both ongoing and replacement of the amounts previously diverted. We owe it to every Californian to build the courthouses they have already paid for.

In 2009, legislation established a capital program authorizing the construction or renovation of 41 courthouses in 34 counties within the state. Construction is financed through lease revenue bonds supported by court filing fees, penalties, and assessments. These projects replace courthouses deemed to have critical problems: security, safety, physical deterioration, and overcrowding.

Work has proceeded, in various stages, on 23 of the most critical courthouse projects. However, approximately $1.4 billion was taken from the court construction fund in recent years. As a result of this "redirection", and in conjunction with decreased revenues from fees, penalties, and assessments, the fund balance has been reduced to the point that these critical projects cannot proceed.

By statute, the "total bonded indebtedness shall not exceed that amount for which fine and fee revenues may fully satisfy the debt service." Government Code §70371.5(d). Therefore, due to the low construction fund balance and decreased revenue projections, critical courthouse projects have been restricted from proceeding beyond their individual existing stages. Courthouse construction has been stalled pending restoration of funding.

The State's Responsibility for Courthouses

The Lockyer-Isenberg Trial Court Funding Act (SB 1732, and related legislation) provides that court operations are to be funded by the state rather than primarily by the counties. The legislative act included the finding that equal access to justice is a key underpinning of our society and the rule of law.

Legislation for Construction Funding

Under the Lockyer-Isenberg Trial Court Funding Act, responsibility for each court facility was generally transferred from the counties to the state. Further, the legislative intent was that the money collected for court facilities construction, through filing fee surcharges and the State Construction Penalty Assessment as deposited in the State Court Facilities Construction Fund, should be dedicated to the capital facilities construction needs of the judicial branch.

Under Government Code § 70371, the State Court Facilities Construction Fund was established. The statute provides that the funds generated "are intended to further reasonable access to the courts and judicial process throughout the state for all parties."

The passage of Senate Bill (SB) 1407 (Perata; Stats. 2008, ch. 311) created a revenue stream from court fees, penalties, and assessments to finance up to $5 billion in bonds to build or renovate courthouses. SB 1407 ensured that these projects would be paid for from within the judicial branch rather than drawing on the state's general fund. As part of this legislation, the Immediate and Critical Needs Account ("ICNA") was established.

Unfortunately, since 2009 approximately $1.4 billion in SB 1407 funds have been redirected, borrowed, shifted, and transferred from the Immediate and Critical Needs Account. And, of the $250 million of annual funds in the construction account—$110 million (almost 45 percent)—have been permanently redirected to other state purposes. These other state purposes were never part of the original plan to replace the most immediate and critical need courthouses.

As a result of the redirection of SB 1407 construction funds, over the years the Judicial Council has managed the courthouse construction program by delaying the design and construction starts for many projects, canceling two courthouse projects, reducing the budgets on all other projects, and indefinitely delaying 11 projects. However, in addition to the redirection of SB 1407 funds, decreases in court filings, fines, and fees—as well as the ongoing traffic amnesty program—have led to a dramatic decline in fund revenue throughout the state. Consequently, the judicial branch no longer has sufficient funding to complete the majority of the courthouse projects, including those which are most critical.

Efficiency of Courthouse Projects

The judicial branch has successfully constructed 19 courthouses under the existing statutory authority. However, in response to the redirection of ICNA funds and revenue shortfalls, the Judicial Council modified the design of current and future courthouses in order to adapt to these funding challenges. To achieve overall program savings, construction projects were scrutinized and required to engage in value engineering. These efforts have resulted in modifications to reduce square footage, undertaking renovations instead of new construction when cost-effective, and using lower cost construction materials where appropriate. The design process has evolved into an ongoing review and evaluation process to identify cost reduction opportunities. For example, this evaluation process has resulted in the adoption of 38 courtroom design templates and holding cell standards as a means to reduce project costs.

The Judicial Council created the Court Facility Advisory Committee to continuously evaluate construction policy and standards for each project. The Courthouse Cost Reduction Subcommittee was created to evaluate specific projects and advise as to necessary modifications to effectuate cost reductions. Through the evaluation of this advisory committee, significant cost savings were achieved through required design modifications.

