COUNTY AGENDA REQUEST

Department:	Commissioners	Presenter(s):	Chairman Herb Frady
Meeting Date:	Wednesday, April 4, 2012	Type of Request:	New Business

Wording for the Agenda:

Discussion regarding the completion of the third floor of the Fayette County Justice Center.

Background/History/Details:

Bonds were issued for the Justice Center in 2001, and were issued in such a manner as to construct a third floor. There was a decision that the third floor would remain unfinished until such time as it was needed by the court system. A spatial needs assessment was done and spatial needs for the Administrative Complex as well as all County offices was discussed. There is 50,000 plus gross square feet on the third floor of the Justice Center and with the area framed in for staircases, elevators and mechanical rooms there is approximately 46,000 available square feet that could be finished for usable space.

The original bond issue provided for a lease arrangement with the Public Facilities Authority who maintained ownership of the Justice Center. The original lease arrangement allowed for the space to be used by the County as a criminal justice center only. The refunding bond issue last year transferred ownership of the Justice Center to the County and thus removed the lease restrictions as to allow for other uses of the space.

Additionally, significant annual debt service savings were achieved with the refunding. As a result of these savings, the CIP plan was expanded to include a project for the completion of the third floor of the Justice Center.

What action are you seeking from the Board of Commissioners?

Discussion only.

If this item requires funding, please describe:

The FY12 approved CIP plan included funding for the completion of the third floor. The total cost included in the plan was $3,500,000 with a $500,000 per year funding stream.

Has this request been considered within the past two years?	No	If so, when?	
Is Audio-Visual Equipment Required for this Request?*	No	Backup Provided with Request?	Yes

**** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.***

Approved by Finance	Yes	Reviewed by Legal	Yes
Approved by Purchasing	Not Applicable	County Clerk's Approval	Yes
Administrator's Approval	Yes		

Staff Notes:

Commissioner Frady said the outstanding item he saw was IRS reimbursement at .48 ½ per mile for use of a personal vehicle.

Commissioner Pfeifer said in Chairman Smith's version of the travel policy that included the wording in regards to the reimbursement for using a private car for convenience could be no more than the price of round-trip airfare plus the total cost plus the anticipated rental car fees was critical because there were incidents in the past where people decided they were going to take their private car thousands of miles and the county paid for it. He said he did not think Commissioner Frady's version included that same information.

Commissioner Frady said it was in there. He said you would take Map Quest and give the mileage from here to destination and back.

Chairman Smith said they needed to pick one version of the travel policy and go through it. He asked the Board what was their pleasure. There was no response from the Board.

Chairman Smith tabled this item.

DISCUSSION BY COMMISSIONER FRADY REGARDING THE OCCUPANCY OF THE THIRD FLOOR OF THE JUSTICE CENTER.

Commissioner Frady said this was a request for staff to turn in their space needs for the next three to five years.

Chairman Smith said the Board had in their books information from staff who responded to the request for space needs for the next three and five years. He said it appeared there were one or two areas that had space needs that were not critical but were more near term than others. He said most indicated that departments needed very little or no space for the next three years. He said the two that indicated they needed space were Physical Health and Fire and Emergency Services. He said both of these departments had needs that needed to address soon.

Chairman Smith when looking at the space needs there were options. He said, for example, if they took the option to build the Fire and Emergency Services Building, which had been recommended and was in the long term plan but not yet funded, that would free up space in the administrative building to allow expansion. He said if they took another option such as finishing the third floor of the Justice Center then that would open up space for something else. He said he would suggest that since there was not a critical space need at this point and time they were probably looking at a time frame of twelve months before they needed to make a concrete decision. He said it would take approximately twelve months to do something. He said he suggested giving this information to staff for them to summarize data and develop a time line on the options and determine what options were available. He said they would deal with it when the information was compiled. He suggested staff have this information available no longer than two months from today.

Commissioner Horgan asked if they were referring to the needs in the administrative building being accommodated in the Justice Center or the needs of the Justice Center, with their increased loads, to finish the third floor for their use.

