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COUNTY OF SAN DIEGO

CHIEF ADMINISTRATIVE OFFICE
AGENDA ITEM

BOARD OF SUPERVISORS

BRIAN P. BILBRAY
FIRST DISTRICT

GEORGE F. BAILEY
SECOND DISTRICT

SUSAN GOLDING
THIRD DISTRICT

LEON L. WILLIAMS
FOURTH DISTRICT

JOHN MACDONALD
FIFTH DISTRICT

DATE: May 28, 1991

TO: Board of Supervisors

SUBJECT: Court Space Expansion Alternatives

SUMMARY:

Issues

Should the Board of Supervisors take several actions which would provide new courtrooms and court support space in downtown San Diego by: adding courtrooms in Downtown San Diego, consolidating lease space into County owned building(s), and including some courtrooms in these new office buildings, the funding of which would come from: lease consolidation savings (General Fund: a maximum of $2.1 million annually), the County Courthouse Temporary Facility Construction fund ($2.0 million annually), El Cortez lease savings ($1.1 million annually), and one time funds from the City of San Diego Redevelopment Agency ($3.0 million-subject to negotiation)?

Should the Board of Supervisors proceed with interim expansion of Superior courtrooms into lease space in Downtown San Diego with the funds that had been allocated to the El Cortez Project?

Should the Board of Supervisors determine to retain the existing Downtown San Diego Courthouse for a minimum period of ten years?

Recommendation(s)
CHIEF ADMINISTRATIVE OFFICER:

1. Approve in principle subject to environmental review the acquisition of a new Court/Office building(s) which will accommodate the District Attorney, Courts (8-10 courtrooms), and other office functions as appropriate by taking the following actions:

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A. Approve a search, and authorize the Director, Department of General Services to negotiate a purchase or lease/purchase, for space in the downtown San Diego area within three blocks of the Courthouse to possibly house the District Attorney, Law Library, Adult Probation, Grand Jury, and other functions as appropriate.

B. Authorize the Request For Proposals for lease/purchase of County owned building(s) to:

- Consider the use of County owned land bounded by Front, B, C, and First Avenue; land that is owned by the private sector; a building that would be constructed to the County's specification, and/or the acquisition of existing Downtown San Diego Buildings.

- Consider the inclusion of the Law Library.

- Allow the use of design/build technology.

C. Direct that the following revenue sources be applied to the funding of these new Court/Office facilities:

- $2.0 million annually from the County Courthouse Temporary Facility Construction Fund.

- $1.0 million annually from the existing lease for the District Attorney.

- $1.0 million annually from the funds that had been appropriated for the El Cortez Project.

- Other possible lease consolidation savings (maximum savings $1.1 million annually).

2. Direct the Chief Administrative Officer to:

A. Renegotiate the Cooperation Agreement with the City of San Diego Redevelopment Agency for the funding of additional courtrooms.

B. Request that the $3.0 million that had been designated for the El Cortez project be dedicated to the expansion of courtrooms in a new Court/Office facility and architectural master planning services.

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3. Direct that the Master Plan for Justice Facilities be amended for approval by the Board, pending environmental review, to include the construction of a Criminal Courts Annex to the Downtown Courthouse, contingent on the availability of sales tax revenue.

4. Direct the Department of General Services to begin planning for the expansion of the Downtown Courthouse by adopting the following actions:

   A. Determine to retain the existing Courthouse for a minimum period of ten years.

   B. Authorize the Director, Department of General Services to issue a Request For Proposals for master planning and design services for the expansion and refurbishment of the Downtown Courthouse and design services that may be required for new County owned Court/Office building(s).

   C. Return to the Board of Supervisors within 120 days with a contract and funding for architectural/master planning services.

   D. Find that these actions constitute feasibility or planning studies which the Board has not yet adopted, funded, or determined to carry out and that these actions are therefore exempt from the California Environmental Quality Act (CEQA) Section 15262 of the CEQA guidelines.

5. Determine not to proceed with any additional lease of interim space for Superior courtrooms in the Downtown San Diego area.

6. Direct that the Office of Intergovernmental Affairs seek legislation during 1992 which would increase the amount of revenue going to the County Courthouse Temporary Facility Construction Fund.

7. Direct that the Chief Administrative Officer return within 60 days with a contract and funding for an Environmental Impact Report for additional construction to the Downtown Courthouse.

9. Direct the Chief Administrative Officer report back in 60 days with a specific financial analysis of the proposed recommendations for expansion of the Downtown Courthouse and a progress report on the Court/Office/ Building RFP progress.

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Advisory Statement
None required.

Fiscal Impact
These actions could result in a commitment of $5.2 million annually for new Court/Court support space which could fund about $50 million worth of capital improvements.

Alternatives
The alternatives to proceeding with these actions are as follows:

1. Expand courts at the regional centers.

2. Build a new Criminal Courts annex (contingent on Proposition A).

3. Build a facility which would house a much larger number of Civil courtrooms/support space in downtown San Diego.

4. Lease space for interim Superior courtrooms.

5. Determine to locate courts in the Cedar Street area.

6. Remodel floors 5-7 of the Downtown Courthouse for courtrooms (space now occupied by the District Attorney).

Background:

INTRODUCTION

On April 23, 1991 (8) the Board directed that the Chief Administrative Officer:

1. Terminate the existing lease with the Minami Corporation for the construction and lease of nine courtrooms at the El Cortez Convention Center.

2. Investigate alternatives for consolidating courtroom space.

3. Investigate options for lease and purchase including new facilities in East County, South Bay, and North County.

4. Set a conference for May 21, 1991 to address courtroom space issues.

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Also, on April 30, 1991 (6) the Board directed that the siting of Juvenile Dependency and San Diego Municipal Traffic/Small Claims Courts be discussed at the Courtroom Space conference. On May 21, 1991 the Board continued this conference to May 28, 1991.