Courthouse Construction on Hold

Due to the substantial diversion of funds from the ICNA Fund, most projects are on hold. In response to the lack of funding, the Judicial Council instituted the following:

- Six courthouses actively in construction will continue to completion;
- Four courthouses will continue with due diligence (one to complete site acquisition), and then hold;
- Seven courthouses will complete the current phase of design, and then hold;
- Six courthouses are to obtain final approvals, and then hold.

Critical Courthouse Issues

The most critical need courthouses have severe security, seismic, ADA, space and other deficiencies. The existing courthouses are not providing the public and all court users with safe and secure places to access justice. Tens of thousands of Californians visit our courthouses on a daily basis. Each day, the public faces the critical safety and access issues which the new construction projects were meant to prevent. The issues confronting the 23 most critical need courthouses include:

- **Seismic Hazards:** As required by the Trial Court Facilities Act, and in connection with the transfer of courthouse facilities to the state, an assessment was performed to evaluate the seismic performance of each court building. The analysis considered acceptable levels of risk to life and safety.

  Seismic performance is defined as the expected response of or damage to a structure for a given earthquake shaking intensity. The courthouses comprising the critical category have been rated Risk Level V: substantial risk to life; substantial structural damage with likely partial collapse.

  For example, geologic ground shaking studies of the Santa Rosa region indicate that the Hall of Justice is located in an area expected to result in the "most significant" violent shaking in a seismic event, resulting in serious damage. Lake County 's and Mendocino County's existing courthouses are also located on or near fault lines. These courthouses were constructed without the seismic engineering incorporated into more modern buildings.

Additionally, the Santa Rosa Hall of Justice is located near the San Andreas Fault; the Rodgers Creek Fault; the Healdsburg Fault; and the Mayacamas Fault. U.S.G.S. studies predict a 63% chance of earthquake with a magnitude of 6.7 or greater in our region by 2032. The Konocti Bay and San Andreas faults cross Lake County and Mendocino County is located within the Mendocino Triple Junction fault.

- **Unsafe In-custody Movement:** In the Mendocino County courthouse, as with many other courthouses in this category, defendants are transported from the street entrance to various courtrooms throughout the courthouse. Defendants are escorted through the same hallways as family members of defendants; visitors; family members of victims; and, court staff.

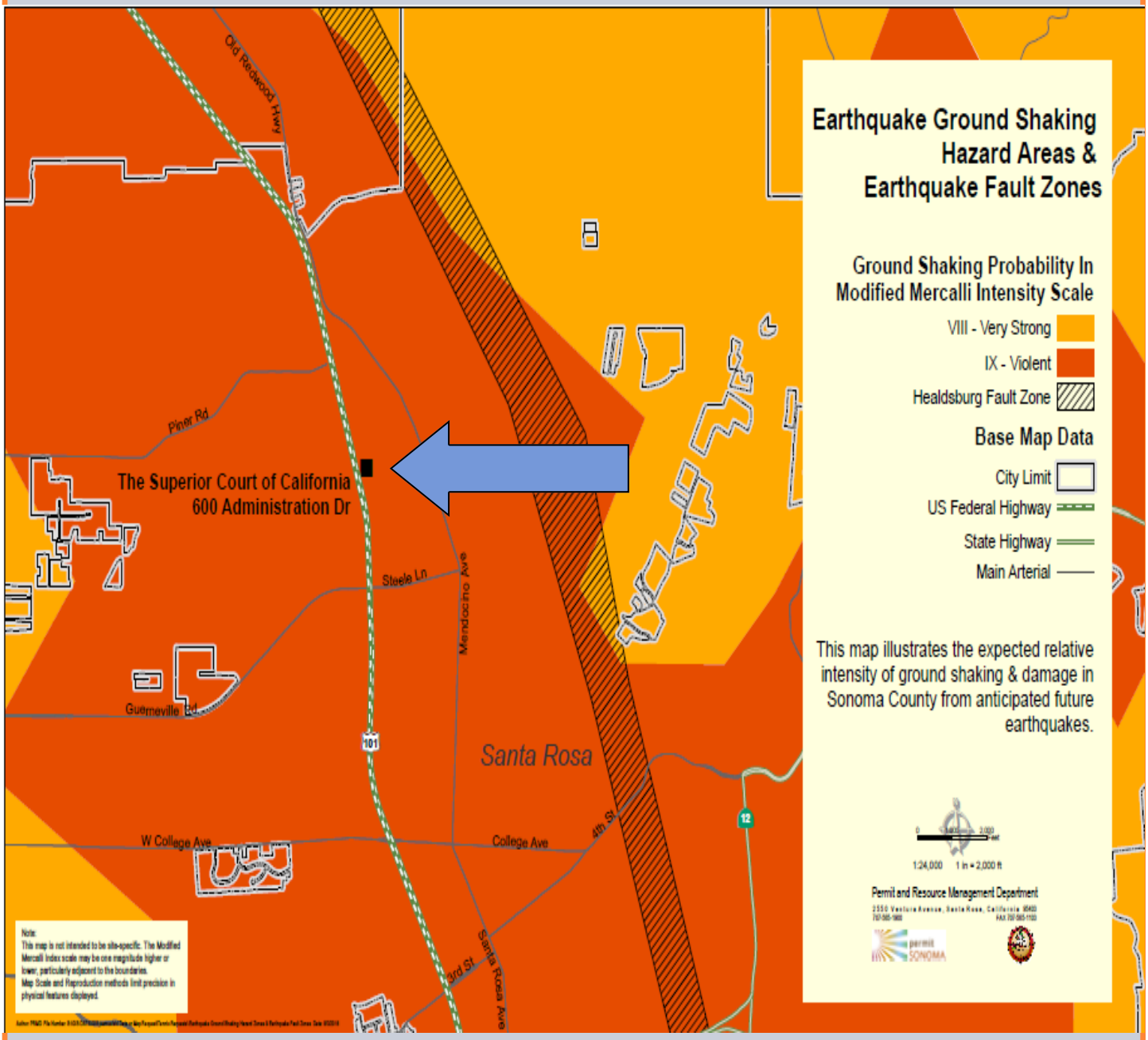
- **Overcrowding of Courthouses:** In Lake County, staff have desks in the courthouse hallways and closets; jurors stand crowded with lawyers in hallways; and, inmates are escorted past court users and staff. The courthouse in Lake County is in danger of collapsing.