Chairman Smith said they had asked for a combination of a space analysis of the third floor of the Justice Center and space analysis for the rest of the county offices. He said he was suggesting since there was not a critical need in the court house for space at this point and time, there was an identifiable squeeze on space in the Physical Health Department and the Fire and Emergency Services offices. He said it was not to the point where something needed to be done in the next 60 days.

Commissioner Maxwell said he felt the whole point of Commissioner Frady's discussion was to receive information. He said there were several people here today that he would like to hear their feelings on this topic. He said he had spoken with Judge Sams and Judge English and they had identified their needs.

David Jaeger, Mallott Consulting, said he brought with him a drawing of the Justice Center as it stood today. He said there was 50,000 plus gross square feet on the third floor of the Justice Center. He said some of that area was framed in for staircases, elevators and mechanical rooms. He said that left approximately 46,000 available square feet that could be finished out. He said that building could be set up in any way usable to the county. He said from a design stand point, the critical point would be the projection of the court rooms currently on the second floor onto the third floor space. He said that may not be the final usage but the movement of the inmates in this building was the most critical design function; preventing inmates from circulation with staff or public. He said there were areas, identified as holding areas, between courtrooms and serviced by designated elevators. He said these elevators currently went to the third floor. He said they were interior built and the only thing they were used for was to transport inmates. He said regardless of how the third floor was ultimately developed, the use of these elevators should be reserved for potential use on the third floor. He said the construction of the inmate holding areas and the preservation of the dedicated elevators were the most critical issues. He said the courtrooms on the second floor could be built on the third floor. He said even the plumbing had been stubbed out on the third floor.

Chairman Smith asked how many square feet were the courtrooms compared to the total area. Mr. Jaeger responded 20-30%.

Mr. Jaeger said he had talked to the contractor who built the building and he said for budget numbers he would use $140 a square foot. He said he talked to an architect and a second contractor and their numbers were a little lower. He said without knowing more than they did at this point, to be safe he would use the $140 a square foot. He said that was just for the construction cost. He said this was the basic construction quality as built on the first and second floors. He said in addition to the construction cost there would be furniture, telephones, computers, etc. He said another feature to consider would be vault space. He said vaults were built at a higher security and construction level.

Mr. Jaeger said he did some quick calculations estimating the other factors which included the things talked about today, plus the design fees, inspection, and construction management and the price was close to nine million dollars. He said that included furniture, telephones, cabling, etc.

Commissioner Maxwell asked when they got to the point of saying "do it" how long would it take? Mr. Jaeger said he would estimate six months design time and at least one year of construction. He said they built it originally in two years and that included the jail expansion. He said this would be trickier because they would have to work around the existing facilities. He said the building was designed to have access through a back panel in the building so as not to interrupt the ongoing use of the building downstairs.

Mr. Jaeger said the Justice Center was built with a lot of participation from the people who occupied it. He said that paid off. He said if they wanted to complete the third floor, getting input would help plan it the best way and it would go a lot smoother through the design and construction.

Joe Saia, Public Defender's Office, said they were not a courthouse occupant. He said in twelve to eighteen months they would need more space. He said it would be more efficient for his office to be located in the court house to represent their clients and to do right by the county. He said right now they had five lawyers, two administrative assistants and one investigator. He said in the next 12 to 18 months he expected to have two additional lawyers and one investigator. He said in their current offices they would out grow it with one additional lawyer.

Chairman Smith asked how much space would be comparable. Mr. Saia responded that he could not break it down into square footage. He said what he was talking about was seven individual offices and reception, secretarial space.

Commissioner Frady asked if he had offices in the other counties. Mr. Saia responded they had offices, but not in the court houses. He said they had an office in Upson County, Spalding County and Pike County. He said Fayette County was their headquarters.

Commissioner Frady asked if his case load was more here. Mr. Saia responded the case load was about equal between Fayette and Spalding counties because they also had state court here.

Chairman Smith asked how many offices they occupied now. Mr. Saia said they occupied seven offices. He said they were located across the street from the jail on Johnson Avenue, in the same building as the fire house, the old District Attorney's office.

