

# Courthouse Advisory Panel Recommendation

Committee of the Whole  
July 7, 2011

Courthouse Advisory Panel  
Represented by:

Jim Churchman, Chairman  
Christian Webb, Vice chairman  
Mike Lally, Panel Member

7/7/2011

# Committee of the Whole

## Agenda

- Introductions
- Purpose
- Process
- Recommendation
- Action Requested

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# Courthouse Advisory Panel Members

- **Casey Cassias** , 1st District
- **Jason Leib**, 2nd District
- **Jim Churchman**, 3rd District
- **Mike Lally**, 4th District
- **Darrell Smith**, 5th District
- **Therese Iverson**, 6th District, unofficial
- **Mike Brown**, 7th District
- **Jim Hubbard**, City of Olathe
- **Christine Graham**, Bar Association
- **Hon. Stephen Tatum**, Bar Association
- **Christian Webb**, Bar Association
- **Deb Settle**, Chamber of Commerce Executive Director
- **Tim McKee**, Chamber of Commerce Economic Development Director

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# Committee Resource's

Previous Courthouse Studies; 2001, 2005, 2008, 2009

## Technical Advisory Committee

- Frank Denning, Sheriff
- Steve Howe, District Attorney
- Tom Foster, Chief Judge
- Betsy Gillespie, Director of Corrections
- Rise Haneberg, Criminal Justice Coordinator
- Kathleen Rieth, Court Services
- Tim Mulcahy, Director JIMS
- Jack Clegg, Director of ITS

## Facilitators

- Steve Carter, Carter Goble Lee
- Penny Postoak Ferguson, Assistant County Manager
- Joe Waters, Director of Facilities Management
- Danni Livingston, Facilities Project Manager
- Lacey Ziegler, Scribe

# **Courthouse Advisory Committee**

## **Purpose**

**Make Recommendations to the Board of County Commissioners to meet the needs of the courts and justice system into the future**

- Operational Improvements
- Capital Investment
- Financing Strategies
- Project Delivery

# Panel Process

**25 hours in workshops, dozens of hours reviewing thousands of documents**

## Workshop #1

- Courthouse tour

## Workshop #2

- Vocabulary & basic organization of the Judiciary
- Technical Advisory Committee presentations
- Status of the existing building infrastructure
- County's methodology and capital investment decisions going back approx. 20 years
- Governance procedures
- Previous studies

# Panel Process (continued)

## Workshop #3

- Virtual tour of America's courthouses procedure
- Core values, guiding principles and vision for Johnson County Judiciary
- Trends and issues in court operations and design
- Needs assessment
- The role of caseload management in courthouse planning and design
- Forecast of component needs

# Panel Process (continued)

## Workshop #4

- Introduction to County financing, revenue and expenditures
- Funding 101 – Funding alternatives
- Courthouse options overview
- Cost to keep Courthouse building running
- Cost estimating climate for Courthouses

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# Panel Process (continued)

## Workshop #5

- Basis for determining Courthouse needs and size
- Forecast of component needs
- Trends in court operation and design
- Current operational Issues

## Workshop #6

- Assumptions
- Present list of assumptions & Agree/Disagree

# Panel Process (continued)

## Workshop #7

- Assumptions summarization
- Options & costs
- Project implementation methodology
- Funding options

## Workshop #8

- Options A, B, C & Phasing
- Recommendation “Future of the Courts”
- Master plan
- Delivery method
- Financing approach

# Nine Fundamental Assumptions Were Agreed Upon

1. The future planning for a courthouse is based on the need for 36 litigation spaces.
2. The ratio of litigation spaces to JFE's will be 1:1.
3. The ratio of jury deliberation rooms will be three per four jury trial courtrooms.
4. Litigation space sizes will range from 2,200 NFS to 600 NSF based on the well, jury, spectator, and security requirements of each type of courtroom.

# Nine Fundamental Assumptions Were Agreed Upon

5. Holding cells between paired courtrooms are not required. Staging space will be necessary in the courthouse for moving detainees into and out of the courtrooms.
6. With the improvements in video technology, the need for inmate holding space in the courthouse will be based on 40-50 detainees.
7. Judges' chambers can be clustered on courtroom floors with private circulation corridors and elevators.

# Nine Fundamental Assumptions Were Agreed Upon

8. The location of AA's and Court Reporters can be "pooled" in an adjacent area on the same floor as chambers.
9. The County should proceed with a building program for the courts in a phased approach within 18 months.