In addition, on May 7, 1991 Supervisor Golding submitted a letter to the Chief Administrative Officer requesting that the feasibility of the following be investigated with respect to downtown courts:

1. Convert office space currently occupied by the District Attorney's office on the fifth, sixth and seventh floors of the Downtown Courthouse for new civil courtrooms as an interim facility until such time as funding for a new courthouse is available. Initial estimates for converting the fifth, sixth, and seventh floors into courtrooms show that from 9-12 new courtrooms can be constructed.

2. Build one or more permanent County Justice Facilities on County-owned property bounded by Front, B, First and C Streets, and consider private-sector proposals, for County-owned buildings to house justice agencies like the District Attorney, Grand Jury, Public Defender, Probation Department, the Marshal, the Regional Justice Facility Financing Agency, the County's Citizen Law Enforcement Review Board, and the County Law Library.

3. Begin planning for a Court Annex Facility on County-owned property currently being used for Judges parking at Front and A Streets in order to begin a phased construction program for the eventual demolition or reuse of the existing County Courthouse. With a Court Annex Facility adjacent to the existing courthouse, the County would have a separate facility in place to: prosecute criminal cases; to separate staff areas from in-custody holding areas, as is currently a problem at the main courthouse; and to use the Central jail facility to hold inmates pending their daily court appearances.

The Chief Administrative Officer's recommendations in this letter are generally consistent with Supervisor Golding's recommendations. The primary difference in the Chief Administrative Officer's recommendation is that no specific site is being designated for court/office expansion and it is not recommended to construct courtrooms on floors 5-7 of the Courthouse. Site determination will be a result of the economics and timing of the proposals received from the private sector.

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Construction of courtrooms on these floors is not recommended because: A) the courtrooms would not be large enough to meet the functional needs of the Superior Court, and B) there would be significant asbestos abatement required.

Principles Underlying Chief Administrative Officer Recommendations

The recommendations before the Board today reflect the following underlying principles:

1. Courts will continue to be a major presence in downtown San Diego.

2. To the extent that it is programmatically feasible, new downtown courts should be consolidated near the existing Downtown Courthouse.

3. There will also be substantial growth of courts at the regional centers to keep pace with population and workload.

4. The County will attempt to construct permanent facilities for courts and court/support departments as opposed to leasing space.

To date, the court facility master plans have recognized that there will be substantial expansion of the courts away from downtown San Diego. The tables that follow illustrate the significant growth that is projected for courts in all areas of the County:

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TABLE I

EXISTING AND PROJECTED DISTRIBUTION OF SUPERIOR COURT JUDICIAL POSITIONS

LOCATION	EXISTING	% OF TOTAL	YEAR 2010	% OF TOTAL
North County	13	16.9	45	23.1
East County	5 [1]	6.5	20	10.3
South Bay	0	0	15	7.7
Downtown Courthouse	49 [2]	63.6	90	46.2
Kearny Mesa (Juvenile)	10	13.0	25	12.7
	77	100.0	195	100.0

[1] This includes one courtroom in Ramona (loaned to the Superior Court by the Municipal Court) and one in El Cajon City Hall.

[2] This includes 7 courtrooms at the John Burnham Building and 7 at the San Diego Hotel.

TABLE II

EXISTING AND PROJECTED DISTRIBUTION OF MUNICIPAL COURT JUDICIAL POSITIONS

LOCATION	EXISTING	% OF TOTAL	YEAR 2010	% OF TOTAL
North County	15 [1]	21.7	39	24.7
East County	11	15.9	26	16.4
South Bay	8	11.5	17	10.8
Downtown Courthouse	28 [2]	40.6	53	33.5
Kearny Mesa Area	7	10.1	16	10.1
	69	100.0	158	100.0

[1] This includes two courts in Escondido and two in San Marcos.
[2] This includes one courtroom in the San Diego Hotel.

The approximately ten courtrooms that would be added under the recommendations are considerably less than the projected need contained in the OMNI Downtown Courthouse Master Plan. The OMNI

plan projected a need to add 41 judicial positions (24 Superior, 17 Municipal) between 1990 and 2000. It is recommended that significantly fewer courtrooms be added for the following reasons:

1. The State is likely to authorize very few additional judicial positions because of the fiscal problems facing the State and the existing requirement to provide Trial Court Funding revenue for new judicial positions.

2. Because of the increase in judicial positions added during trial court funding, the Superior Court's workload per judicial position has improved significantly especially between FY 88/89 and FY 89/90. This is summarized in the table below:

TABLE I

WORKLOAD PER SUPERIOR COURT JUDICIAL POSITION

FISCAL YEAR	WEIGHTED CASELOAD	WORKLOAD PER POSITION (1)
83/84	5,484,697	105,678
84/85	5,926,070	116,426
85/86	6,533,926	118,799
86/87	6,729,685	119,533
87/88	7,326,097	110,001
88/89	8,108,385	125,323
89/90	8,257,092	102,318

(1) Judicial weighted caseload (minutes of work) per judicial position equivalent.

3. The implementation of independent calendaring by the Superior Court may substantially improve productivity. On December 15, 1989 then Presiding Judge Michael Greer stated to the Board that independent calendaring could improve productivity up to 40%.

4. The San Diego Municipal Court provides a significant amount of assistance to the Superior Court. During calendar 1990 the Municipal Court provided the equivalent of three full time judges of assistance to the Superior Court. For the first four months of 1991 the Court has averaged about 4.7 judges of assistance to the Superior Court.

5. The San Diego Municipal Court has also received significant increase in resources (eg., 6 judicial positions were added as a part of Trial Court Funding in FY 88/89) and their workload has been relatively flat over the last few years.

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TABLE II

WORKLOAD PER SAN DIEGO MUNICIPAL COURT JUDICIAL POSITION

FISCAL YEAR	WEIGHTED CASELOAD	WORKLOAD PER POSITION (1)
86/87	2,199,411	85,248
87/88	2,225,320	87,903
88/89	2,187,446	82,234
89/90	2,259,219	78,718

(1) Judicial weighted caseload (minutes of work) per judicial position equivalent.