- **ADA/Access Issues:** In Mendocino County, courthouse elevators disembark between the courtroom floors, requiring court visitors (and in-custody defendants) to use stairways to reach the courtrooms.

- **Significant Existing Structural Deficiencies:** Existing courthouses are dilapidated; have antiquated and often inoperable HVAC and related facilities; have elevators (where existing that are no longer repairable) have infestation which is incapable of eradicating; have aged plumbing which continuously fails; and, which do not maintain structural integrity.

- **Lost Investment and Community Improvement Opportunities by Public and Private Stakeholders:** Significant investment in tens of millions of dollars has been made by local government and other community stakeholders in our three counties. This direct investment of public and private funds, and related development opportunities anticipated from the courthouse projects, may be lost due to delays arising from the courthouse construction funding limitations.

LEVEL 5 SEISMIC RISK



The Hall of Justice in Sonoma County is located within the highest earthquake ground shaking hazard area and earthquake zones highlighted by the color orange as "violent" U.S.G.S. studies predict a 63% chance of an earthquake with a magnitude of 6.7 or greater occurring in our region by 2032. Neighboring Lake and Mendocino counties are also surrounded by active faults, including Konocti Bay Fault and Mendocino Triple Junction Fault (an earthquake with a 7.2 magnitude occurred in 1992). (Sonoma faults: San Andreas, Rogers Creek, Healdsburg, and Mayacamas)

SONOMA COUNTY HALL OF JUSTICE

IN-CUSTODY DEFENDANTS TRANSPORTED THROUGH PUBLIC AND STAFF AREAS

Left-The Sheriff's Court Security Deputies transport in-custody defendants handcuffed and in wheelchairs from the second floor of the Main Adult Detention Facility. The inmates (male and female) are escorted through public corridors where jurors, attorneys, witnesses, members of the public, and victims and their families assemble before court sessions.

Below-Inmates transported within staff and Judicial areas.

SONOMA COUNTY HALL OF JUSTICE

IN-CUSTODY DEFENDANTS TRANSPORTED THROUGH PUBLIC AND STAFF AREAS

Inmates have to be transported through the Dependency Clerk's Office area to get to the dependency courtroom.

Inmates transported in handcuffs through public halls where witnesses, victims, jurors, and family members assemble waiting for their court hearing or family law mediation session.

