

## **PUBLIC BUILDINGS AND PROPERTY**

*Superior Court – Building 220  
495 Main Street  
Placerville*

### **Reason for the Report**

The Grand Jury selected the Superior Court Building as one of its general reviews for 2002/2003.

### **Scope of the Investigation**

The members of the Grand Jury:

- Made an unannounced visit to the Superior Court on November 21, 2002;
- Received an extensive facilities and grounds tour by the Court Operations Supervisor;
- Were briefed on the various judicial operations of the facility;
- Inspected the building and grounds;
- Spoke informally with various staff members;
- Reviewed previous Grand Jury reports.

### **Background**

The Superior Court Building was built in 1912. Over the years the building has undergone renovations while still trying to maintain the historic construction of the original building.

The current condition of the building exterior is in need of maintenance and repair. While some exterior wall tiles are damaged, the roofline corbel brackets and tiles are loose, missing or in poor repair. Walls and windows on the shaded side of the building have mold and mildew growing and the window and doorframes are rusting. The metal fire escape structure is rusting and its landings are dirty. The plastered-wall area around basement windows is deteriorating. The awning over the rear door entry is damaged.

Parking is very limited and inadequate. Several parking spaces have been removed from use, due to the danger of falling corbel brackets and tiles which further complicates the parking situation.

The premises' interior appear clean but far from adequate for its usage. The security checkpoint is inadequate for the heavy traffic situations. The lobby areas are too small. They are used as waiting area for the courts, conference area for clients/attorneys, juries, and the public. In addition, office areas are extremely cramped and lack storage space. Air circulation is inconsistent and makeshift throughout the building. The heating and cooling system (HVAC) is inadequate during heavy usage. In addition to the HVAC, window heating/cooling units, personal fans and space heaters are also used throughout the building. These conditions, combined with asbestos in the walls, result in some

employees believing the working environment is unhealthy. However, environmental tests have not substantiated these beliefs. Employees are concerned because they believe the restroom configuration results in vandalism by the public and is an inconvenience for them.

## **Findings**

F1. The roofline corbel brackets and tiles are loose, missing, and/or in poor repair.

***Response to F1: The respondent agrees with the finding.*** The County agrees that the identified condition exists. However, the existence of the condition does not render the building deficient or unsuitable as a court facility. The County provides necessary and suitable facilities for the courts, taking into account the reasonable needs of the court and the county's fiscal condition. The County also maintains the facilities at an appropriate and adequate level to support the designed level of service. None of the conditions described in the grand jury's findings present a significant threat to life, safety or health, there is no unacceptable seismically hazardous condition, and the conditions alone or in their totality are not significant to the functionality of the facility, so the conditions do not render the court facilities legally deficient.

As the result of recent legislative enactments, the County will soon undertake the process of negotiating an agreement with the State to transfer ownership of local court facilities to the State, and for future payments representing historic maintenance and operations costs. Once the facility is transferred, the State will assume the obligation to maintain it, and can then determine the appropriate maintenance standard it wishes to fund.

F2. Valuable parking space has been lost, due to the danger of falling corbel brackets and tiles.

***Response to F2: The respondent agrees with the finding.*** Please see the response to F1, above. It is assumed that the finding refers to those parking spaces around the immediate exterior of the main street courthouse which were blocked from use when a fence was erected to protect the public from the possibility of injury from a falling corbel or tile.

F3. The parking lot is inadequate.

***Response to F3: The respondent disagrees wholly with the finding.*** Please see the response to F1, above. It is not clear what "parking lot" the finding refers to; the parking spaces surrounding the exterior of the main street courthouse which are reserved for court personnel, or the adjoining city lot which is open to the public. The county has no obligation to provide parking spaces for a courthouse. The limited amount of public parking downtown is a problem caused by and suffered by every commercial, governmental and private activity in Placerville. The limited parking situation downtown has existed for years, and while inconvenient, it has not rendered the historic Main Street Courthouse unsuitable for its designed level of service. The statute governing the transfer of court facilities from the county to the court requires that the county transfer only those parking spaces of comparable convenience, number and type as were made available for court use as of October, 2001.

F4. Mold and mildew are growing on the shaded exterior side of the building walls and windows.

