

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Chief Executive Office

BOARD AGENDA # *B-7

Urgent

Routine

AGENDA DATE August 21, 2012

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Authorize the Chairman of the Board to Send a Letter Identifying the County's Position on a New Superior Courthouse in Modesto, California

STAFF RECOMMENDATIONS:

Authorize the Chairman of the Board of Supervisors to sign a letter to the Administrative Office of the Courts encouraging continued funding for a new Courthouse and encouraging coordination of planning efforts between the Judicial Council, the Superior Courts and Stanislaus County for long-term provision of justice-related services.

FISCAL IMPACT:

Preparing a letter to the California Judicial Council, Administrative Office of the Courts supporting continuation of a new Courthouse which has no direct fiscal impact to the County. It is intended to support a State decision to move forward with the new critically needed Courthouse. The current development plan would provide for 26 courtrooms, 301,500 square foot at an estimated cost of \$278 million. Coordination with the County would minimize future County operational cost exposure when the new courthouse is complete.

(Continued on Page 2)

BOARD ACTION AS FOLLOWS:

No. 2012-425

On motion of Supervisor Withrow, Seconded by Supervisor Chiesa

and approved by the following vote,

Ayes: Supervisors: Chiesa, Withrow, Monteith, De Martini, and Chairman O'Brien

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

FISCAL IMPACT: (Continued)

The draft letter to the Chair of the Court Facilities Working Group expresses concerns regarding the inmate transportation cost impacts to Stanislaus County, and encourages the AOC to work with the County to re-evaluate the existing Courthouse site. If the AOC determines that the new Courthouse cannot remain at the current site, the letter encourages the AOC to work with the County and the Superior Court to evaluate the alternate sites to include potential for Stanislaus County to collaborate on a new jail facility with a secure inmate transportation connection to the new Courthouse project. The County's jail project would allow for a safer, more cost-effective means of inmate transportation.

The currently proposed new courthouse project is one of 31 projects statewide being reviewed after State budget cuts have created project funding limitations. The State Public Works Board has previously approved proceeding with negotiations for acquisition of a downtown Modesto site. The two highest ranked sites identified in the AOC's evaluation were authorized by the SPWB – one bounded by 9th Street, G Street, 10th Street, and H Street; the other bounded by H Street, 13th Street, I Street, and 14th Street. Since the State and the County already own the existing site, and as a result of the State's funding reductions, re-evaluation of the potential for re-use of the existing property can also occur while the alternative sites continue to be studied.

The draft letter encourages the Judicial Council to continue the process for a new Courthouse in downtown Modesto, at the existing and proposed sites, as a delay or cancellation of the new Courthouse project could have serious public safety and judicial efficiency implications in our community and could jeopardize the ability to maintain critical linkages of these interdependent State and County services in the future, with great risk to Stanislaus County.

DISCUSSION:

The California Judicial Council, Administrative Office of the Courts has been planning for the replacement of the Modesto Courthouse – a project which is currently in the site acquisition phase before being suspended due to State funding cuts. Senate Bill 1407 provided initial funding for a new Modesto Courthouse project, but the State's funding reductions have triggered re-evaluation of 31 such projects statewide. The California Judicial Council's Court Facilities Working Group will be receiving a presentation on the Courthouse planning state-wide including the proposed new Modesto Courthouse project on September 5, 2012 and comments are requested by August 24 in advance of the meeting.

The new courthouse location is of critical importance to Stanislaus County and to downtown Modesto. The Courthouse location will have a direct impact to the Sheriff's inmate transportation services. The downtown Men's Jail is currently connected to the Main Modesto Courthouse at 800 11th Street by an underground security tunnel. Any

Approval to Authorize the Chairman of the Board to Send a Letter Identifying the County's Position on a New Superior Courthouse in Modesto, California
Page 3

relocation of the courthouse off the existing site would require 100% vehicular movement of inmates between the jail and the courts each day.

At this juncture, if the Judicial Council approves funding for the new Modesto Courthouse site acquisition process, the State could secure a new site within two blocks of the existing location. Either of the proposed new Modesto Courthouse sites will result in an increase in inmate transportation costs estimated at approximately \$1 million, and additional staff time for movement of attorneys and other County staff to and from existing County offices.