Commissioner Maxwell asked Mr. Saia if there was a formula for the number of attorneys he had similar to that of the District Attorney's office. Mr. Saia said they had four attorneys per judge, but were limited in theory to 300 cases per year per attorney. He said they were probably almost double that. He said they expected to get a full time juvenile attorney sometime in the next 12 months. He said that juvenile attorney would be in Fayette County because they handled both delinquencies and depravations here.

Commissioner Maxwell asked if they were looking at an equivalent between the District Attorney's office and number of personnel. Mr. Saia said probably a little less because they handled all the cases and the Public Defender's office handled a percentage. Commissioner Maxwell said he had the Solicitor General's office as well. Mr. Saia said he had not thought about that and that would be at least one other attorney which would make it as much as the District's Attorney's office.

District Attorney Scott Ballard said they were beautifully set over in the Justice Center. He said it was a beautiful building with a lot of foresight to have a third floor available for growth. He said the only observation he wanted to make was a lesson learned from other counties and that was to resist the temptation to put non court related people in the court house so that they could expand as needed. He said his observation was that while the District Attorney's office had plenty of space right now; the urgent needs would be for the juvenile and state courts. He said they were going to need some space pretty quickly.

Sheila Studdard, Clerk of Courts, said she wanted echo what had already been said. She said she wanted to comment on the vault. She said when the third floor was considered the vault would be a consideration for the clerk's office. She said right now they were fine but with the growth of any court the clerk's office would grow. She said they were working towards a paperless system, however, in real estate they still had customers who wanted the paper. She said at present there was still a demand for the paper. She said there was a need at times in Superior Court for a larger court room and in State Court more often than Superior Court. She said she was asking the Board to consider that. She said one thing that had not been addressed was the movement of the jury. She said if larger court rooms were put on the third floor to please consider movement of the jury. She said they had adequate space now for the jury assembly room, but for the efficiency of any court in session the jury was to be empanelled that were on the third floor they would need a place to congregate prior to being introduced into a court room. She said with the witnesses and defendants placed in the hallway, sometimes the jury was jeopardized by having contact with the witnesses and defendants. Ms. Studdard said she wanted to echo that juvenile and state courts were very busy courts. She said the juvenile court's needs were probably greater than the needs of the state court.

Chairman Smith asked Ms. Studdard in regards to the vault situation would she prefer an expansion of the current vault or putting another vault on the third floor. Ms. Studdard said once the vault walls were poured and constructed there was no expansion without jeopardizing the existing structure. Mr. Jaeger said it was possible to expand the vault but this would have to be looked at. Chairman Smith asked that assuming it was possible to expand the vault would she rather extend the vault on the first floor or add a vault to the third floor. He asked what was easiest. She responded that keeping all the records together was the easiest. She said staying on the first floor was probably best for her because of her first priority to serve the public.

Judge Schell, Juvenile Court, said they were on the first floor and their traffic was increasing. He said their concern was the parents and children they served. He said they had a lot of children and were having problems with waiting room space. He said the cases were short in duration but large in number. He said they were increasing the number of court days. He said they were looking at a growing need for partial use, on an occasional basis, of another court room. He said this was because many of the times associated with juvenile cases were jurisdictional. He said if they did not have a hearing within a certain number of days the case could be dismissed. He said this was by law. He said these time constraints involved a large number of people.

Judge Schell said he had two associates which called for a need for another chambers. He said there was a juvenile law library within the area of their complex which they proposed to convert to the presiding chambers and then they would have the other two chambers by the one court room they currently had. He said the main law library in the court house was adequate plus so much was on computers now.

Judge Schell said their vault space was adequate. He said unlike Superior Court, after a certain amount of time they could purge their files. He said they were in a little pinch for clerk space. He said they had maxed out on the number of desk spaces for their clerical staff.

Judge Schell said like everyone else their cases were growing. He said they had over 2,000 cases last year. He said there were delinquencies, depravation cases, child abuse cases, neglect and abandonment, and drug cases. He said he saw an increasing need for the future for at least limited access to a court room so they can seat two judges to meet these time constraints that the law required. He said when children were the victim they had rooms that were isolated where the children could be held with the case worker. He said they did not want to co-mingle.