***Response to F4: The respondent agrees with the finding.*** Please see the response to F1, above.

F5. The door and window frames on the exterior shaded side of the building are rusting.

***Response to F5: The respondent agrees with the finding.*** Please see the response to F1, above.

F6. The fire escape metal structure is rusting and the landings are dirty.

***Response to F6: The respondent agrees with the finding.*** Please see the response to F1, above.

F7. The exterior plaster area around basement windows is deteriorating.

***Response to F7: The respondent agrees with the finding.*** Please see the response to F1, above.

F8. Some exterior wall tiles are damaged.

***Response to F8: The respondent agrees with the finding.*** Please see the response to F1, above.

F9. The awning over the rear door entry is damaged.

***Response to F9: The respondent agrees with the finding.*** Please see the response to F1, above.

F10. The handicap sign on the front wall near the sidewalk is bent outward and is a potential liability.

***Response to F10: The respondent agrees with the finding.*** Please see the response to F1, above.

F11. The security checkpoint is inadequate room for heavy traffic situations.

***Response to F11: The respondent disagrees partially with the finding.*** Please see the response to F1, above. The county agrees that space in the main street courthouse is generally cramped, but disagrees with the characterization that the amount of space used by the court for security is “inadequate.” The cramped space has not rendered the main street facility unsuitable for its designed level of service.

F12. The space in the three lobbies is inadequate for current use.

**Response to F12: The respondent disagrees partially with the finding.** Please see the response to F1, above. The county agrees that space in the main street courthouse is cramped, but disagrees with the characterization that areas used as lobbies are “inadequate.” The facilities provided by the County to the Court are suitable for their purpose and support the designed level of service. The County and the Superior Court have always worked together to efficiently utilize the space in the court facilities.

F13. The office areas are extremely cramped and lack storage space.

**Response to F13: The respondent agrees with the finding.** Please see the response to F1 and F12, above.

F14. No fire protection sprinkler systems or smoke detectors exist throughout the building.

**Response to F14: The respondent agrees with the finding.** Please see the response to F1, above.

F15. Some fire extinguisher locations are not clearly marked.

**Response to F15: The respondent agrees with the finding.** Please see the response to F1, above.

F16. No fire drills are held.

**Response to F16: The respondent agrees with the finding.** Fire drills are a court function, not a county responsibility. Because the county is required to either agree or partially or wholly disagree with each finding, we agree with the finding because we have no knowledge to the contrary. Please see the response to F1, above.

F17. The light diffusers on some lighting fixtures are sagging and ill fitted. In addition, one diffuser is missing in the CASA children’s room.

**Response to F17: The respondent agrees with the finding.** Please see the response to F1, above.

F18. Air circulation is inconsistent and makeshift throughout the building.

**Response to F18: The respondent disagrees wholly with the finding** County General Services has assessed the air circulation many times and has found that it meets standards. Please see the response to F1, above.

F19. Several employees are concerned about the perceived unhealthy working environment in the building.

***Response to F19: The respondent agrees with the finding.*** Respondent has no knowledge of whether several court employees have expressed to the grand jury that they currently perceive their working environment as unhealthy. Because the county is required to either agree or partially or wholly disagree with each finding, we agree with the finding because we have no knowledge to the contrary. Court employees have complained about air quality in the past. When General Services receives such a complaint, it makes an assessment and consults with *County* Risk Management, Environmental Management, and in some cases an outside consultant. The environment in the main street courthouse has been found to meet standards. Please see the response to F1, above.

- F20. Employees are concerned that the restroom configuration results in vandalism by the public and inconvenient for them.

***Response to F20: The respondent agrees with the finding.*** Respondent has no knowledge of whether court employees have expressed to the grand jury that they are concerned about vandalism in the restroom and they feel the restroom is inconvenient. Because the county is required to either agree or partially or wholly disagree with each finding, we agree with the finding because we have no knowledge to the contrary. Please see the response to F1, above.

### **Recommendations**

- R1. Roofline corbel brackets and tiles should be replaced or repaired.