# Option Analysis

## Option A - New office building

- NE corner of Sante Fe & Kansas
- Includes: District Attorney, Court Services, Primary Public Lobby and Jury Assembly, Tunnel/Overhead Connection to Existing Courthouse.

COURTROOM TOTAL: 25 + 3 shelled courtrooms in existing Courthouse

# Option Analysis

## Option A.1 – Criminal Courthouse Addition

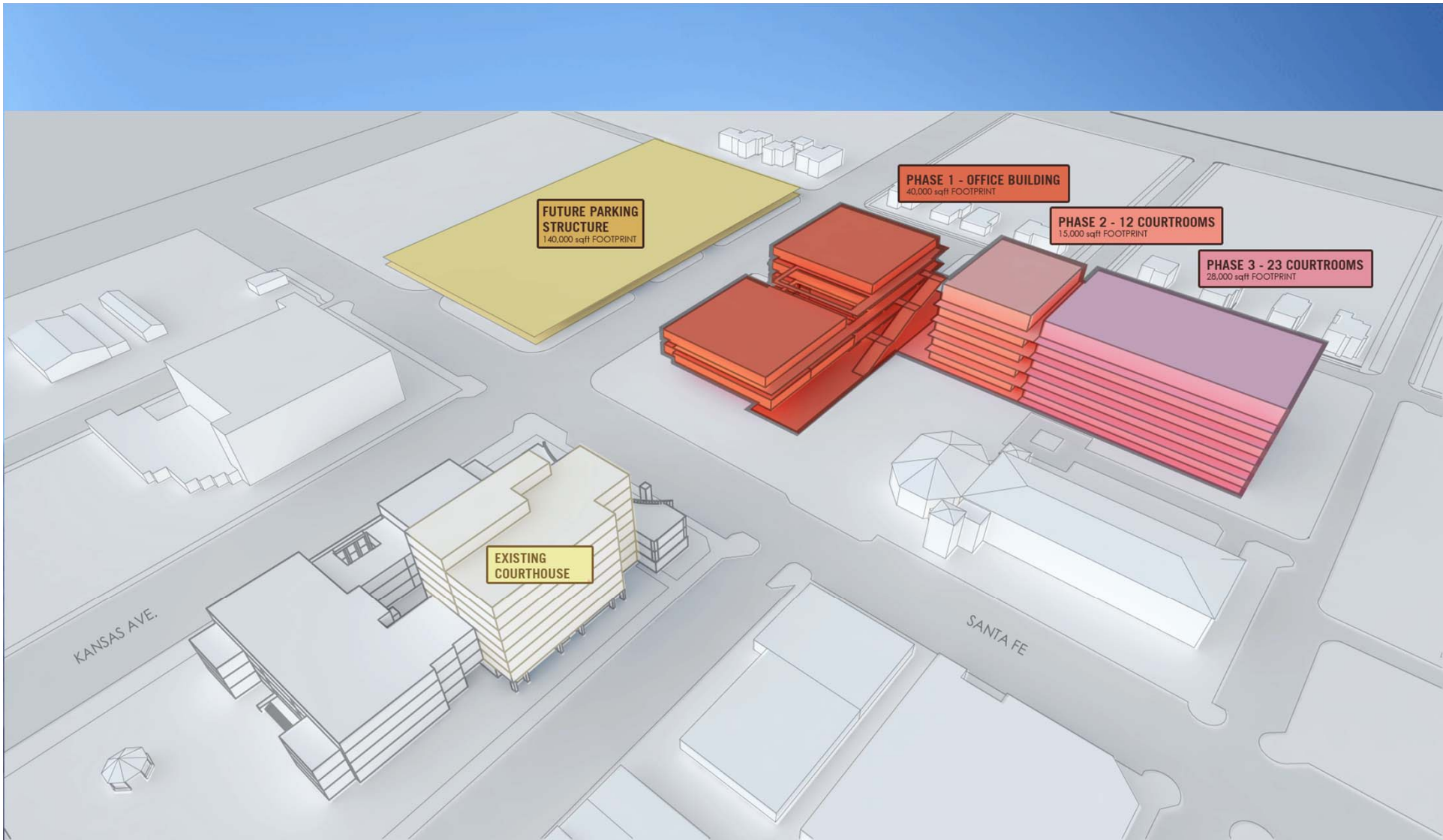
- 12 Criminal Courtrooms
- Includes: Court Clerk, Court Administration