SONOMA COUNTY HALL OF JUSTICE

CROWDED AND INEFFICIENT SPACE THROUGHOUT COURT FACILITIES

Members of the public, jurors, and attorneys wait in line to enter the north entrance of the weapons screening station at HOJ.

Members of the community arrive early to wait in line to take care of their traffic citation or attend their walk-in traffic court arraignment.

SONOMA COUNTY HALL OF JUSTICE

CROWDED AND INEFFICIENT SPACE THROUGHOUT COURT FACILITIES

Facility Challenges- Overcrowding in Jury Assembly Room.

Often the Jury Assembly Room exceeds it's seating maximum capacity when jury panels are summoned.

SONOMA COUNTY HALL OF JUSTICE

SECURITY RISK ON FIRST AND SECOND FLOORS

Left–Public enters at the first floor without going through weapons screening. This open floor plan leads to a courtyard and access to all clerk's offices (civil, administration, traffic, collections, records, and criminal).

Below-Inmate movement is easily monitored from the first floor. Security risk of sniper shooting.

SONOMA COUNTY HALL OF JUSTICE

FACILITY CHALLENGES — STORAGE

Cramped file stacks present a hazard to employees.

Offices and work stations used as impromptu storage can impede walkways.

SONOMA COUNTY HALL OF JUSTICE

BUILDING DETERIORATION

This Joint Occupancy Courthouse has deteriorated since the Court Facilities Act. Entrance shows peeling paint, water damage, and unkempt landscape.

SONOMA COUNTY HALL OF JUSTICE -ACCOUNTING DIVISION MODULAR TRAILER

Accounting Division housed in a modular trailer. The Court relocated the Probate Investigator Unit to HOJ when the County demolished the old jail. To make room, the court and county agreed to the installation of a temporary modular office. The trailer serves as an accounting and finance office. Security is lacking. The trailer requires constant repairs to address water leaks, insect and rodent infestation. The trailer is adjacent to unsightly garbage dumpsters and a noisy 101 freeway.

SONOMA COUNTY HALL OF JUSTICE

RECURRING TERMITE INFESTATION

Every year during early Spring, colonies of termites from adjacent oak trees find their way to nests created under the courthouse's slab and into electrical conduits and cracks.

Mounds of termite feces must be cleaned regularly from office carpeted floors near civil clerk's office on the first floor.

