



W. S. A.

Local Government Center 1201 Court St. NE P.O. Box 12729 Salem, Oregon 97309
www.aocweb.org Phone: 503-585-8351 Fax: 503-373-7876

July 11, 2006

To Oregon County Commissioners and Judges:

**As the 1st Vice-President of the Association of Oregon Counties,
I urge you to take the time to personally complete this survey
document.**

**The information needs to be timely in order for real progress to be
achieved.**

**I would like to thank all of you in advance for your diligence and
continued support as we endeavor to find sustainable solutions to
this enormous challenge.**

Sincerely,

**Commissioner Bobby Green, Lane County
1st Vice President
Association of Oregon Counties**



July 31, 2006

To: Oregon County Judges and Commissioners
From: Brian DeMarco, Oregon Judicial Department
Re: State Court Facilities Task Force

The Association of Oregon Counties, the Oregon Judicial Department and the Oregon State Bar have formed a new Task Force to address State Court Facility issues. This is the first time that the Counties have been fully included in the process from the beginning.

The Task Force formed subgroups and will make recommendations on the issues of (1) facility ownership, (2) suitable and sufficient court space and (3) financing, including capital outlay, operations and maintenance. The Facility Ownership Subgroup, composed of Bobby Green, Lane County Commissioner; the Honorable W. Michael Gillette, Justice of the Oregon Supreme Court; Gerry Gaydos, Gaydos Churnside & Balthrop PC (on behalf of the Oregon State Bar); and Steven Janik, Ball Janik LLP, is charged with developing ownership options for court facilities.

The Facility Ownership Subgroup respectfully requests that you personally complete **the enclosed survey**. There have been numerous surveys over the years. The "Suitable and Sufficient Court Space" Subgroup will also be addressing a survey to county administrators and court personnel. **This survey is different – it is addressed to you as the elected representatives of your respective constituencies and it is designed to elicit comments and information specifically related to the future responsibility and ownership of the courthouse facility.** The survey is not only intended to generate responses and answers but questions and additional issues as well. Please feel free to use this survey for those purposes too.

On behalf of the Facility Ownership Subgroup, I would like to thank you for your participation in this important project charting the future of the courts and their relationship with counties. You may contact me, if you have any questions. I would be pleased to meet with you personally, should you request. You may use the enclosed Survey, referring to the appropriate numbers, or provide the information in an alternative format. Also, you may obtain an electronic version of the Survey by contacting me.

Brian DeMarco brian.a.demarco@ojd.state.or.us
Staff Counsel
Oregon Judicial Department
1163 State Street
Salem OR 97301
Phone: (503) 986-0288 Fax: (503) 986-5859

COURT FACILITY SURVEY

State Court Facilities Task Force Ownership Subgroup

County: _____

Date: _____

Prepared by: _____

Part I is designed to elicit the PRESENT status of your courthouse facilities. Part II is designed to elicit what you would like to see in the FUTURE for your courthouse facilities.

NOTE: The term "courthouse facility" means the main structure(s) utilized by the State Circuit Court in your jurisdiction.

Part I.

1. Generally describe the structure(s) in which the courthouse facility is located.
[Please include year(s) built and whether the structure is listed as historic property.]

2. Does the structure in which the courthouse facility is located have any serious structural deficiencies?
[For example, does it require seismic retrofit improvements?]

3. Are there significant deferred maintenance issues?

4. How much did the county spend on the courthouse facility during the last five years for:
 - a. Capital improvements _____
 - b. Maintenance expenditures _____
 - c. Operating expenditures _____

5. What Circuit Court functions are currently housed in the courthouse facility?

6. What functions other than Circuit Court functions are currently housed in the courthouse facility?
 - a. County offices _____
 - b. Other _____

7. If this is a shared-use facility, what is the percentage of square footage:
 - a. Occupied by the Circuit Court _____
 - b. Occupied by the County _____
 - c. Occupied by others _____

8. If this is a shared-use facility, the area(s) occupied by the County or others are currently leased at a cost or rate of _____.

9. Do the current occupants of a shared-use facility retain certain rights and protection for the continued use of the facility pursuant to an agreement?
[List the rights, authorities and responsibilities for those areas occupied by the County or others.]

10. Does the county rent additional space outside the county-owned facility for Circuit Court functions? If so, what is the annual cost (04-05) of leasing the outside space?

11. Does the county rent additional space outside the county-owned facility to provide space for county functions that have been displaced by the Circuit Courts? If so, what is the annual cost (04-05) of leasing the outside space?

12. Who or what instrumentality of government actually owns the courthouse facility?

13. What is the assessed value of the courthouse facility?

14. Is the courthouse facility subject to bond indebtedness or other financing indebtedness? What are the estimated remaining balance, annual debt service and number of years remaining on the debt(s)?

15. Should transfer of ownership be considered in the future? Are there pending courthouse facility projects that should or would require completion prior to transfer of ownership?

Part II

1. a) What functions that are not currently housed in the courthouse facility should be housed in the courthouse facilities?

b) What functions that are currently housed in the courthouse facility should be moved out of the courthouse facilities?
2. Where does improvement, expansion or replacement of the courthouse facility rank with respect to other projects that the county may be considering?
3. In reviewing your courthouse facility and operation, please rank in order of your county's greatest need:
 - a. Capital expenditures
 - b. Maintenance expenditures
 - c. Operating expenditures

The Task Force has tentatively developed options related to ownership of courthouse facilities. [See attached Court Facilities Ownership Options chart, page 5].

4. Which of these do you favor and why?
[Should the County, State, or someone else own the courthouse facility?]
5. Should transfer of ownership be considered in the future, how should the capital and maintenance costs of the courthouse facility be allocated and paid?
6. a) Should transfer of ownership be considered in the future and the state were to takeover the ownership and operation of courthouse facility, should the County compensate the State? Why?

b) Should transfer of ownership be considered in the future and the state were to takeover the ownership and operation of courthouse facility, should the State compensate the County? Why?