COURTROOM TOTAL: 40 (12 new + 28 in existing Courthouse)

## Option A.2 – Courthouse Addition

- 23 Litigation spaces
- Remain in Existing Courthouse: Law Library, JIMS, Sheriff, Traffic Court (1), Court Trustee Hearing Rooms

COURTROOM TOTAL: 36 (35 new + 1 in existing Courthouse)



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# Option Analysis

## Option B – New Criminal Courthouse Building

- NE corner of Sante Fe & Kansas
  - Different size of courtrooms, ratio jury deliberation rooms, pooling of A.A.'s/court reporters and reduced/remove inmate holding - reduced square footage.
- Includes: 12 Criminal Courts, District Attorney, and Clerk of the Court, Primary Public Lobby and Jury Assembly, Inmate Holding Tunnel/Overhead Connection to Existing Courthouse.
- Remain in Existing Courthouse: Law Library, JIMS, Sheriff, Traffic Court (1), Court Trustee Hearing Rooms

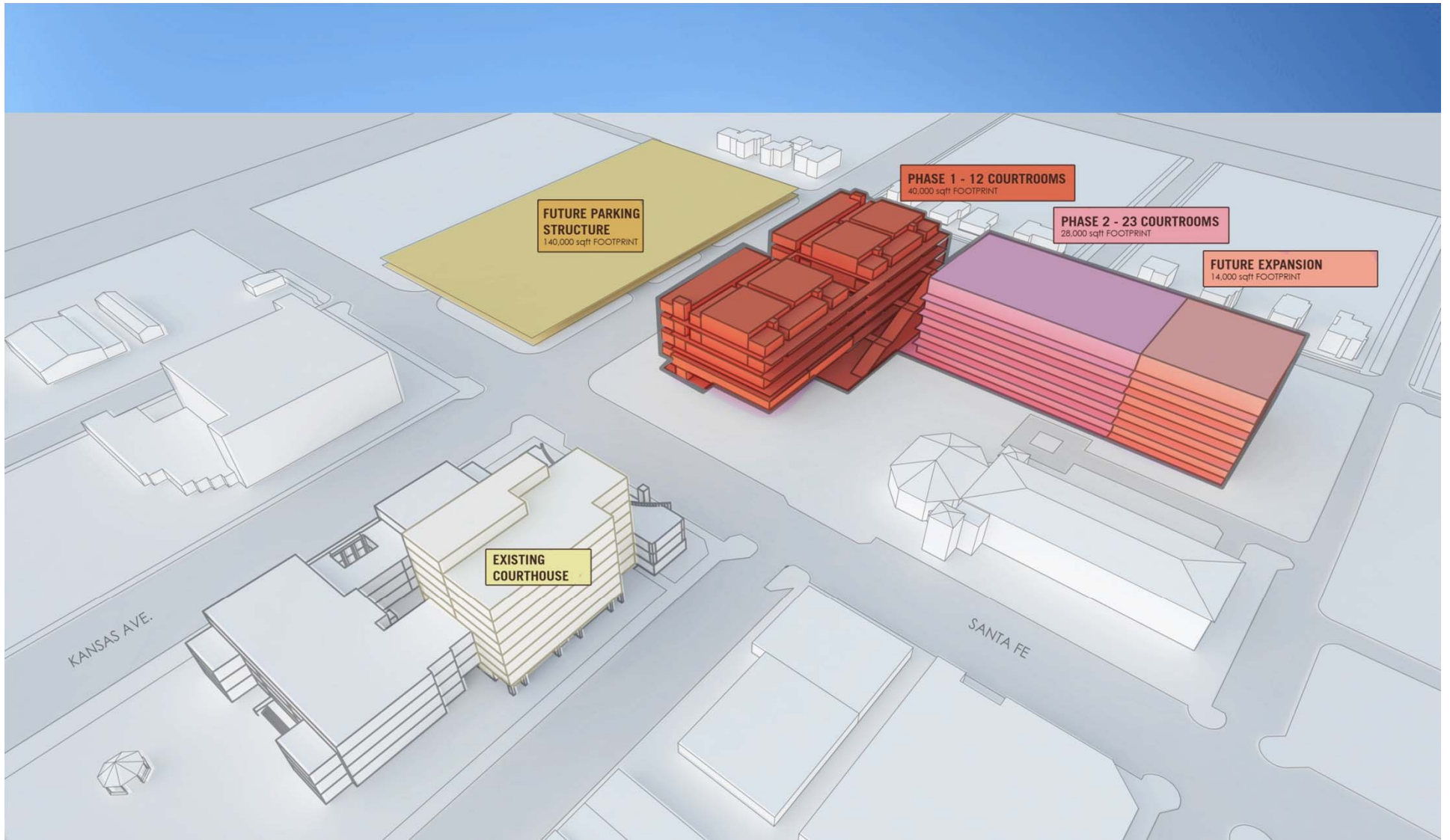
COURTROOM TOTAL: 40 (12 new + access to 28 existing courtrooms)