SONOMA COUNTY HALL OF JUSTICE

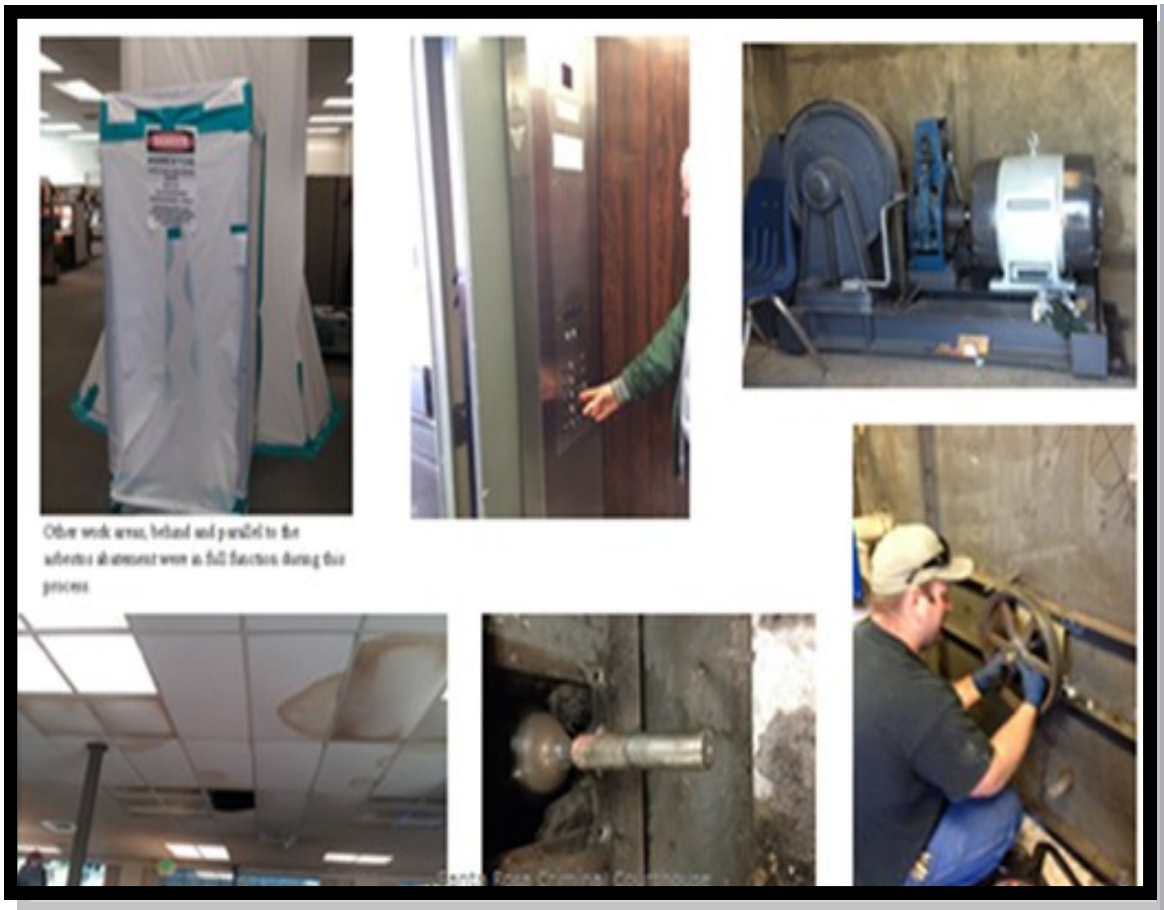
RECURRING TERMITE INFESTATION

Electrical conduit infested with termites near court administration and facilities management offices.

Recurring and disgusting termite infestation.

SONOMA COUNTY HALL OF JUSTICE

DETERIORATING/OBSOLETE EQUIPMENT



Window ledges throughout the second floor have accumulated dirt, debris and bird droppings.

HOJ is deteriorating rapidly. One elevator is beyond repair and parts are no longer available and must be manufactured. Water leaks during the rainy season are more frequent. The HVAC system is obsolete and constantly in a state of disrepair. Frequent complaints are received from jurors, staff, judges, and members of the public regarding building's temperature.

Water damage from leaking or broken sewage and water pipes has occurred in the last two years. Asbestos abatement was required.

SONOMA COUNTY HALL OF JUSTICE

DEMOLITION OF THE OLD JAIL

Sonoma County has spent $3.48 million to demolish the old jail and make site improvements per the Court's agreement with the State and in preparation for construction.

Construction site remains vacant.