7. a) Should transfer of ownership be considered in the future, what should be the remedy for the county (if the facility is under state ownership), when that owner fails to provide an adequate facility?
- b) What should be the remedy for the state (if the facility remains under county ownership) when that owner fails to provide an adequate facility?
8. Should one ownership structure be required for all courthouse facilities in the state?
9. In a facility with several functions, how should future conflicts over use and modifications be resolved?

Questions?

Concerns?

Comments?

Please elaborate.

TIME FRAME: Please complete this survey and return it (email, U.S. mail or FAX) by **Friday, July 21, 2006.**

Brian DeMarco
Staff Counsel
Oregon Judicial Department
1163 State Street
Salem OR 97301

Phone: (503) 986-0288
FAX: (503) 986-5859
Email: brian.a.demarco@ojd.state.or.us

Courts Facility Ownership Options

Type of Responsibility	Description	Liability Held by
County Owned	<ul style="list-style-type: none"> • County remains the titleholder to the property and is responsible for all liability. • County remains responsible for the maintenance and upkeep of the facility. 	County
State Owned	<ul style="list-style-type: none"> • State becomes the titleholder to the property and is responsible for all liability. • State is responsible for the maintenance and upkeep of the facility. • County contributes a share of facility maintenance and upkeep. 	State
Owned by private, tax paying entity	<ul style="list-style-type: none"> • County becomes the lessee of private property, or • State becomes the lessee of private property. • Third party building owner remains liable for the facility. • County is responsible for maintenance and upkeep. • State annually pays a fixed payment toward facility maintenance and upkeep. 	3 rd Party Lessor
Owned by non-profit	<ul style="list-style-type: none"> • Non-profit set up with revolving trust fund created by monies contributed by counties. • State is neither the titleholder nor lessee but becomes responsible for maintenance and upkeep. • County contributes a share of facility maintenance and upkeep. • Liability for the facility is shared by county and state according to agreement. County remains titleholder. 	County and State

Part I

1.

The Lane County Courthouse was designed and built in 1957-58. It is a four story steel frame structure with a concrete basement. The building is 150' wide by 150' long, 56' above grade (basement 11.75' below grade); [112,500 sq/ft]. Typical floor is 5" composite slab on metal decking. Exterior wall is 10' concrete at basement and upper levels are glass block with spaced single glaze windows in 4' setback wall behind vertical aluminum flanges screen. Major remodels have occurred in 1975, 1977/78 and 1992. Courthouse built on land donated by original settler's families. The Courthouse is attached to Public Service Building (PSB) built in 1975 and the Harris Hall meeting rooms built in 1957 with a major remodel in 1975 and 2005.

2.

The steel beam-to-column connections are both weak and brittle. The weld between the column flange and the cover plate of the beam is a partial penetration weld, which is not sufficiently strong to develop the flexural capacity of the beams. The beam-to-column shear connection is not of adequate strength or appropriate configuration. A welded seat plate was used in the original design to resist gravity load, but this connection becomes very critical once the weak insufficient weld between the beam and column flanges fractures.

Steel columns of the exterior frames are not compatible with the interior frames columns. The exterior steel columns are embedded in five foot high concrete walls at the perimeter, which makes the stiffness of the exterior columns about 8 times the stiffness of a similar column not embedded in the concrete. Thus an exterior column attracts 8 times the lateral load of the typical interior column. Since these embedded columns are not designed to resist the high level of lateral load, they will fail earlier than interior columns and will probably fail in brittle shear rather than flexure. In addition, the increased load imposes high demand on the connection between these columns and the first floor beams causing failure earlier than other connections. Failure will be a non-ductile, brittle type failure, which loses all strength in a very short time. Once these connections fail, the lateral load will necessarily be redistributed to interior connections thus further loading these already vulnerable elements, and causing major structural damage and even collapse.

These columns do not satisfy the strong column weak beam requirement, which attempts to prevent column failure with attendant collapse of the structure.

3.

A survey conducted in 2005 concluded that there was \$3,686,559 in deferred maintenance required in just the Courts portion of the facility. This does not include HVAC, fire sprinkler or seismic upgrades. The courts space represents

59% of the Courthouse so deferred maintenance would be in excess of the above amount.

4.

a. \$ 756,000

b. \$ 738,846

c. \$ 1,771,899

5.

Court Administration

Court Clerk

Circuit Courts

Court Records

Probate

Archives

6.

a.

Office of the Sheriff

Police Services/Detectives

Dispatch

Records

Civil

Evidence

Armory

Court Transportation

Holding cells

District Attorney

Victim Witness

Grand Jury

Law Library

Facilities Maintenance

Mechanical/Electrical Rooms

Custodial Services

Mail Room

7.

a. 59%

b. 41%

c. n/a

8.
n/a

9.
n/a

10.
n/a

11.
n/a

12.
Lane County Government

13.
\$30,854,760 (includes PSB)

14.
Yes, \$548,145 by 6/1/08 and \$950,000 by 6/1/15

15.
Yes
Depends on whom you talk to

Part II

1.
a.
Jury Assembly

b.
none

2.
Second or Third

3.
a.
Third
b.
Second
c.
First

4.

State

5.

By square footage

6.

a.

Yes, if it operated like a condominium where the County has control over its portion.

b.

Yes, if the County controls the mechanical/electrical systems.

7.

a/b.

The facility should be treated like a condominium with each maintaining its own portion and sharing based on square footage the mechanical/electrical and infrastructure costs like roof, etc.

8.

Yes

9.

Independent mediator