DISCUSSION OF RECOMMENDATIONS

The ten recommendations below are listed and discussed in turn:

Recommendation 1:

Approve in principle subject to environmental review the acquisition of a new Court/Office building(s) which will accommodate the District Attorney, Courts (8-10 courtrooms), and other office functions as appropriate by taking the following actions:

A. Approve a search, and authorize the Director, Department of General Services to negotiate a purchase or lease/ purchase, for office space in the downtown San Diego area within three blocks of the Courthouse to possibly house the District Attorney, Law Library, Adult Probation, Grand Jury, and other functions as appropriate.

B. Authorize the Request For Proposals for lease/purchase of County owned building(s) to:

- Consider the use of County owned land bounded by Front, B, C, and First Avenue; land that is owned by the private sector; a building that would be constructed to the County's specification, and/or the acquisition of existing Downtown San Diego Buildings.

- Consider the inclusion of the Law Library.

- Allow the use of design/build technology.

C. Direct that the following revenue sources be applied to the funding of this new Court/Office facility:

- $2.0 million annually from the County Courthouse

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Temporary Facility Construction Fund.

- $1.0 million annually from the existing lease for the District Attorney.

- $1.0 million annually from the funds that had been appropriated for the El Cortez Project.

- Other possible lease consolidation savings (maximum savings $1.1 million annually).

Discussion: The County presently pays $2.1 million annually for leases in the Downtown San Diego area. Buying a building would provide an opportunity to consolidate many expensive leases into County owned space. The estimated maximum $5.2 million that would be available for retiring debt could fund about $50.0 million in capital improvements (approximately 250,000 net square feet of a Court/Office facility). As a result of relocating the District Attorney into a new building, it will be possible to relocate the Public Defender/Alternate Defense leases into County owned space vacated by the District Attorney. The Public Defender, Alternate Defense, and Conflict Public Defender presently pay about $435,000 annually in lease costs. Under the OMNI Master Plan for the Downtown Courthouse, the Public Defender was programmed for location in this space.

A lease/purchase approach would be the fastest way to acquire additional space. The alternative would be to retain an architect to design the building, and then solicit construction bids for development on County property. Project completion could take a year or so longer with this approach. Proceeding with an RFP now would allow the County to take advantage of the soft real estate market.

A study prepared by Williams Kuebelbeck (WKA) looked at the financial impact of continuing to lease space for the District Attorney, as opposed to building an office building which would house the District Attorney and other County occupants. It was found to be cost effective to construct a building as long as other County occupants now in leased space were also relocated to the facility.

The County owned property bounded by Front, B, C, and First, across the street from the central jail, presently houses the Law Library and a parking lot which is leased to Ace Parking. The existing uses for this property are an underutilization of this valuable land (estimated value: $7.0 million). It is recommended that the proposals for providing Court/Office space be given the option of developing their facilities on this site. Presumably the County would receive some type of reduced rent/offsetting revenue if the

development occurred on County owned land.

It is also recommended that some courtrooms and possibly the Law Library be included in the new office facility. The inclusion of the Law Library could be particularly attractive in a building which housed private sector occupants. For example smaller law firms which typically do not have their own internal Law Library, would find this as an added incentive to locate in an office building. Whether the Law Library is going to be located in the new facility will depend on the economics of the responses from the private sector and the amount of available revenue.

The use of design/build technology can expedite the completion of a project by shortening the time it takes to select an architect and construction firm and complete working drawings. This approach saves time because:

1. The architectural and construction firms can be pre-qualified and selected concurrently. More traditional procurement results in the selection of an architect, completion of design, and then solicitation of bids for construction.

2. Construction can begin before all construction drawings are complete. The design of tenant improvements can occur while the building is under construction. Under more traditional approach, all design documents are completed prior to the commencement of construction.

Recommendation 2:

Direct the Chief Administrative Officer to:

A. Renegotiate the Cooperation Agreement with the City of San Diego Redevelopment Agency for the funding of additional courtrooms.

B. Request that the $3.0 million that had been designated for the El Cortez Project be dedicated to the expansion of courtrooms in a new Court/Office facility and architectural master planning services.

Discussion: The $3.0 million would assist in funding the courtrooms in the proposed Court/Office facility. Under the present Cooperation Agreement, the City of San Diego Redevelopment Agency will pay $3.0 million to the County when a construction contract is signed and the lease is executed for the expansion of nine additional courtrooms in the Centre City Community Planning area. It is suggested that the agreement be amended so that the County could receive "progress payments" or an advance so that some of the $3.0

million could fund the design for the new courtrooms. It may be possible to renegotiate this agreement (i.e. related to the expansion of redevelopment boundaries) resulting in additional funds for court development.

Recommendation 3:

Direct that the Master Plan for Justice Facilities be amended for approval by the Board, pending environmental review, to include the construction of a Criminal Courts Annex to the Downtown Courthouse, (contingent on the availability of sales tax revenue), and direct that the Master Plan for Justice Facilities be amended to include this assumption.

Discussion: The OMNI Group Master Plan identified several major problems with the Downtown Courthouse that could be solved with the construction of a new Criminal Courts Complex. These existing problems include: lack of prisoner holding space, inadequate space for defendants to confer with their attorneys, and the movement of in-custody defendants within public/employee areas.

Superior Court Position:

It is the position of the Superior Court that a new facility which houses Civil Courts should be constructed as a part of a Downtown Courthouse expansion. The Superior Court has recommended that this facility include 25 courtrooms to accommodate their projected growth through 2000. The construction of such a facility would assist in the implementation of independent calendaring. Under independent calendaring a judge hears all aspects of a case. This differs from master calendaring in which there are specialized Court departments in which different judges will hear different aspects of a case. Under independent calendaring a judge is typically assigned a research attorney and calendar clerk. Ideally the research attorney's office/clerk's office are immediately adjacent to the judge's chamber/courtroom. The existing physical layout of the Courthouse would make it virtually impossible to locate the research attorney/calendar clerk immediately adjacent to every judge.