# Option Analysis

## Option B.1 – Courthouse Addition

- 23 Litigation Spaces
- Remain in Existing Courthouse: Law Library, JIMS, Sheriff, Traffic Court (1), Court Trustee Hearing Rooms

COURTROOM TOTAL: 36 (35 new + 1 in existing Courthouse)



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# Option Analysis C

## Option C – New Courthouse

- NE corner of Sante Fe & Kansas
  - Different size of courtrooms, ratio jury deliberation rooms, pooling of A.A.'s/court reporters and reduced/remove inmate holding reduced square footage
- Includes: 28 Courts plus 7 additional shelled courtrooms, District Attorney, Clerk of the Court, Public Lobby and Jury Assembly, Inmate Holding Tunnel/Overhead Connection to Existing Courthouse
- Remain in Existing Courthouse: Law Library, JIMS, Sheriff, Traffic Court (1), Court Trustee Hearing Rooms

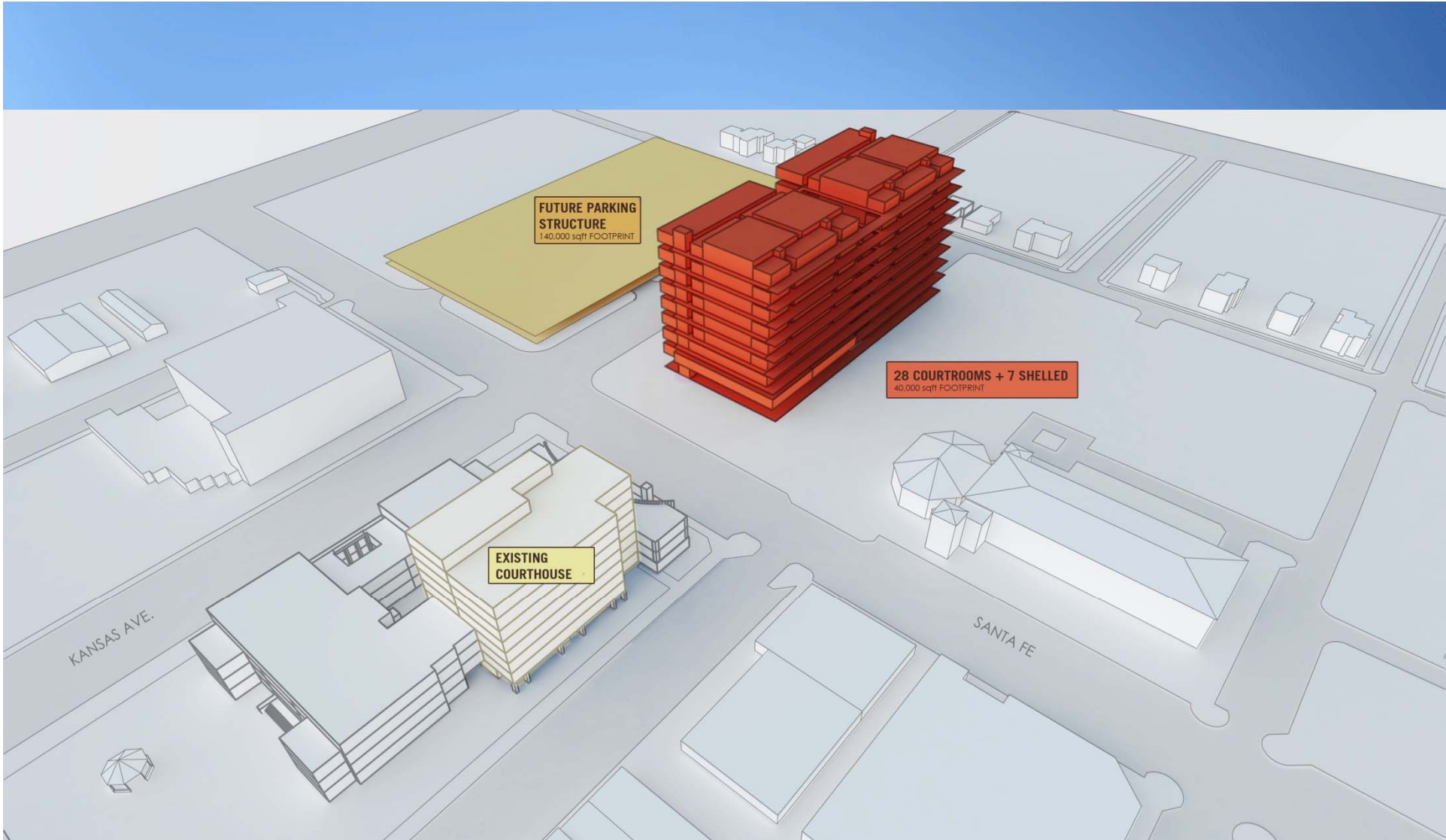
COURTROOM TOTAL: 29 (28 +1 in existing Courthouse + 7 shelled courtrooms in new courthouse)