Commissioner Maxwell said Judge Stephens had sent him an email stating they may need to reconfigure their space but did not need larger space. She said she felt they were fine with their space for the next two years.

Commissioner Maxwell said Jamie Inagawa, the State Court Solicitor, sent an email stating that as the State Court grew so did he. He said it was a formula they used. Mr. Inagawa said on certain days in State and Superior Court people were lined up along the wall and out to the hallway. He said his suggestion was to design a larger court room on the third floor, not assigned to any particular judge; it could be used on the specific days when there was a huge calendar load. He said sometimes they had over two hundred cases on the trial calendar which entailed a lot of people and they brought their families. He said he knew there would be a need in two to five years for an additional State Court judge.

Commissioner Maxwell said clearly what was going to happen in the next few years was the current occupants of the court house were going to need more space. He said fortunately because of the foresight of the former county commissioners they built a building that would enable us to provide that. He said they needed to start now in doing their investigation. He said he had talked with Judge Sams and according to his numbers in a few years an additional State Court judge would be justified. He said there was a formula used to come up with this need. He said at this point there would be a judge without a court room. He said there were two Superior Court judges that

currently shared a court room. He said there were times when they ran out of court room space. He said this Board needed to act now to deal with the growth of this county.

Commissioner Maxwell said it was his understanding that they had bond money available designated for the completion of the third floor. He said they had an obligation to move forward. He said his one concern was, as Scott Ballard mentioned, that the Board consider not allowing non court related functions be moved into the court house. He said the court house functions would have priority of that space. He said Mr. Ballard may have heard the rumor that he had said regarding moving some of the functions located at Stonewall temporarily into the court house while trying to come up with space. He said it was his understanding that the Stonewall complex was full. He said the Health Department had approached all the board members stating they needed space. He said he also new Fire & Emergency Services needed more space. He said he was looking for a short term fix for the long term plan to move the entire county complex over to the area with the Justice Center and Senior Services building.

Commissioner Maxwell said if they had one more court room on the third floor that would give an extra court room that was not assigned to a specific judge. He said there were times when a larger court room was needed due to the number of people.

Chairman Smith said they needed to move beyond fragmented information they had and plan to accomplish something. He suggested directing staff to take this information and compile it into a method that when they began getting information on the specifics they could move forward. He said he did not want it rushed to the point that it changed the long term aspects. He said he would like for them to be diligent in planning what they did as the original group was in planning the court house from the beginning. He said the dilemma they faced was that they had definite alternatives. He said if they built a Fire & EMS building they may free space that was not necessary. He said if there were functions within the court house that needed to be expanded they would be dependent on which way they went. He said if at some point in the future they split the circuit they would not necessarily need a lot more court rooms. He said they had to have some type of a road map, a decision tree, that said the decisions that had to be made and if the decision was made to go this way and if that decision was made to go that way. He said he was trying to get them to the point where they had that information compiled and they had the decision tree in front of them to begin to select what task they needed to discuss and make decisions on and move to the next fork in the road.

Chairman Smith suggested they pull the records of the process done to design and plan the Justice Center because it did work well.

Motion was made by Commissioner Maxwell, seconded by Commissioner Pfeifer, to form a committee to review the process used to plan and design the layout of the Justice Center. Commissioner Maxwell will chair the committee. Motion carried 5-0. A copy of space needs assessments identified as "Attachment No. 2", follows these minutes and is made an official part hereof.

DISCUSSION OF INSTALLATION OF FENCING AT KENWOOD PARK

Anita Godbee, Director of Parks and Recreation, said the construction of Kenwood Park was in process. She said they were at the point where they needed a decision as to whether or not to fence the entire property. She said in the budgeted figures they had received preliminary cost estimates from Mallett Consulting. She said fencing should cost approximately $216,000. She said the prices came back from the bid significantly higher than what they had anticipated. She said they needed a decision from the Board as to fencing the entire property line and having Public Works cut the timber on the property and dispose of vegetation, or to fence and gate the front entrance only, or fence and gate the front entrance and some of the areas adjacent to the neighbors, or not install a fence at all. Ms. Godbee said she had asked David Jaeger to discuss the pros and cons of these fencing options.