However, according to the OMNI Group it would be possible to physically implement independent calendaring in the existing Courthouse by clustering research attorney/calendaring clerk offices. OMNI believes the benefits of having a new Criminal Court annex outweighs the costs of certain inefficiencies of retaining Civil Courts remain in the existing Courthouse. The OMNI plan was predicated upon the construction of a new Criminal Court's Annex north of the Courthouse. A determination to construct a new Court facility to accommodate the long term (i.e. year 2010) requirements

of civil courts would imply the eventual near term replacement of the Courthouse. This is because there are significant problems with the existing Courthouse hearing criminal matters. This problem must be solved should the sales tax revenue be available.

Recommendation 4:

Direct the Department of General Services to begin planning for the expansion of the Downtown Courthouse by adopting the following actions:

A. Determine to retain the existing Courthouse for a minimum period of ten years.

B. Authorize the Director, Department of General Services to issue a Request For Proposals for master planning and design services for the expansion of the Downtown Courthouse, refurbishment of the Downtown Courthouse and design services that may be required for new County owned building(s).

C. Return to the Board of Supervisors within 120 days with a contract and funding for architectural/master planning services.

D. Find that these actions constitute feasibility or planning studies which the Board has not yet adopted, funded, or determined to carry out and that these actions are therefore exempt from the California Environmental Quality Act (CEQA) Section 15262 of the CEQA guidelines.

Discussion: Concurrent with the selection of a proposal for providing court/office space, the County needs to develop a detailed master plan for expansion of the Downtown Courthouse. Development of a master plan concurrently with the solicitation of Request For Proposals for the new Office/Court facility will allow the County to refine the proposed phased building program for the Court expansion without delaying the acquisition of sorely needed space for the interim expansion of Courts/Office. The County/ Courts cannot afford to wait for the completion of a master plan and then begin the construction of new Courts/acquisition of additional office space. The acquisition of a stand alone court support office building coupled with a Criminal Court annex was one of the seven options for the expansion of the Downtown Courthouse identified by OMNI. This master plan would draw upon the work completed by the OMNI Group and focus on several new developments:

A. The inclusion of some courtrooms in a new Office Building. The OMNI plan did not have courts in the office support facility.

B. The need to work with the developer's architect. It is recommended that the County Architect work with the developer's team to develop specific plans for the internal layout of the new court/office space.

C. The need to look at specific refurbishment options for the existing courthouse. The OMNI Group identified the physical problems with the Courthouse but did not identify specific architectural solutions to those problems.

Many of the significant problems associated with the Downtown Courthouse could be solved with the new Criminal Court's annex discussed above. The existing Courtrooms are functionally adequate. There would be an estimated cost savings of around $ 200 million dollars if the Downtown Courthouse was not replaced.

Superior Court Position:

It is the position of the Superior Court that the existing Courthouse must be replaced as soon as possible and that funds should not be spent on refurbishment.

Recommendation 5:

Determine not to proceed with any interim lease of space for Superior courtrooms in the Downtown San Diego area.

Discussion: During FY 89/90, as a result of trial court funding the Board added 15 Superior Court judicial positions. The table below presents information that indicates that a total of 15 courtrooms will be added by the end of 1992:

TABLE III
COMPLETED/PLANNED SUPERIOR COURTROOM PROJECTS

North County Modulars	2	Done
Juvenile Court Modulars	2	Done
South Bay Regional Center	4	November 1991
El Cajon Regional Center	4	December 1992
El Cajon City Hall (temporary)	3	May 1991
	15	

The El Cajon City Hall project was originally intended to be used only until completion of the permanent addition of four courtrooms

at the El Cajon Regional Center. In order to provide short term space, the Superior court now leases seven courtrooms in the San Diego Hotel. If the El Cortez project's nine courtrooms had been completed, along with the other twelve permanent courtroom additions (modulars and the Regional Center remodels), there actually would have been six more courtrooms than budgeted judicial positions. The recommendation to not proceed with any lease of interim space downtown has the following implications: 1. continued operation of at least four courtrooms at the San Diego Hotel until the El Cajon Regional Center project is completed in late 1991. 2. the use of the El Cajon City Hall project until the Downtown Courthouse expansion is complete in late 1993 or early 1994.

It should be noted that the modulars and the El Cajon City Hall courtrooms are not standard jury trial size and therefore are considered by the Court to be "substandard." There may be the need to lease additional space for Superior Court administrative support functions that had been targeted for the El Cortez facility.

Recommendation 6:

Direct the Office of Intergovernmental Affairs to seek legislation during 1992 which would increase the amount of revenue going to the County Courthouse Temporary Facility Construction Fund.

Discussion: There is the possibility that the increased surcharges could discourage some defendants from paying fines or not appearing in Court. This issue will have to be explored further. There has been some recent progress in providing new Courthouse construction revenue. The Senate Judiciary Committee took the initial step toward the creation of a statewide courthouse construction program when it approved legislation (SB 885) at its April 30 hearing.

SB 885, by Senate Judiciary Committee Chair Bill Lockyer, represents a change in philosophy concerning courthouse construction funding. Previous funding mechanisms focused on civil filing fees or penalty assessments, with the resulting revenues being retained at the local level for expenditure.

SB 885 would also impose a civil filing fee, but the revenues from the filing fees would be forwarded to the state and subsequently allocated by a state commission. Such a commission would be established under provisions of the bill. In addition to implementing a new filing fee of $25, SB 885 would also operate revenues by (1) imposing a $10 fee on those persons who go to drivers' school as a condition of probation and (2) recovering a percentage of punitive damage awards. CSAC is supporting SB 885 although the bill raises some concerns regarding the ultimate allocation of generated revenues.

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Recommendation 7:

Direct that the Chief Administrative Officer return within 60 days with a contract and funding for an Environmental Impact Report for additional construction to the Downtown Courthouse.

Discussion: In order to proceed with expansion of the Courthouse in the future (eg., Criminal Courts Annex) it is necessary to complete an Environmental Impact Report/Assessment. The scope of work and funding for the study will be developed over the next month and presented to the Board as soon as possible.

Recommendation 8:

Direct the Chief Administrative Officer to report back in 60 days with a specific financial analysis of the proposed recommendations for expansion of the Downtown Courthouse and a progress report on the Court/Office Building RFQ progress.