# Option Analysis C.1

## Option C.1 – Build out shell space

- Create 7 additional courtrooms
- Remain in Existing Courthouse: Law Library, JIMS, Sheriff, Traffic Court (1), Court Trustee Hearing Rooms

COURTROOM TOTAL: 36 (35 new + 1 in existing Courthouse)



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# Costs and Square Footage

## Option A

Option A				
Option	SF	Approved Budget YR	2011 NPV \$	Escalation
A	98,234	2013	\$ 40,596,528	\$ 42,450,911
A.1	116,407	2017	\$ 44,926,252	\$ 63,883,800
A.2	166,004	2025	\$ 63,761,953	\$ 133,957,353
<b>TOTAL</b>	<b>380,645</b>		<b>\$ 149,284,733</b>	<b>\$ 240,292,065</b>

# Costs and Square Footage

## Option B

Option B				
Option	SF	Approve	2011 NPV \$	Escalation
B	203,634	2013	\$ 86,874,020	\$ 101,630,316
B.1	167,462	2025	\$ 64,336,855	\$ 135,165,164
<b>TOTAL</b>	<b>371,096</b>		<b>\$ 151,210,875</b>	<b>\$ 236,795,480</b>

# Costs and Square Footage

## Option C

Option C				
Option	SF	Approve	2011 NPV \$	Escalation
C	287,141	2013	\$ 131,278,373	\$ 153,577,128
C.1	43,252	2025	\$ 6,446,485	\$ 13,543,406
<b>TOTAL</b>	<b>330,393</b>		<b>\$ 137,724,858</b>	<b>\$ 167,120,534</b>

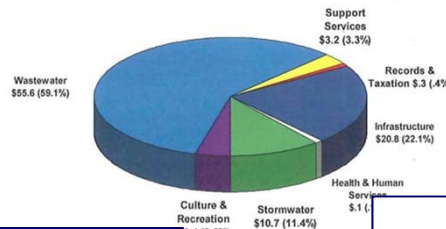
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# Funding

## Mill Levy Analysis

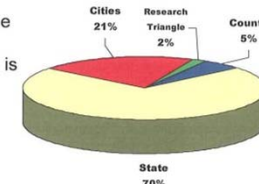
Option B	Total	2013	2014	2015	2016	2017	2018	2019	2020
State Tax (2.0%) Debt Proceeds	106,004,176	17,268,084	17,268,084	16,416,182	16,568,296	16,638,366	16,708,436	16,778,506	16,848,576
Beginning Cash	17,268,084	16,578,096	16,578,096	16,578,096	16,578,096	16,578,096	16,578,096	16,578,096	16,578,096
Cost (Debt Service (2% for 3 years))	61,312,000	2,296,000	2,296,000	46,748,000	16,578,096	16,578,096	16,578,096	16,578,096	16,578,096
Ending Cash	54,958,258	14,282,096	14,282,096	6,830,096	10,000,000	10,000,000	10,000,000	10,000,000	10,000,000

## FY 2011 CIP in Millions and in Percent

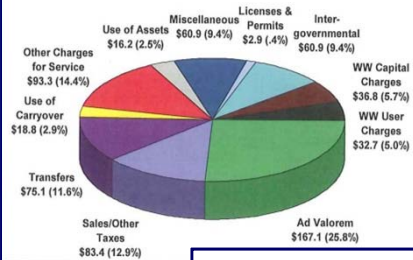


## Sales Tax Revenue

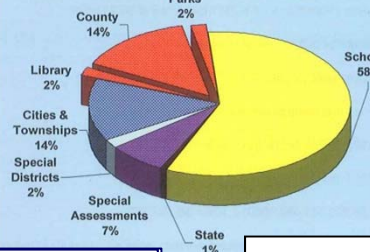
Only 5% of all sales tax revenue generated in Johnson County is for Johnson County Government.



