

**MEMORANDUM
OFFICE OF THE
COUNTY EXECUTIVE
COUNTY OF PLACER**

TO: Honorable Board of Supervisors
FROM: Thomas M. Miller, County Executive Officer
BY: Bekki Riggan, CEO Principal Management Analyst
DATE: November 23, 2010

ACTION REQUESTED:

Receive an informational update from staff and from the Administrative Office of the Courts regarding courthouse planning efforts in the Tahoe and South Placer areas.

BACKGROUND:

Tahoe Area Courthouse

California's trial court system has undergone a major restructuring that began in the late 1990s and that is anticipated to continue into the next decade. Among the most significant outcomes was the Trial Court Funding Act of 1997 that transferred responsibility for funding trial court operations from counties to the state, and the Trial Court Facilities Act of 2002 that transferred responsibility for funding and operation of all the trial court facilities from counties to the state.

On September 23, 2008, your Board took the last of three separate actions that collectively transferred financial and operational responsibility for all existing court facilities (16) to the Administrative Office of the Courts (AOC), with the exception of the single courtroom in the Tahoe Public Safety Building at Burton Creek. Given the age and condition of the courtroom, transfer of this facility was deferred pending replacement or relocation of this court. The county has been engaged in numerous discussions regarding replacement of the Tahoe court over the past several years. However, development of specific plans for the replacement courtroom would have been premature absent determination by the AOC on the location and architectural needs for a Tahoe area justice facility.

In July 2010, the AOC received notice from the Judicial Council that its Tahoe courthouse proposal was among the 41 projects selected to receive initial funding under the Senate Bill 1407 court construction program. This notice allows the AOC to initiate the first phase of the project which includes site selection, environmental review, site acquisition and development of preliminary plans for the courthouse.

South Placer Adult Correctional Facility Courtroom

The Bill Santucci Justice Center was opened to the public on July 15, 2008. The 72-acre campus consists of a courthouse with nine courtrooms and a separate county office building housing the South County offices of the District Attorney, Probation, the Assessor and Revenue Services. Currently under construction is a 390-bed correctional facility, which is the

first phase of the planned 980-bed South Placer Adult Correction Facility (SPACF). The original master plan for the Justice Center anticipated the future construction of a SPACF courtroom to accommodate arraignments and other in-custody court proceedings. This design concept is a best-practice approach to minimizing risk to Sheriff's transportation officers, inmates and the public when detainees are transported to court proceedings. Given that funding for the correctional courtroom is a state responsibility and that the State's timeline for this project was uncertain, the master planning was limited to reserving sufficient area and access for future construction of the courtroom.

Recognition of risk reduction, operational efficiencies and cost savings for South Placer County law enforcement agencies prompted consideration of early delivery of the SPACF courtroom by Placer County, the Superior Court and the AOC. Further motivation for moving forward on this project is provided by the construction efficiencies and the avoidance of future operational disruption achieved by constructing the courtroom concurrently with the correctional facility.

The AOC participated equally with the County in the cost of preparing the preliminary design work and cost estimates, which were developed in concert with the local Courts, Court Security, Sheriff and Facility Services. The County, Superior Courts and the AOC have reached agreement on the key terms and conditions for the project as follows:

- A) The Tahoe area courthouse project is among the 41 projects to be funded under Senate Bill 1407 court construction program and phase one of the planning for that project is underway;
- B) In exchange for the County's willingness to construct a "warm shell" and after the new Tahoe area courthouse is complete, Placer County will be released of their obligation to provide a court facility in the Tahoe area (October 15, 2010 letter from Lee Willoughby, Director, Office of Court Construction and Management);
- C) The SPACF courtroom will be the primary facility for conducting in-custody arraignments and other criminal case actions, and these activities will be given priority when developing the calendar for the SPACF courtroom (Memorandum of Understanding between the County Executive Officer and the Court Executive Officer).

Attachments:

- 1) October 15, 2010 letter from Lee Willoughby, Director, Office of Court Construction and Management;
- 2) Memorandum of Understanding (MOU) between the County Executive Officer and the Court Executive Officer on the intended use for the SPACF courtroom.



Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF COURT CONSTRUCTION AND MANAGEMENT

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Chair of the Judicial Council

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Administrative Director of the Courts

RONALD G. OVERHOLT
Chief Deputy Director

LEE WILLOUGHBY
Director, Office of Court
Construction and Management

October 15, 2010

Mr. Thomas M. Miller
County Executive Officer
County of Placer
175 Fulweiler Avenue
Auburn, California 95603

Re: New Tahoe Area Courthouse for the Superior Court of California, County of Placer

Dear Mr. Miller:

The Administrative Office of the Courts (AOC) has received legislative approval to proceed with a capital project to construct a new courthouse in the Tahoe area of Placer County. Approval was given by the State Public Works Board (SPWB) in July 2010 to proceed with the site acquisition and preliminary plans phases of the project. The total cost of the project, including financing, will be funded by Senate Bill (SB) 1407 (Chapter 311, Statutes of 2008) resources. The County of Placer will not be responsible for any portion of the funding for this project.

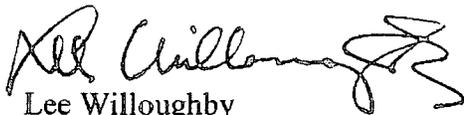
The AOC is most appreciative that the County is exploring the option to construct a new warm shell for a future courtroom at the new Roseville jail.