Discussion: The full costs of these recommendations are not identifiable. The financial analysis will explore in greater detail the costs of expanding the Courthouse, reimbursement options for acquisition of owned space, potential lease savings, and the design/cost implications of locating courtrooms in a new office building.

FINANCING ALTERNATIVES

Without the availability of Proposition A or some similar funding source, it will not be possible to finance a significant major expansion of any new Courthouse in San Diego County including the Downtown San Diego facility. With respect to the expansion of the Downtown Courthouse and related support space, the following funding options are independent of Proposition A availability.

1. Lease consolidation savings: $ 2.1 million annually. This includes leases for the Grand Jury, District Attorney, Adult Probation, Public Defender, Alternate Public Defender. The savings comes from the General Fund revenue that would not have to be committed to these court support leases. $2.1 million is the maximum amount of revenue that could be available. It is unlikely that all these lease functions could be accommodated in a new building.

2. Lease savings from not proceeding with the El Cortez Project: $1.1 million annually. Since this lease was terminated there still remains $1.1 million in appropriations for the nine courtroom lease. This lease was supposed to have lasted for at least ten years.

3. County Courthouse Temporary Facility Construction Fund (SB 668): $2.0 million annually. On March 7, 1991 the SB 668 Advisory Committee recommended that beginning in FY 92/93 there be an allocation of $ 2.0 million annually to an expansion of the Downtown Courthouse. It was also recommended that if Proposition A proceeds become available these funds should be diverted to other Court projects.

4. Payment from the City of San Diego Redevelopment Agency: $3.0 million-one time. This would be contingent upon successful renegotiation of the existing Cooperation Agreement with the City Redevelopment Agency.

As mentioned previously, it is estimated that the $5.2 million in annual savings could fund about a $50.0 million capital project. Financing for the new facility could be raised through a Joint Powers Authority or through the San Diego Capital Asset Leasing Corporation. A JPA would be appropriate if more than one governmental agency was envisioned for the building. Both the State Attorney General and the City of San Diego Attorney have expressed some preliminary interest in locating in a facility with the County.

ALTERNATIVES TO EXPANSION OF COURTS IN DOWNTOWN SAN DIEGO

There are several alternatives to proceeding with the expansion of courtrooms in a new Court/Office facility.

1. Construct a Criminal Courts Annex to the existing Downtown Courthouse. Because of the significant estimated cost of this facility ($408.6 million), this option would be contingent on the availability of Proposition A proceeds. This option is not recommended because it would probably take five years to complete once Proposition A proceeds were available. However, this option would solve many of the problems with the existing Courthouse.

2. Construct a new facility to house Civil Courts and other Court support functions in Downtown San Diego. The Superior Court has recommended to the Chief Administrative Officer that a new facility be constructed to accommodate about 25 judicial positions. This facility would accommodate the projected growth in Superior Court downtown positions through the year 2000. The estimated cost of this facility is $35.0 million. This option is not recommended because: (a) the facility would have a significant cost; (b) it might not provide for the space needs of the Court support departments or the Municipal Courts; (c) it would not solve many of the problems associated with having criminal Courts at the existing Courthouse; and

(d) it may not reduce lease costs.

3. Determine to expand Courts at one of the Regional Centers. The Omni Group has developed Master Plans for expansion of the Courts at all of the Regional Centers. These master plans have assumed full service branches of the Superior Court. Under full service Superior Court branches, venue is determined by the judicial district boundaries. In the case of criminal cases, venue is based upon the location of arrest/crime. For civil cases venue is determined by residence/place of business of the defendant. A policy decision could be made by the Superior Court to assign cases to any Regional Center.

The most logical Regional Center to expand in lieu of additional Courts in Downtown San Diego is the North County Regional Center, because: (1) the environmental impact report for the expansion of the Center is anticipated to be complete by July 1991; (2) the architect for a proposed first phase expansion has been selected; (3) there is sufficient land to house a significant number of new Courtrooms; and (4) additional courtrooms are already being planned as a part of the first phase expansion.

The City of Vista has offered financial assistance to the County contingent upon a commitment to provide a total of 51 courtrooms at the North County Regional Center. Adding courtrooms here puts the County nearer the 51 courtroom level which would "trigger" financial assistance. The disadvantage of this approach is that the site would not be convenient for some plaintiffs/defendants and attorneys who are not located in North County.

The next best alternative to North County is expansion at the South Bay Regional Center. There is sufficient land to accommodate a new Court facility. The advantage of using South Bay is that it is a relatively short distance for attorneys located in Downtown San Diego. The disadvantages are associated with the time that it would take to complete an EIR, select an architect and plan for a new Court/Office building.

The third alternative would be to expand at the El Cajon Regional Center. This could consist of converting the fifth floor of the Courthouse to courtrooms and/or constructing a new Court/Office building. It may also be possible to add some courtrooms/office space in the jail. The feasibility of reuse of the jail will be reviewed by the project architect for the El Cajon remodel, Bundy Thompson and Associates. The El Cajon option has the same disadvantages as the South Bay project. In addition, because of the lack of land at the Regional Center, it will probably be necessary to acquire

additional property through eminent domain.

None of these options would solve the problems of space shortages for the District Attorney and other support functions in downtown San Diego, or reduce County lease costs in downtown San Diego.

4. Lease Space in Downtown San Diego for interim courtrooms. The County could readvertise for lease proposals for courtrooms in Downtown San Diego. This option is not recommended because: (a) it is inherently difficult and time consuming to convert space that was to be used for offices to courtrooms; (b) it is contrary to Board Policy which calls for owning rather than leasing of space; (c) it would further decentralize and fragment the location of courtrooms in Downtown San Diego. It has been suggested that the County could house interim courtrooms in the Great American Building, Walker Scott Building, or the City's Golden Hall convention space. The Great American building would be problematic in that the elevator system would result in an inefficient movement of staff from floor to floor and the ceiling heights are too low for courtrooms. The Walker Scott building could result in a similar capital expenses as the El Cortez project and could possibly result in delays in getting a final design, construction contract, and performance bonds. Based upon recent correspondence from the City of San Diego, Golden Hall is booked for some conventions through 1992.