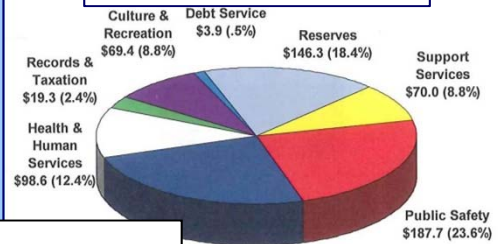
## FY 2011 Revenues in Millions and in Percent



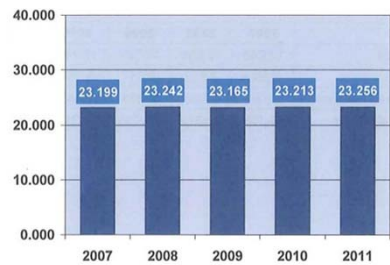
## Property Tax Distribution



## FY 2011 Operating Expenditures



## Property Tax Rates



## Sales Tax Analysis

Option B	Total	2013	2014	2015	2016	2017	2018	2019	2020
State Tax (2.0%) Debt Proceeds	106,004,176	17,268,084	17,268,084	16,416,182	16,568,296	16,638,366	16,708,436	16,778,506	16,848,576
Beginning Cash	17,268,084	16,578,096	16,578,096	16,578,096	16,578,096	16,578,096	16,578,096	16,578,096	16,578,096
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Ending Cash	54,958,258	14,282,096	14,282,096	6,830,096	10,000,000	10,000,000	10,000,000	10,000,000	10,000,000

# Delivery Methods

## Project Delivery

- Traditional Design/Bid/Build
- Design/Build
- Construction Management Agency
- Construction Management At Risk

## Program Delivery

- Program Management
- Public Private Partnership – 3P



**So, with all of the work done  
what did the Panel conclude?**

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# Panel Recommendations

- Operational changes needed
- New building needed
- Begin design 2013
- Sales tax is preferred funding approach

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# Courthouse Needed Immediately

The need is urgent

- Existing Courthouse is functionally and spatially inadequate
- Growing demands will require growth in courts - State of Kansas weighted caseload analysis suggests a need for 9 additional judicial officers today

Market conditions are favorable for lower construction and project costs

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# Key Operational Improvements

## Today

- Court Divisions to be assigned by courtroom type in existing courthouse (e.g.. probate, criminal, civil, Child in Need of Care (CINC), etc.)
- Use video arraignment for second appearances
- Continue automation of court records

## Future Courthouse

- Build on NE corner of Santa Fe and Kansas Avenue
- One judge to one courtroom – reduces total space needed in a courthouse as opposed to sharing courtrooms
  - Create four different size litigation spaces ranging from 2,200 NSF to 600 NSF
- Provide three jury rooms per four courtrooms compared to one to one ratio