***Response to R1: The recommendation will not be implemented because it is unreasonable.*** The roofline corbel brackets and tiles have been in a similar condition for a number of years. General Services has previously researched the availability and cost of replacing them, and has found that since the brackets are internal to the building, modifications or repairs would be complex and costly. Budget considerations resulted in the decision that replacement would be unreasonable. Public safety has been protected by erecting a fence outside the building to keep people away from any danger.

The existence of the identified condition does not present a significant threat to life, safety or health, nor does it present an unacceptable seismically hazardous condition, nor does it alone, or when combined with the other conditions identified in the grand jury's findings, significantly affect the functionality of the facility. The existence of this condition does not mean that the building cannot sustain its designed level of service.

As the result of recent legislative enactments, the County will soon undertake the process of negotiating an agreement with the State to transfer ownership of local court facilities to the State, and for future payments representing historic maintenance and operations costs. Once the facility is transferred, the State will assume the obligation to maintain it, and can determine the appropriate maintenance standard it wishes to fund. R2. Adequate parking should be provided

***Response to R2: The recommendation will not be implemented because it is unwarranted and unreasonable.*** The recommendation does not identify what type of parking should be

provided, nor for what use. The parking spaces around the exterior of the main street courthouse have been reserved for court personnel for some time. Some of these spaces were lost when the county erected a fence to protect against the potential danger of falling corbels or tiles. As noted above, the limited area available for parking in the general vicinity of the main street courthouse is a problem caused by and suffered by every commercial, governmental and private activity in Placerville. Limited parking downtown is a problem for court workers, jurors, litigants, attorneys and others who use the courthouse. The parking situation has existed for years, and while inconvenient, it has not rendered the historic Main Street Courthouse unsuitable for its designed level of service. The parking situation does not present a significant threat to life, safety or health, nor does it present an unacceptable seismically hazardous condition, nor does it alone, or when combined with the other conditions identified in the grand jury's findings, significantly affect the functionality of the facility. The existence of this condition does not mean that the building cannot sustain its designed level of service.

As the result of recent legislative enactments, the County will soon undertake the process of negotiating an agreement with the State to transfer ownership of local court facilities to the State, and for future payments representing historic maintenance and operations costs. Once the facility is transferred, the State will assume the obligation to maintain it, and can then determine whether to supply additional parking spaces.

- R3. Mold and mildew should be removed from the exterior building walls and windows.

**Response to R3: The recommendation will not be implemented because it is unwarranted and unreasonable.** Mold or mildew on the exterior of an older building is a common situation. The existence of this condition does not present a significant threat to life, safety or health, nor does it present an unacceptable seismically hazardous condition, nor does it alone, or when combined with the other conditions identified in the grand jury's findings, significantly affect the functionality of the facility. The existence of this condition does not mean that the building cannot sustain its designed level of service. The County is about to commence negotiations with the State to transfer ownership of local court facilities to the State. Once the facility is transferred, the State will assume the obligation to maintain it, and can then determine the appropriate maintenance standard it wishes to fund

- R4. Rusted exterior door and window frames should be properly repaired and maintained.

**Response to R4: The recommendation will not be implemented because it is unwarranted and unreasonable.** The existence of this identified condition does not present a significant threat to life, safety or health, nor does it present an unacceptable seismically hazardous condition, nor does it alone, or when combined with the other conditions identified in the grand jury's findings, significantly affect the functionality of the facility. The existence of this condition does not mean that the building cannot sustain its designed level of service.

As the result of recent legislative enactments, the County will soon undertake the process of negotiating an agreement with the State to transfer ownership of local court facilities to the State, and for future payments representing historic maintenance and operations costs. Once the facility is transferred, the State will assume the obligation to maintain it, and can then determine the appropriate maintenance standard it wishes to fund. R5. Rusted fire escape metal structures should be properly repaired and maintained.

**Response to R5: The recommendation will not be implemented because it is unwarranted and unreasonable.** The existence of this condition does not present a significant threat to life, safety or health, nor does it present an unacceptable seismically hazardous condition, nor does it alone, or when combined with the other conditions identified in the grand jury's findings, significantly affect the functionality of the facility. The existence of this condition does not mean that the building cannot sustain its designed level of service.