In exchange for the County's willingness to construct a warm shell and after the contemplated new Tahoe area courthouse is complete, the County of Placer will be released of their obligation to provide space for court facilities in the Tahoe area. The County will continue to maintain the Burton Creek facility, or its equivalent in the Tahoe area, for use by the Superior Court, until the

new Tahoe facility is completed. The AOC efforts to replace the Tahoe area facility are underway and are currently anticipated to be completed in 2015. Further, should there be delays in the AOC project, the County is not obligated to construct a replacement facility for the Court in the Tahoe area, only to either maintain the existing facility or to provide equivalent space in the Tahoe area, as defined in and required under the Transfer Agreement for the Tahoe Public Safety Building signed by the AOC and County in September 2008 (the "Transfer Agreement"). The eventual release of the County of its obligation to provide space for facilities in the Tahoe area will not relieve the County from continuing the existing maintenance of effort obligation as currently provided, or upon the AOC's completion of a new courthouse, the County Facilities Payment payable by the County to the AOC pursuant to the Transfer Agreement. Should the AOC discontinue its efforts to construct a new courthouse, the County shall remain responsible only for a new court facility comparable in size and functionality to the Existing Court Facility as defined in section 4.3.4. of the Transfer Agreement.

For additional information, please contact Kristine Metzker, Supervising Facilities Planner at (916) 263-5052 or kristine.metzker@jud.ca.gov.

Sincerely,



Lee Willoughby
Director

LW/KAM/dc

cc: Hon. Alan Pineschi, Presiding Judge, Superior Court of California, County of Placer
Mr. Jake Chatters, Court Executive Officer, Superior Court of California, County of Placer
Ms. Jody Patel, Regional Administrative Director, Northern/Central Regional Office
Mr. Robert Emerson, Assistant Director, Office of Court Construction and Management
Ms. Kelly Quinn, Senior Manager, Office of Court Construction and Management
Ms. Gisele Corrie, Financial Manager, Office of Court Construction and Management
Mr. Robert Uvalle, Manager, Office of Court Construction and Management
Ms. Kristine Metzker, Supervising Facilities Planner, Office of Court Construction and Management

**MEMORANDUM OF UNDERSTANDING
BETWEEN PLACER COUNTY EXECUTIVE OFFICE AND
THE SUPERIOR COURT OF PLACER COUNTY**

This Memorandum of Understanding (MOU) is entered into between the Placer County Executive Office, hereinafter referred to as "COUNTY", and the Superior Court of Placer County, hereinafter referred to as "COURT", and jointly referred to as the "PARTIES".

This MOU is intended to serve as a framework for the use and calendaring of the South Placer Adult Correctional Facility (SPACF) Courtroom and for future agreements between the PARTIES regarding SPACF Courtroom use and calendaring.

WHEREAS, the original SPACF master plan and facility design anticipated the future addition of a Courtroom located within the facility to be funded by the Administrative Office of the Courts (AOC) that would accommodate arraignments and other in-custody court proceedings; and

WHEREAS, costs and risk for transportation officers, inmates and the public associated with transporting in-custody inmates to arraignments, preliminary hearings, and other criminal case actions will be significantly reduced when conducted in a courtroom directly adjoined to the correctional facility; and

WHEREAS, costs for South Placer law enforcement agencies for participating in custodial court matters will be substantially reduced for Roseville, Rocklin and Lincoln Police Departments by having an arraignment court located in South Placer; and

WHEREAS, construction cost efficiencies and avoidance of future operational disruption will be achieved by constructing the Courtroom concurrently with the correctional facility; and

WHEREAS, due to receiving State funding for a new Tahoe area courtroom, the State Administrative Office of the Courts (AOC) have proposed releasing the COUNTY of its obligation to provide a court facility in the Tahoe area in exchange for the COUNTY constructing a "warm shell" for the SPACF Courtroom; and

WHEREAS, accelerated construction of the arraignment courtroom is premised on the release of Tahoe obligation and on reduced costs and risk to justice system partners, the COUNTY, the Administrative Office of the Courts, and the COURT have entered into an agreement to accelerate the timeline for delivering the SPACF Courtroom concurrently with the correctional facility whereby the COUNTY agrees to construct the "warm shell" and the COURT and the AOC agrees to provide the tenant improvements; and

WHEREAS, the PARTIES wish to clarify the intended use of the SPACF courtroom and identify a process for making modifications to the calendar, should it arise in the future.

NOW, THEREFORE, the PARTIES agree to the following terms and conditions for the use and operation of the SPACF courtroom:

1. The COURT and COUNTY agree that the SPACF courtroom will be the primary facility for conducting in-custody arraignments;
2. The COURT and COUNTY agree that in-custody, criminal case arraignments, preliminary hearings, and other criminal case actions will be given priority when developing the calendar for the SPACF courtroom;
3. The COURT agrees to provide the COUNTY advance notice of proposed changes to the calendar for the SPACF courtroom;
4. The COURT agrees to meet with the COUNTY to discuss modifications to the use of the calendar for the SPACF courtroom and to seek mutually acceptable resolution to any concerns.

This MOU is intended to maintain and protect the value of the SPACF courtroom so that this facility meets the expectations of the parties who have directed scarce resources to the early completion of this facility. Any future agreements between the parties concerning the SPACF courtroom endeavor to achieve such intent.

Agreement to Memorandum of Understanding:

Thomas M. Miller, County Executive Officer
County of Placer

Date

Jake Chatters, Court Executive Officer
Superior Court of Placer County

Date