# Key Operational Improvements

## Future Courthouse (continued)

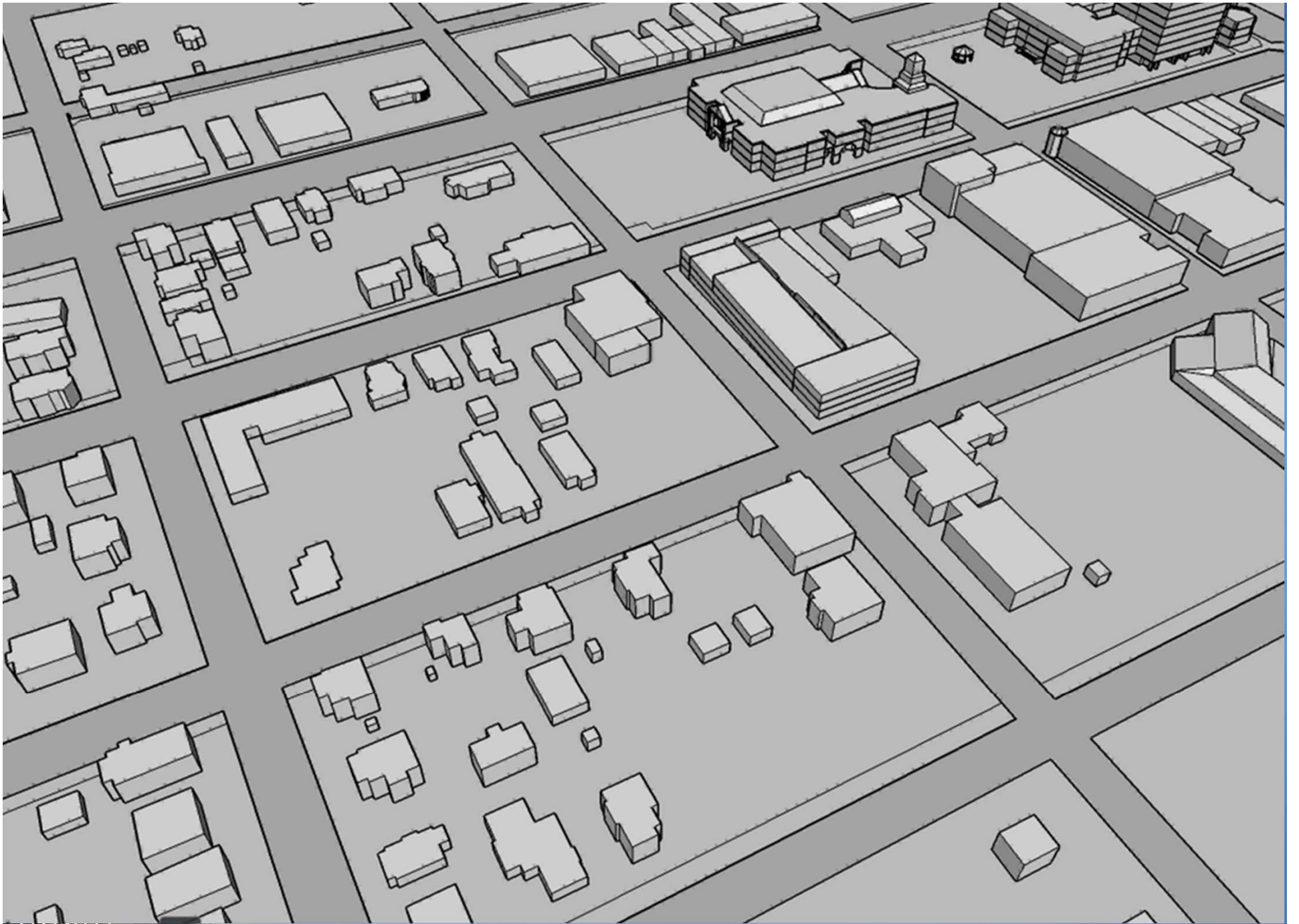
- Provide one holding area per criminal courtroom floor reducing space and cost per SF
- Connection to jail reduces the need for holding in basement of new courthouse
- Equip building with state of the art technology; wayfinding, case management, courtroom display, evidentiary presentations, remote testimony, etc.
- Cluster judiciary support space on each floor with private circulation corridors and elevators; co-located Judges' chambers, AA's, and Court Reporters, all of which reduces square footage.

# Capital Investment “Preferred”

**Option C** – New courthouse, 36 courtrooms; NE corner of Sante Fe & Kansas, approximately 330,000 SF

## Why Option C?

- Lowest cost over time to the tax payer
- Designing and constructing in a one time, cohesive manner assures the significant role of the Courts in our community is reflected through excellence in civic architecture