SONOMA COUNTY HALL OF JUSTICE

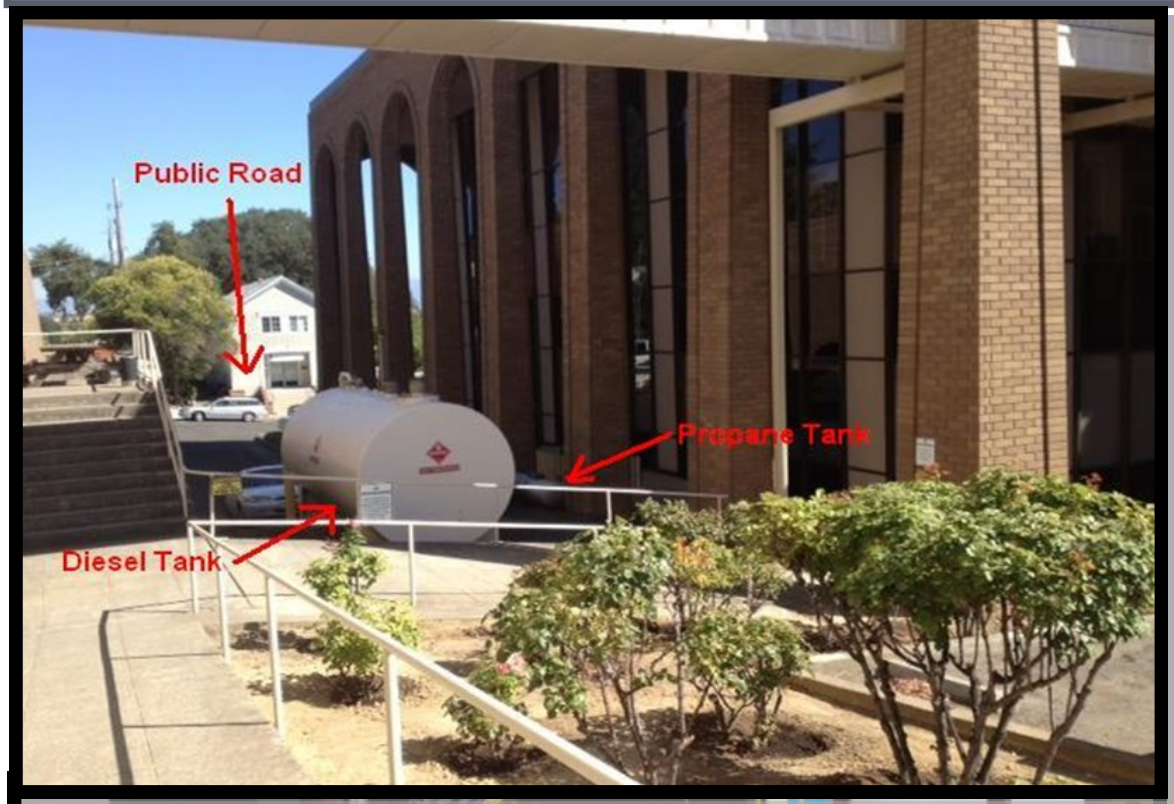
RELOCATION AND CONSTRUCTION OF SONOMA COUNTY FLEET OPERATIONS

Relocation and Construction of a new Sonoma County Fleet Operations Facility cost $9.8 million.

In addition to the expenditures of $9.8 million to construct and relocate County Services from property purchased by the State, County has budgeted almost $13 million for the construction of an inmate connector between the main jail and the new Courthouse.

LAKE COUNTY SUPERIOR COURT

DETERIORATING/UNSAFE CONDITIONS



The proximity of this diesel and propane tank to the courthouse poses a grave risk. An earthquake or a vehicle accidentally or intentionally crashing into this tank could be devastating.

Physical deterioration and seismic conditions are evidenced by the unlevel floors. The floor in this office slopes over 1 inch in a 6 foot span.

LAKE COUNTY SUPERIOR COURT

OVERCROWDING

Hallways leading to the courtrooms are always crowded with jurors, attorneys, witnesses, victims, and defendants.

Without a jury assembly room, there is not adequate seating for jurors or members of the public. In-custody defendants are transported through these same public hallways.

LAKE COUNTY SUPERIOR COURT

INADEQUATE OFFICE SPACE

Crowded conditions has led to utilizing every available inch for staff work space. In this narrow, zig-zag hallway there are three staff workstations.

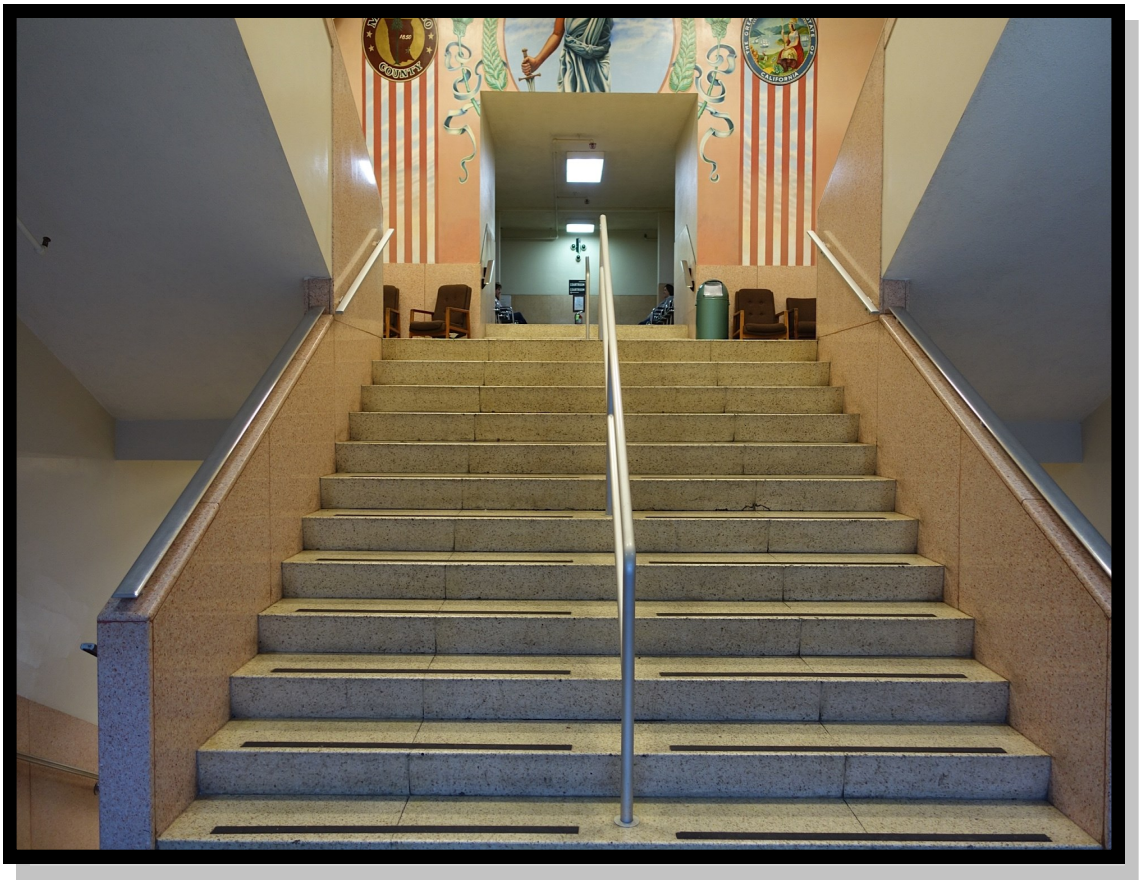
Due to lack of office space, court has resorted to converting closets to court support staff offices.

