

Judges in El Dorado, Placer counties lobby for money for courthouse repairs

By Maria Dinzeo, Courthouse News Service

Members of a Judicial Council committee grilled California trial judges over courthouse construction costs in an effort to fund necessary projects while cutting costs by \$390 million.

Judges and officials from 23 local trial courts pleaded for funds from the council's court facilities working group, complaining of perilously unsafe courthouses that are seismically unfit, overcrowded and lacking access for the disabled.

"The security in our courthouse is somewhat appalling and a recipe for potential disaster," said Presiding Judge Laurie Earl of Sacramento.



El Dorado County courthouse in South Lake Tahoe needs substantial repairs.

Photo/LTN file

Presiding Judge Suzanne Kingsbury of El Dorado County showed the committee a 65-pound corbel that had fallen off the roof of her court. "This is a problem we cannot seem to fix," she said.

"You're not contending that the falling corbels is a basis for a new building," said Appellate Justice Jeffrey Johnson, the committee's co-chair.

"Absolutely not," Kingsbury replied. "The lack of [Americans with Disability Act] access, the lack of parking, the asbestos, mold and lack of jury assembly rooms – I could go on for days. The corbels are just documentary evidence of the dilapidated state of the building."

Presiding Judge Brian Hill of Santa Barbara told the committee that several times a week prisoners are paraded across the street to another courtroom housed at its historic courthouse, just as tourists are unloading from buses out front.

"It's not unusual to have to bring out additional deputies to protect tourists from intermingling with the inmates," he said. "It's almost a feeling of chaos as they cross the street."

Kern County Executive Officer Terry McNally said two regional courthouses serving very large Central Valley prisons are "ripe for a major security incident."

The facilities working group was tasked last year with re-assessing the state's planned courthouse projects after intense scrutiny of the construction program and the outrageous cost of building courthouses in California. With additional cuts this year from the state Legislature, the committee still needs to find \$390 million to cut from court construction.

At Wednesday's meeting, judges on the working group were highly critical of presenting courts and questioned each seemingly unnecessary expenditure.

"What really concerns me is the cost of construction," Judge Samuel Feng of San Francisco said to Presiding Judge Alan Pineschi of Placer County. "The original construction cost is outrageous. When the public looks at this, it's going to be absolutely – just bad. At some point, the number is going to come out and I don't think the cost justifies the number of courtrooms," he added, referring to the \$27 million price tag of a new one-room courthouse in Lake Tahoe.

Pineschi said the cost estimate was unusually high because of the area's environmental requirements. Because of its alpine location, the new Lake Tahoe courthouse would require a special roof to ward off snow and ice. However, Pineschi said he agreed that the original cost estimate provided by the Administrative Office of the Courts, the bureaucracy in charge of all courthouse building projects, was obscenely high.

"Our goal is to have something that substitutes for this extremely inadequate facility," he said. "We're willing to consider anything."

Committee-member Judge David Power of Solano questioned Kern County's need for two new three-room courthouses at a cost of \$30 million.

"Three courtrooms for \$30 million. That's a lot of money. That's a lot of investment for just three courtrooms," he said.

McNally explained that it was the estimate given by the AOC's Office of Court Construction and Management, but he would be willing to negotiate on price.

"My judges share your concern about the cost of these facilities," he said. "We're ready willing and able to sit

down with the OCCM to economize.”

Judge David Lampe of Kern County said modifying existing facilities “is likely the most economical.”

“The problem here for us is that the money is a moving target,” he said. “What you’re undertaking seems to be a balance between need and available resources. A husband and wife may have six kids and want a six-bedroom home, but if the income is only \$1,000, they’re going to have to balance the revenue with the need.”

“To rephrase the Rolling Stones, you get what you need,” Johnson said.

Lampe replied, “What we’re worried about is if we start looking only at need, then the front-loaded projects are going to absorb a greater share of the cost, and delayed projects will be delayed that much further because the resources may not be there. We’re worried with these non-metropolitan, somewhat rural areas that we’re going to end up with a disparity of facilities.”

“Branch courts are always more expensive,” Power added.

“It’s a very large, diverse community,” McNally said. “It’s not unreasonable to have a decentralized environment.”

The frustrations brought on by meager funding quickly became a point of contention between the committee and the courts. Assistant Presiding Judge Ira Kaufman of Plumas County said his historic 1921 court has no security, and one judge has to share a restroom with the public.

“I think it would be hard to justify to the taxpayers of California to build a new courthouse so a judge doesn’t have to use a public bathroom,” Johnson countered. He added that the bulk of the county’s problems seem to be “personnel” matters, including its rancorous relationship with the county,

which owns the courthouse but refuses to put any money into it.

The discussion became heated, with Kaufman saying the committee "wasn't helping."

When one committee member said the courthouse was "functional," Kaufman snapped, "Where did you get that from? Have you been to the courthouse?"

He noted that the county has pledged the courthouse as collateral against a loan, so the state could make no renovations on it.

"We've had discussions with the county for many years," Kaufman said. "All the county buildings have been pledged. The point is, the building doesn't function. The county isn't going to fix it. Whether it's a new courthouse or refurbishing this one, everyone deserves the same access to justice."

"I'd like a new courthouse for my court also," Feng chuckled.

Justice Brad Hill, chair of the construction committee, apologized throughout the day for asking the courts to justify their needs.

"I want to apologize for putting the courts through this again," he said. "You would not be here but for the fact that the Legislature had cut an additional \$50 million a year ongoing. That is the unfortunate circumstance we are faced with. This is just one more thing on top of trying to keep your courts open."