As the result of recent legislative enactments, the County will soon undertake the process of negotiating an agreement with the State to transfer ownership of local court facilities to the State, and for future payments representing historic maintenance and operations costs. Once the facility is transferred, the State will assume the obligation to maintain it, and can then determine the appropriate maintenance standard it wishes to fund.

R6. The exterior plaster area around windows should be properly repaired.

**Response to R6: The recommendation will not be implemented because it is unwarranted and unreasonable.** The existence of the identified condition does not present a significant threat to life, safety or health, nor does it present an unacceptable seismically hazardous condition, nor does it alone, or when combined with the other conditions identified in the grand jury's findings, significantly affect the functionality of the facility. The existence of this condition does not mean that the building cannot sustain its designed level of service.

As the result of recent legislative enactments, the County will soon undertake the process of negotiating an agreement with the State to transfer ownership of local court facilities to the State, and for future payments representing historic maintenance and operations costs. Once the facility is transferred, the State will assume the obligation to maintain it, and can then determine the appropriate maintenance standard it wishes to fund.

R7. Damaged exterior tiles should be replaced.

**Response to R7: The recommendation will not be implemented because it is unreasonable.** This item is similar to R1, above, since the exterior tiles and the corbels have remained in this condition for a number of years. Please see the response to R1, above. Replacement of the exterior tiles would be quite costly and the County has decided it would be unreasonable to replace them because of budget constraints. The existence of the identified condition does not present a significant threat to life, safety or health, nor does it present an unacceptable seismically hazardous condition, nor does it alone, or when combined with the other conditions identified in the grand jury's findings, significantly affect the functionality of the facility. The existence of this condition does not mean that the building cannot sustain its designed level of service.

As the result of recent legislative enactments, the County will soon undertake the process of negotiating an agreement with the State to transfer ownership of local court facilities to the State, and for future payments representing historic maintenance and operations costs. Once the facility is transferred, the State will assume the obligation to maintain it, and can then determine the appropriate maintenance standard it wishes to fund

- R8. The rear door awning should be repaired.

***Response to R8: The recommendation has been implemented.*** The awning was replaced in May 2003 as part of the county's ongoing maintenance.

- R9. The bent handicap sign on the front wall near the sidewalk should be replaced.

***Response to R9: The recommendation has not been implemented, but will be implemented in the future.*** General Services has ordered a new sign, and expects that the work will be completed by September 30, 2003.

- R10. Fire extinguisher locations should be clearly marked.

***Response to R10: The recommendation has not been implemented, but will be implemented in the future.*** General Services has ordered new fire extinguisher signs, and expects that the work will be completed by September 30, 2003.

- R 11. Fire drills should be periodically conducted.

***Response to R11: The recommendation has not been implemented because it is unwarranted and unreasonable.*** The County no longer provides risk management nor loss prevention services to the Superior Court, and cannot unilaterally conduct fire drills for court personnel. However, the County Risk Management Department has invited the Court Safety Coordinator to its next meeting concerning how to conduct an emergency evacuation drill, and can assist the County in any fire drill it undertakes.

- R12. The lighting fixtures diffusers should be properly installed and/or replaced as necessary.

***Response to R12: The recommendation has not been implemented, but will be implemented in the future.*** General Services expects to replace the damaged diffusers by September 30, 2003 as part of ongoing maintenance.

- R13. Air circulation should be reviewed to ensure a healthy working environment.

***Response to R13: The recommendation will not be implemented because it is not warranted.*** The air circulation in the main street courthouse has been addressed by General Services many times in the past and has been found to meet standards.

R14. When juvenile cases are on calendar, restrooms should be monitored.

***Response to R14: The recommendation will not be implemented because it is unwarranted and unreasonable.*** The Sheriff's Department provides bailiffs in courtrooms, and contracts with the Superior Court for other security services in the courthouse and its perimeter. The court determines the appropriate level of security within its budget constraints. The County is in the process of working with the Superior Court on security issues, but it cannot unilaterally commit to monitor specific areas without Court concurrence.

**Responses Required for Findings**

F1 through F20	El Dorado County Board of Supervisors El Dorado County Department of General Services Chief Executive Officer for Superior Court
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**Responses Required for Recommendations**

R1 through R14	El Dorado County Board of Supervisors El Dorado County Department of General Services Chief Executive Officer for Superior Court
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