This is the main entrance to the clerk's office. Due to lack of office space, staff must utilize hallways from storage of files and supplies.

MENDOCINO COUNTY SUPERIOR COURT

ACCESSABILITY ISSUES

The elevator stops between floors and does not take ADA users, staff or others to the courtrooms.



These stairs present challenges and barriers for individuals with disabilities or lacking physical mobility. The stairs, despite the anti-skid strips, present a dangerous condition to individuals when the floors are wet.

MENDOCINO COUNTY SUPERIOR COURT

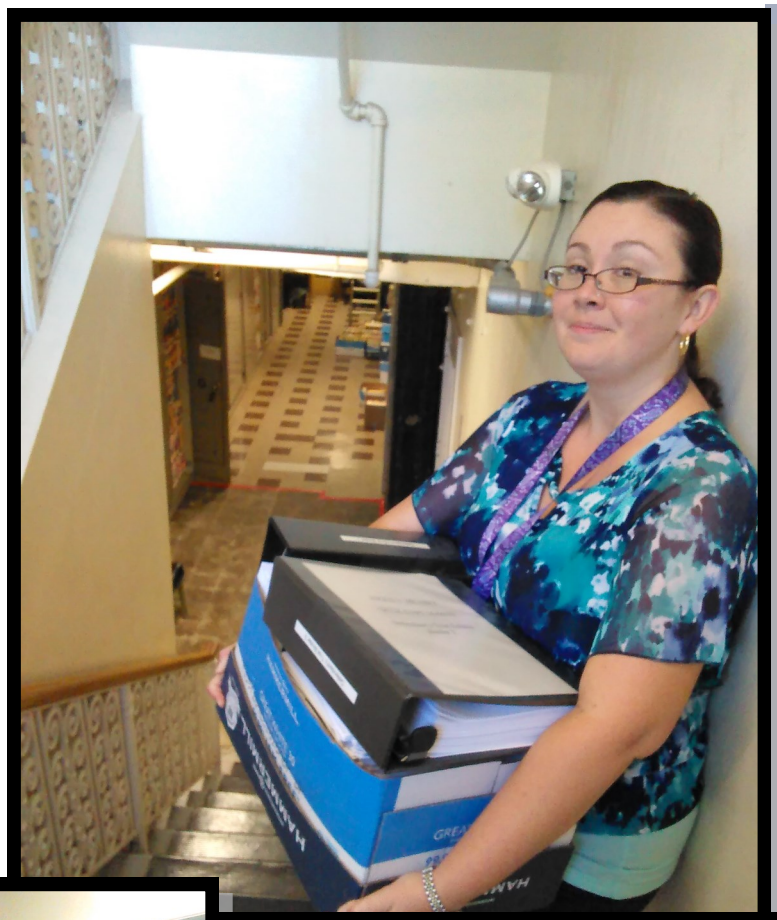
IN-CUSTODY DEFENDANTS THROUGH PUBLIC AREAS

In-custody defendants are transported through a corridor/ hallway where the jury assembly room is located and other members of the public congregate.