5. Expand Courts at Cedar Street. There has been discussion by the Board Subcommittee on Downtown Courts (Supervisor Bilbray and Williams) about locating courts in the Cedar Street area. There are the following considerations with respect with respect to this option:

   A. There would be an undetermined increase in capital and operational costs. These additional costs are related to scheduling difficulties posed by having courts in several buildings, limited ability to pool jurors, and the reduced ability to share space by agencies (e.g. having to provide two rather than one departmental conference room because a department is located in two separate buildings).

   B. For Courts to assist in revitalizing the Cedar Street area it would probably be necessary to locate Civil courts in this location. This alternative would require the demolition/replacement of the Downtown Courthouse at an estimated cost of $115 million in today's dollars.

C. The location of Courts in the Cedar Street area could involve splitting the Courts between Downtown San Diego and Cedar Street. There could be significant operational problems if the Courts were bifurcated between Downtown San Diego and the Cedar Street area.

D. In order to alleviate the significant physical problems with the existing Downtown Courthouse it will be necessary to construct a new Criminal courts building as part of the first phase of construction. The new Criminal Courts building will resolve existing problems with inmate security. Criminal Courts generally do not generate a lot of private office development. It probably would not be until after the year 2000 before Civil Courts would be located to Cedar Street, well after the area begins to revitalize.

E. The potential environmental impacts (e.g. traffic congestion, effects on community character) of locating courts in the Harborview area are unknown.

F. There are relatively lower land values in the Cedar Street area. However, a decision to locate courts in the area would increase the value of land in this area relative to the rest of downtown San Diego.

The location of courts in the Cedar Street area would have the following advantages:

1. It would assist in revitalizing the Cedar Street area and is a compatible use with future CAC office development.

2. It could occur with low rise construction, which is 10-15% less expensive than high rise construction. However, there could be additional land acquisition costs which could offset any construction cost savings.

3. New courthouse buildings could be phased, unlike a high rise facility near the existing Downtown Courthouse.

6. <u>Expand courtrooms on floors five, six, and seven of the Downtown Courthouse</u>. In 1986 the San Diego Municipal Court added three courtrooms and a large Judge's Library/Conference Room on the fourth floor of the Courthouse for a cost of $880,000. No asbestos mitigation was required. This space had been occupied by the District Attorney. Space on the fifth, sixth and seventh floor of the Downtown Courthouse could also be converted to courtrooms. Considering that there will be a need for asbestos containment/mitigation, the estimated cost of the remodel is about $6.0 million.

SUBJECT: Court Space Expansion Alternatives

Construction could be complete about 24 months after relocation of the District Attorney. Relocation of the District Attorney to permanent office space could occur between 24-30 months after a policy decision was made to proceed with the acquisition of a new building. There is an inadequate amount of space to accommodate nine Superior Courts and required support functions that had been programmed for El Cortez. There is approximately 48,000 net square feet in this District Attorney space. El Cortez had 70,000 square feet.

Other Court Space Issues and Data.

Attachment A discusses several other issues that relates to the siting and planning of future court facilities. These include fiscal issues (Regional Impact Fees and City of San Diego Redevelopment Assistance), and programmatic issues (North County Juvenile Court, Night/Split Session Court and siting of San Diego Municipal Small Claims/ Traffic Courts). Attachment B presents information on the existing and projected need for judicial positions.

Respectfully submitted,

NORMAN W. HICKEY
Chief Administrative Officer

BOARD OF SUPERVISORS
AGENDA ITEM
INFORMATION SHEET

SUBJECT: Court Space Expansion Alternatives

SUPV. DIST.:

COUNTY COUNSEL APPROVAL: Form and Legality TML (X) Yes ( ) N/A
( ) Standard Form ( ) Ordinance ( ) Resolution

AUDITOR APPROVAL: ( ) N/A ( ) Yes 4 VOTES: ( ) Yes ( ) No

FINANCIAL MANAGEMENT REVIEW: ( ) Yes ( ) No

CONTRACT REVIEW PANEL: ( ) Approved _____ ( ) N/A

CONTRACT NUMBER(S):

PREVIOUS RELEVANT BOARD ACTION:

BOARD POLICIES APPLICABLE:

CITIZEN COMMITTEE STATEMENT:

CONCURRENCE(S):

ORIGINATING DEPARTMENT: Chief Administrative Officer

CONTACT PERSON: Rich Robinson (S-30) 531-4848 (A227)
Nick Marinovich (S-30) 531-5275 (A227)

_____ May 28, 1991
DEPARTMENT AUTHORIZED REPRESENTATIVE **MEETING DATE**

ATTACHMENT A

The purpose of this attachment is to present information on several issues that relate to the future siting of court facilities.

PROGRAMMATIC ISSUES

NIGHT/SPLIT SESSION COURT

The sharing of courtrooms and/or the extended hours of court operation has been mentioned as a way of reducing construction requirements. There are presently six courts which now use split sessions (i.e. courtrooms which are shared by judges):

1. Superior Court Department 35 (Law and Motion). Note: with the addition of more courtrooms downtown and implementation of independent calendaring, this courtroom will no longer be shared.

2. The San Diego Municipal Court has 27 judges sharing 25 courtrooms in the Downtown Courthouse.

3. There are four San Diego Municipal Court Commissioners sharing two Small Claims courtrooms in Kearny Mesa.

4. There are two San Diego Municipal Court Commissioners, which hear traffic arraignment matters, sharing a courtroom at the Clairemont Court facility.

In addition to these split session courts, there are the following night court sessions in San Diego County:

- San Diego Municipal Court Traffic Division - Traffic arraignments started one night a week in 1967. Traffic arraignments are now heard every night.

- El Cajon Municipal Court - Every Wednesday night small claims and traffic arraignment/infractions are scheduled at the El Cajon Regional Center. Small Claims matters are generally heard from 5:00 p.m. to approximately 6:30 p.m. Traffic matters are scheduled immediately following the small claims matters. The court is able to meet the public's demand for night court with this one night a week session. In addition, the public not requesting to go to court have full access to the Clerk's office and may pay fines, forfeit bail, etc.

