



COUNCIL AGENDA: 06-24-08
ITEM: 3.13

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Lee Price, MMC
City Clerk

**SUBJECT: SB 1407 (PERATA) –
COURTHOUSE CONSTRUCTION**

DATE: 06-20-08

RECOMMENDATION

As recommend by the Rules and Open Government Committee of June 18, 2008 and outlined in the attached memo previously submitted to and approved by the Rules and Open Government Committee, adopt a position of support for SB 1407 (Perata) – Courthouse Construction.





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FACT SHEET

April 2008

SB 1407 (Perata) – Courthouse Construction

HON. RONALD M. GEORGE
Chief Justice of California
Chair of the Judicial Council

WILLIAM C. VICKREY
Administrative Director of the Courts

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Chief Deputy Director

CURTIS L. CHILD
Director, Office of Governmental Affairs

California's courthouses are in a spiraling state of crisis. With the passage of the Trial Court Facilities Act of 2002 and AB 1491 (Jones) in April 2008, the state is now completing the process of taking responsibility for all of California's 450 courthouses. Many buildings which house California's courts are in a critical state of disrepair and antiquated design. Inadequate security has created dangerous conditions that place children, jurors, witnesses, litigants, visitors and court employees at risk. *Ninety percent of court facilities need improvement* to provide for:

- Safe and sufficient juror assembly space, courtrooms, and deliberation rooms
- Access for the disabled (Americans with Disabilities Act)
- Protection of all parties in family law disputes
- Separation of victims, defendants, witnesses, and families in criminal cases
- Protection of children involved in custody, dependency, criminal, and civil cases
- Separate and secured hallways to protect both defendants' right to a fair trial, and the safety of the public, witnesses, judges and staff

Without the necessary improvements in physical infrastructure, the courts are in danger of losing their ability to safely and effectively carry out justice.

Prior Legislation and Funding

Fifteen capital outlay projects have received initial and ongoing funding from the State Court Facilities Construction Fund beginning in FY 2005-2006. One of these projects is completed, three are in construction or being bid for construction, two are in design, and the remaining projects are in the site selection and acquisition phases.

Addressing the Most Immediate and Critical Needs

The Judicial Council has developed a comprehensive plan for replacing and renovating the courthouses that no longer can safely and effectively serve their communities' needs. The Trial Court Capital-Outlay Plan—which is organized into five priority groups—identifies 152 projects. Of these, 68 projects are Immediate and Critical Need projects, representing the branch's top priority for infrastructure improvement. The Judicial Council has approved 12 of these projects for submittal to the Executive and Legislative branches for immediate funding, but no current funding is available to fund these projects. There are an additional 56 Immediate Need and Critical Need projects currently without identified funding.

Projects Funded by SB 1407

SB1407 (Perata) authorizes the issuance of up to \$5 billion in lease revenue bonds to finance the construction of approximately 40 major capital court projects. The Judicial Council intends to use the revenue generated by increasing certain filing fees, specified fines and other sources to pay for site acquisition and design and then the proceeds of the bond for the construction of the 12 council-recommended projects, and approximately another 28 of the remaining 56 Immediate and Critical Need projects, and establish an annual amount to support renovations and major repairs—facilities modifications—in courthouses that are not being replaced by the immediate capital replacements. The 12 council-recommended projects are:

FY 2008-2009 Initial Funding:

Butte - New North Butte County Courthouse
Los Angeles - New Southeast Los Angeles Courthouse
Tehama - New Red Bluff Courthouse
Yolo - New Woodland Courthouse

FY 2009-2010 Initial Funding:

Imperial - New El Centro Courthouse
Lake - New Lakeport Courthouse
Monterey - New South Monterey County Courthouse
Riverside - New Indio Juvenile and Family Courthouse
Sacramento - New Sacramento Criminal Courthouse
Shasta - New Redding Courthouse
Sonoma - New Santa Rosa Courthouse
Sutter - New Yuba City Courthouse

Revenue Supporting the Projects Funded by SB 1407

To support the construction, renovation and debt service on issued bonds, SB 1407 increases certain filing fees, and specified criminal fines and penalties and allocates the new generated revenues to support the construction and bond financing. The additional fees include:

- A \$40 penalty imposed on all criminal convictions
- A \$35, \$30 and \$25 increase in first paper filing fees depending on the type of case
- A new \$2.00 fee in addition to the \$1.50 State Court Construction Parking Penalty
- A \$5.00 for each \$10.00 of the base fine on certain criminal violations
- A \$40 increase of the Traffic Violator School fee

For more information please contact:

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