On a daily basis, inmates enter and exit at the street level passing through public corridors.

MENDOCINO COUNTY SUPERIOR COURT

LACK OF ACCESSIBILITY FOR TRANSPORTING FILES



Court staff need to transport files to various locations within the courthouse and file storage locations. The movement of files takes place daily.

Due to lack of elevators, employees must resort to using hand carts and crates to transport court files between offices and courtrooms. This activity takes place daily and exposes the employees to slip and fall and injury.

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CLOSE TO HOME

Stopping courthouse project poses security risk

Forum
COMMENTARY & OPINION

CLOSE TO HOME

By GAYLE GUYNUP

Gov. Jerry Brown proudly reflects on his father's legacy, particularly as it concerns the state highway system, 11 university campuses and a 400-mile aqueduct. As the governor nears the end of his political career, with great vigor he seeks to match his father's accomplishments and leave us with high-speed rail from Sacramento to San Diego, elaborate water tunnels through the Central Valley and a rainy day fund; reserves to avoid the peaks and valleys of economic prosperity and decline. Brown will leave office boasting of budget surpluses, but it will be at a price to Sonoma County. Without apology, he has redirected $1.4 billion in the courts' construction funds placing it in the state's general fund. The reallocation of funds has halted the completion of the local criminal courthouse, which was slated to be completed in 2020. In his budget, Brown put away $2 billion more than is required by Proposition 2, the Rainy Day Budget Stabilization Fund Act. Through years of imposing construction fund fines and fees, litigants from Sonoma County had contributed substantial monies to the courts' Immediate and Critical Needs Account and the State Court Facilities Construction Fund.

For example, during the 2015-2016 fiscal year, $952,829 was contributed to the facilities construction fund and $567,641 to the critical needs account.

The governor is an advocate of building and maintaining a strong infrastructure. Public buildings, including courthouses, are part of the infrastructure and merit the same consideration.

The action involving our courthouse is also wasteful. As noted in a recent Press Democrat story, the project is being stopped mid-stream ("Plans for new Santa Rosa courthouse on hold, again," Sept. 12). The state had already spent more than $20 million in purchasing the land from the county, demolishing the prior structure and almost completing architectural drawings. To facilitate the construction, the county has relocated some of its operations and relied on the construction plan. The court continues to pay rent for a courthouse that is rife with safety and security issues.

This is not a vanity project. There are more than 500 courthouses in California. In 2009, 41 courthouses were identified as having critical problems: security, safety, physical deterioration and inadequate space for dedicated uses. From this list, 23 were deemed to have the "most critical need." The Sonoma County criminal courthouse Hall of Justice is on this short list. It is a priority project because the courthouse is unsafe for two significant reasons — vulnerability to seismic damage and threat of injury or escape by inmates due to inadequate security.

The current criminal courthouse is located in an area expected to experience the most significant impact in the event of an earthquake. The courthouse was built more than 50 years ago without the seismic engineering presently understood and utilized. The present courthouse is located near four faults —- the San Andreas, Rodgers Creek, Healdsburg and Mayacamas. Our courthouse is rated a Risk Level V: substantial risk to life; substantial structural damage with likely partial collapse. Inmates are walked through public corridors, crossing paths with victims and their families, opportunities are presented for rival gang members to interface. Clearly this increases the potential for conflict or escape. Even in "secure" corridors, judges, staff and inmates routinely share the hall.

We should not be summoning with the threat of contempt, the attendance of prospective jurors, witnesses and parties into an unsafe facility. Our elected officials and community leaders should join with the judiciary to recapture this necessary funding and complete this much-needed courthouse. The courts are beholden to the governor for funding, apart form the facilities issue. As a consequence of this dependence, the courts must rely on the legislative action and community outrage to restore funding and finish the courthouse.

Gayle Guynup is a retired Sonoma County judge who routinely sits on assignment throughout Northern California. She is an appointed community member of the Project Advisory Group for the proposed new Sonoma County Criminal Courthouse.