- North County Municipal Court - Traffic matters are heard every Thursday night from about 5:30 p.m. to 8:00 p.m. and small claims every third Thursday of the month. On average about 50-60 defendants have their traffic arraignment/infraction matters heard. In addition, the public not requesting to go

to court have full access to the Clerk's office and may pay fines, forfeit bail, etc. While the Court attempts to accommodate staff requirements through staggered work hours, at times it is necessary to pay overtime (eg., summer vacation periods). The County's workload during the regular work hours require full staffing, thereby limiting the ability to stagger hours. The one night a week session is able to accommodate all of the public's demand to have their minor offense cases heard at night.

- South Bay Municipal Court - Night court is scheduled every Thursday from about 5:00 p.m. to 9:00 p.m. at the latest. Traffic arraignment/infraction matters are heard every week with small claims cases tried every other week. All of those who wish to have their matters scheduled at night can be accommodated with this one night a week session.

The Superior Court presently does not hold night court.

Siting of San Diego Municipal Small Claims/Traffic Courts

The existing San Diego Municipal Small Claims/Traffic Court in Kearny Mesa hears traffic arraignment and small claim matters whose venue is in the San Diego Judicial District (Cities of Poway and San Diego). Traffic trials are heard in downtown San Diego. The vast majority of traffic offenses in the region occur within the boundaries of the City of San Diego. Most of the people who come to Traffic/Small Claims Court travel by auto and are either coming from or to work. The geographic center of the City of San Diego is in the Kearny Mesa/East Clairemont area. Therefore it is probably best to site a new facility somewhere in this general vicinity with convenient access by freeway.

FISCAL ISSUES

NORTH COUNTY JUVENILE COURT

The planning to date has assumed the centralization of Juvenile Courts in metropolitan San Diego. The Court and the County have been planning for the possibility of colocating the Juvenile Dependency Courts and the Children's Center and retaining the existing Juvenile Court complex for delinquency Courts. The planning for the North County Regional Center Complex that was completed by the OMNI Group in 1988 assumed that no Juvenile Courts would be next to the North County Regional Center. Given the significant growth projected for North County and the distance between many North County residents and the existing Juvenile Court facility, we may wish to reconsider our prior planning assumptions. It is the position of the Superior Court that Juvenile Dependency Courts should be next to a Children's Center. There is insufficient land at the North County Regional Center to house such

a center. It may be that future North County Juvenile Courts could be adjacent to a North County Juvenile Hall and Children's Center away from the existing Regional Center Complex.

CITY OF SAN DIEGO REDEVELOPMENT ASSISTANCE

It is widely known that the presence of Downtown Courts provides a significant benefit to the Downtown economy. It is estimated that 40% of the employment in Downtown San Diego is related to the Courts. In recognition of the benefit of Downtown Courts the City of San Diego Redevelopment Agency agreed to commit $ 3.0 million to funding nine Downtown Courtrooms. According to Redevelopment Agency Staff, there presently are no funds available within the existing redevelopment boundaries. However with the expansion of redevelopment boundaries that additional monies may be available to assist the County. The additional funding for Courts will be pursued as a part of future redevelopment negotiations.

REGIONAL IMPACT FEES

Another possible source of revenue for future Courts are regional impact fees. SANDAG's Regional Revenues Advisory Committee is dealing with this issue. The committee, upon which the County is represented, is currently discussing alternative funding sources for various types of facilities and services. Also, with the assistance of Bay Area consultants, Recht, Hausrath, and Associates, the committee is developing equitable formulas for potential regional impact fees.

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ATTACHMENT B

The purpose of this attachment is to present information on: the existing distribution of San Diego courtrooms/hearing rooms, existing budgeted judicial positions and available courtrooms, and the estimated need for judicial positions.

TABLE B-1
EXISTING DISTRIBUTION OF SAN DIEGO COUNTY
COURTROOMS/HEARING ROOMS

	SUPERIOR		MUNICIPAL			
	Courtrooms	Hearing Rooms/ Modulars	Courtrooms	Hearing Rooms/ Modulars	Total	Comments
Downtown	34	0	24	1	59	One court Superior Courtroom, Law & Motion (Dept. 35) is shared by two judges. Municipal Court has 27 judges sharing 25 courtrooms/hearing rooms.
John Burnham	6	1	0	0	7	One commissioner is assigned to this facility.
Juvenile Court	6	4	0	0	10	Two modulars and two hearing rooms.
East County Regional Center	2	1	10	1	14	Marshal's weight room functions as a temporary courtroom.
North County Regional Center	10	3	9	2	24	This includes five modulars (2 Municipal, 3 Superior).
Ramona	0	0	1	0	1	This court is loaned to Superior Court. Municipal Court matters are heard every Friday.
Kearny Mesa Traffic/Small Claims	0	0	4	0	4	6 Commissioners(4 small claims/2 traffic), and 1 Judge share 4 courtrooms.
San Marcos Traffic/Small Claims	0	0	2	0	2	
El Cajon City Hall	0	1	0	0	1	This is a temporary courtroom.
Escondido	0	0	2	0	2	
San Diego Hotel	7	0	1	0	8	One Municipal Court Commissioner is assigned to this location.
South Bay Regional Center	0	0	8	2	10	On Monday through Thursday afternoon a pro-tem hears Municipal Court small claims matters for Municipal Court.
TOTAL	65	10	61	6	142	

TABLE B-II
EXISTING BUDGETED JUDICIAL POSITIONS AND AVAILABLE PERMANENT COURTROOMS

	JUDICIAL POSITIONS	PERMANENT COURTROOMS/ HEARING ROOMS (6)	SHORTAGE(7)
North County (1)	15	15	0
South Bay (2)	8	10	0
El Cajon (3)	11	11	0
San Diego (4)	35	29	6
Superior (5)	76	66	10
	145	131	16

(1) This includes 13 Judges and two Commissioners. The FY 90/91 Budget has 13.5 budgeted staff years and includes two Judges (.25 staff years each) which have not been authorized by the Legislature. These two Judges are one Commissioner do not qualify for Trial Court Funding block grants.