The draft letter encourages the State to move forward with the Modesto Courthouse project and also encourages a collaborative effort with the County to reconsider re-use of the existing Modesto Courthouse site. In the event that re-use of the existing site is truly deemed to be impractical, the proposed letter also asks that the AOC consider evaluation of the sites to include the potential for the County to collaborate in a new jail facility with a secure inmate transportation connection to the new Courthouse project.

The AOC consideration of the County's increase in inmate transportation costs as part of the result of a new site would provide for a safer and more cost effective means of inmate transportation.

POLICY ISSUES:

The draft letter supporting continuation of the State's pursuit of a new Modesto Courthouse and recommended coordination of planning efforts with Stanislaus County supports the Board of Supervisors priorities of A Safe Community and Effective Partnerships.

STAFFING IMPACT:

This letter would transmit a letter of support for the State's new Modesto Courthouse project but will not have a direct staffing impact to Stanislaus County. Upon Board of Supervisor approval, staff from the Chief Executive Office will finalize the letter for Chairman's signature.

CONTACT PERSON:

Tim Fedorchak, Senior Management Consultant. Telephone: (209) 652-1649



BOARD OF SUPERVISORS

William O'Brien, 1st District
Vito Chiesa, 2nd District
Terry Withrow, 3rd District
Dick Monteith, 4th District
Jim DeMartini, 5th District

1010 10th Street, Suite 6500
Modesto, CA 95354
Phone: 209.525.4494 Fax: 209.525.4410

August 21, 2012

Honorable Justice Brad R. Hill, Chair
Court Facilities Working Group
Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, CA 94102

RE: New Modesto Courthouse, Stanislaus – OCCM 12-01

Dear Justice Hill and Court Facilities Working Group Members,

The Stanislaus County Board of Supervisors encourages the Judicial Council to move forward with the new Courthouse project. The new Modesto Courthouse project is needed to resolve security issues, including a lack of separation of movement of persons in custody from the public, Court staff and judiciary. The new courthouse project will enable the Superior Court to consolidate its functions in a safe, efficient and appropriate facility.

It is our understanding that the Modesto Courthouse project is currently in the site acquisition stage, and the State Public Works Board has approved the in-depth analysis and negotiations for two sites in downtown Modesto – both about two blocks from the current courthouse location. Stanislaus County has expressed its concerns that relocation of the courthouse away from the County's downtown jail facility will result in the need for additional inmate transportation at a significant expense estimated at \$1 million to Stanislaus County. Currently, inmates are transported to the Modesto Courts via a secure, underground tunnel connected to the jail. The currently proposed locations will require vehicular transportation of inmates, presenting a somewhat greater security risk.

Stanislaus County stands prepared to work with the Judicial Council and Superior Court to coordinate our jail plans, inmate transportation issues, and justice-related services. The County would appreciate the opportunity to advance these plans in a coordinated and efficient way. The County encourages the AOC to work together, along with the Superior Court, to also re-evaluate options for re-use of the existing site in light of the State's funding reductions. The Court's needs can to be developed in concert with the County's needs to minimize the cost of housing and transporting inmates. If the existing courthouse site proves to be impractical for the new Modesto Courthouse project, the County asks that the AOC consider evaluation of the sites to include the potential for Stanislaus County to collaborate on a new jail facility with a

Honorable Justice Brad R. Hill

August 21, 2012

Page 2

secure inmate transportation connection to the new Courthouse project for a safer more cost-effective means of inmate transportation.

If relocation of the Modesto Courthouse is required, advancing this project now will take advantage of an extraordinarily favorable real estate market in downtown Modesto while remaining within three blocks of the vital justice-related services (District Attorney, Public Defender, Probation, Alternative Work Program, Court Appointed Special Advocate, and Sheriff's Civil Unit.) Countless downtown businesses depend on the Court and related services, including restaurants, shops, legal offices, bail bond firms and many others – however, proximity to the County's justice-related services is critical.

Delay or cancelation of this project could have public safety and judicial efficiency implications in our community and could jeopardize the ability to maintain critical linkages of these interdependent services in the future, with great risk to Stanislaus County.

Please make the new Modesto Courthouse project a high priority and continue its funding. Great potential exists, and the AOC, Superior Court and Stanislaus County should plan together to achieve the greatest community benefit and the most cost-effective delivery of public services.

Respectfully yours,



William O'Brien, Chairman
Stanislaus County Board of Supervisors

cc: Lee Willoughby, Director, Office of Court Construction and Management
Presiding Judge, Ricardo Cordova, Superior Court of California, Stanislaus County
Michael Tozzi, Superior Court Executive Officer