(2) This includes 7 Judges and one Commissioner. The Commissioner is authorized in State legislation and receives no Trial Court funding revenue. Two hearing rooms are available for non jury matters.

(3) This includes 10 Judges and one Commissioner. The Commissioner is not authorized in State legislation and receives no Trial Court funding revenue because the position was not filled as of September 1987 (State Trial Court Funding revenue requirement).

(4) There are 28 Judges and seven Commissioners. Three Commissioners do not have legislative authorization and therefore receive no Trial Court funding revenue.

(5) There are 71 Judges, three Referees, and two staff years of Pro-Tem Referee budgeted. Only the 71 Judges receive Trial Court Funding block grants. In addition to the 76 budgeted positions the Court has three unbudgeted Referees (Subordinated Judicial Officer) serving - one in North County (Family Court) and one in Juvenile Court.

(6) These are courtrooms which are likely to be vacated within 2-3 years. Modular facilities, which have a useful life of 5-10 years, are counted in the permanent inventory. Depending on funding availability, these courtrooms may need to be removed to house more traditional courtrooms. There are currently seven modular facilities in the County inventory. Courtrooms that were not counted as permanent are El Cajon Regional Center Weight Room (1), El Cajon City Hall (1), Ramona (1), and San Diego Hotel (8).

(7) Judicial positions less permanent courtrooms.

TABLE B-III

ESTIMATED JUDICIAL POSITIONS BY LOCATION

	Total 1990	Total 2000	Total 2010	1990-2010 Net Increase(1)
o North County				
- Superior	13	24	45	32
- Municipal	16	26	39	23
o Juvenile				
- Dependency	6	10	19	13
- Delinquent	4	5	6	2
o S.D. Traffic/Small Claims/Other				
- Municipal (2)	6	11	16	10
o El Cajon				
- Superior (3)	4	14	20	16
- Municipal	11	19	26	15
o South Bay				
- Superior	4	10	15	11
- Municipal	10	12	17	7
o Downtown				
- Superior	50	65	90	40
- Municipal	32	42	53	21
	156	238	346	190

(1) The source of this information is the adopted Master Plan for Justice Facilities (page 13) and supplemental information provided by the Superior Court regarding a breakdown by location of judgeship needs. These are estimated needs as opposed to actual positions.

The forecast of judicial position requirements was based upon the long term histor- ical (FY 77/78 - FY 87/88) relationship between population growth and workload for the Superior and Municipal Courts. This correlation was assumed to continue in the future. Population growth was based upon SANDAG Series 7 forecasts for each judi- cial district. For all Courts, workload has increased faster than population growth. Therefore, the increase in judicial positions is anticipated to be significantly more than population growth. A workload standard of

78,000 minutes was used for the Municipal Court and 108,658 minutes for the Superior Court. It should be noted that the North County projections are under review by the court.

(2) This data was developed by the San Diego Municipal Court in a memo from Kent Pedersen to the OMNI Group. Projected requirements for FY 2010 is as follows: seven small claims, two misdemeanor, four infraction, and three traffic infraction trial courtrooms. The Downtown Courthouse Master Plan had assumed traffic trials in the Downtown Courthouse. Therefore to avoid double counting, the have been excluded from these projections. These projections are under CAO review.

(3) The El Cajon Municipal Court forecasts have been revised upward from the Master Plan for Justice Facilities. Year 2010 projection (15 positions) forecast have been revised upward to 26 positions reflecting trends in workload and population growth between FY 72/73 and FY 87/88.

TABLE B-IV

ESTIMATED JUDICIAL POSITION REQUIREMENTS BY COURT

	1990(1)	2000	2010	Increase (1990-2000)
San Diego Superior Court	81	128	195	114
North County Municipal Court	16	26	39	23
El Cajon Municipal Court	11	19	26	15
South Bay Municipal Court	10	12	17	7
San Diego Municipal Court	38	53	69	31
	156	238	346	190

(1) These are estimated requirements as opposed to budgeted judicial positions. The source is the San Diego County Master Plan for Justice Facilities page 13.

Projections of Judicial Position Requirements

The Chief Administrative Office in conjunction with the Courts developed a methodology for projection judicial position requirements in 1988. The methodology basically assumed that the historical relation between population growth and court workload will continue into the future. There have been some adjustments to these forecasts based upon unique circumstances to the El Cajon and San Diego Municipal Courts. The table below summarizes the historical growth and the projected need for judicial positions.

TABLE B-V

A COMPARISON OF HISTORICAL GROWTH IN BUDGETED JUDICIAL POSITIONS AND PROJECTED NEED FOR NEW JUDGESHIPS FOR SUPERIOR AND MUNICIPAL COURT

	HISTORICAL			FORECAST		
	FY 69/70	FY 89/90	AVERAGE ANNUAL GROWTH RATE	FY 89/90 (ACTUAL)	FY 2009/10	AVERAGE ANNUAL GROWTH RATE
Municipal Courts	28	67.5	4.5%	67.5	152	4.14%
Superior Court	25	76	5.7%	76	195	4.8%

TABLE B-VI

A COMPARISON OF HISTORICAL GROWTH IN BUDGETED JUDICIAL POSITIONS AND PROJECTED NEED FOR NEW JUDGESHIPS FOR SUPERIOR AND MUNICIPAL COURTS BY DISTRICT

	HISTORICAL			FORECAST		
	FY 75/76 (1)	FY 89/90	AVERAGE ANNUAL GROWTH RATE	FY 89/90 (ACTUAL)	FY 2009/10	AVERAGE ANNUAL GROWTH RATE
El Cajon	5	11	5.4%	11	26	4.4%
North County	6	13.5	5.5%	13.5	39	5.5%
South Bay	3	8	6.8%	8	17	3.8%
San Diego	22.5	35	3.0%	35	69	3.5%
Superior	33	76	5.7%	76	195	4.8%

(1) Fiscal year 75/76 was chosen as it is the first year in which there was a South Bay Judicial District. Prior to FY 75/76 this area was included in the San Diego Judicial District.

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