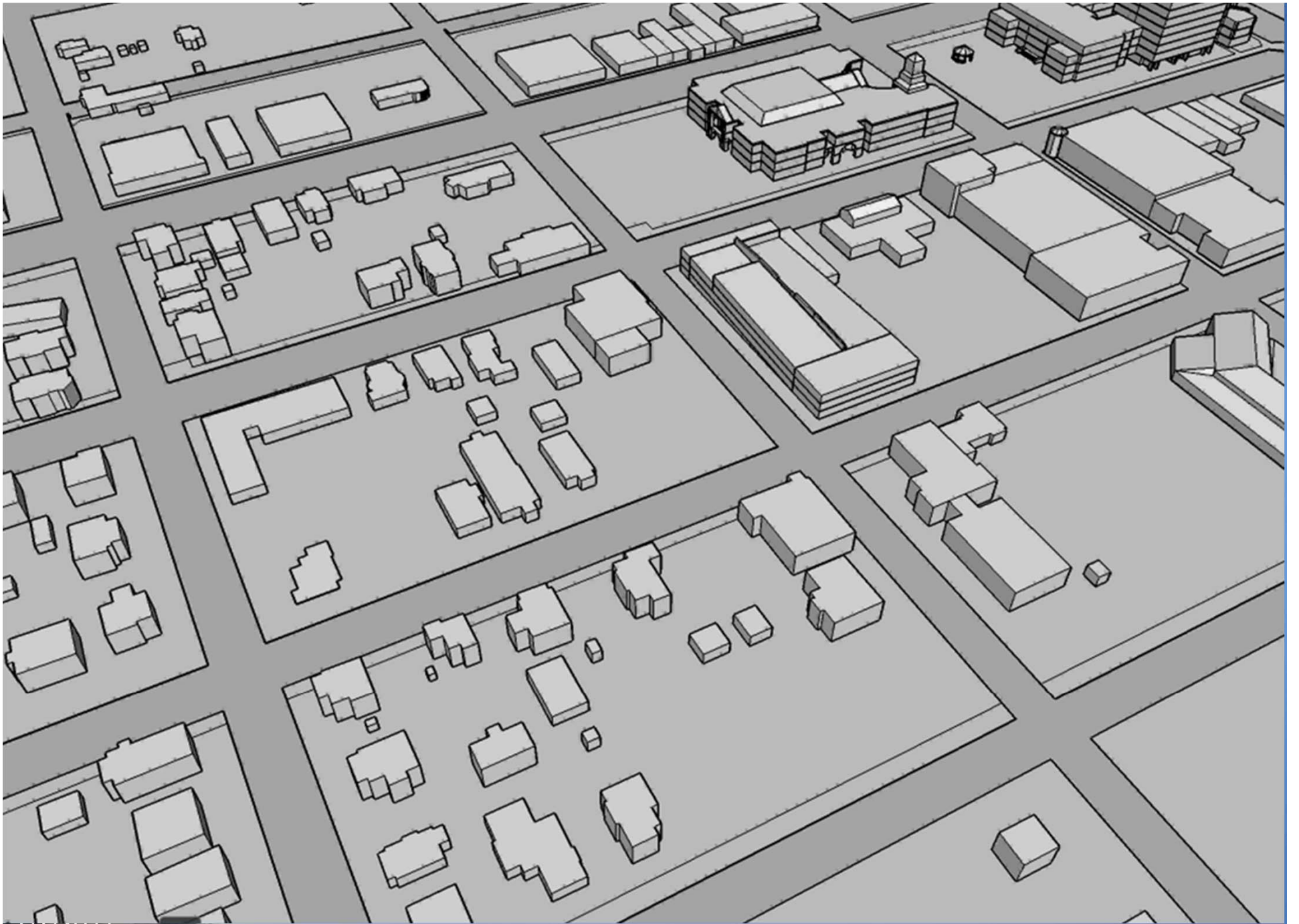


# Capital Investment “Alternative”

**Option B** – New Criminal Courthouse, 12 courtrooms on NE corner of Sante Fe & Kansas, approximately 204,000 SF

## Why Option B?

- ❑ Response to “down” economy
- ❑ Lower Initial Phased Cost



# Previous Study vs. Panel Recommendation

Options	Study 2008		CAP 2011	
	BGSF	Millions	BGSF	Millions
<b>B - Phase 1 Courts</b>	233,465	\$ 126	203,634	\$ 102
<b>B.1 - Phase 2 Courts</b>	197,035	\$ 178	167,462	\$ 135
<b>C - Complete Courts</b>	430,501	\$ 206	330,303	\$ 154
<b>C.1 - Finish Shelled Courts</b>	-	\$ 16	-	\$ 14

**Notes:** 2008 included property acquisition for Options B & C,  
CAP determined property acquisition cost not needed  
Parking structure SF & costs not included in all options  
Options: B & C-Start 2013  
Options: B.1 & C.1 Start 2025

# Financing Strategies

- 1/4 cent sales tax is preferred
  - Option C – for 9 years, 2 months
- OR**
- Option B - for 6 years
  - ❖ NOTE: sales tax projections assume 0% annual increase

# Project Delivery Recommendation

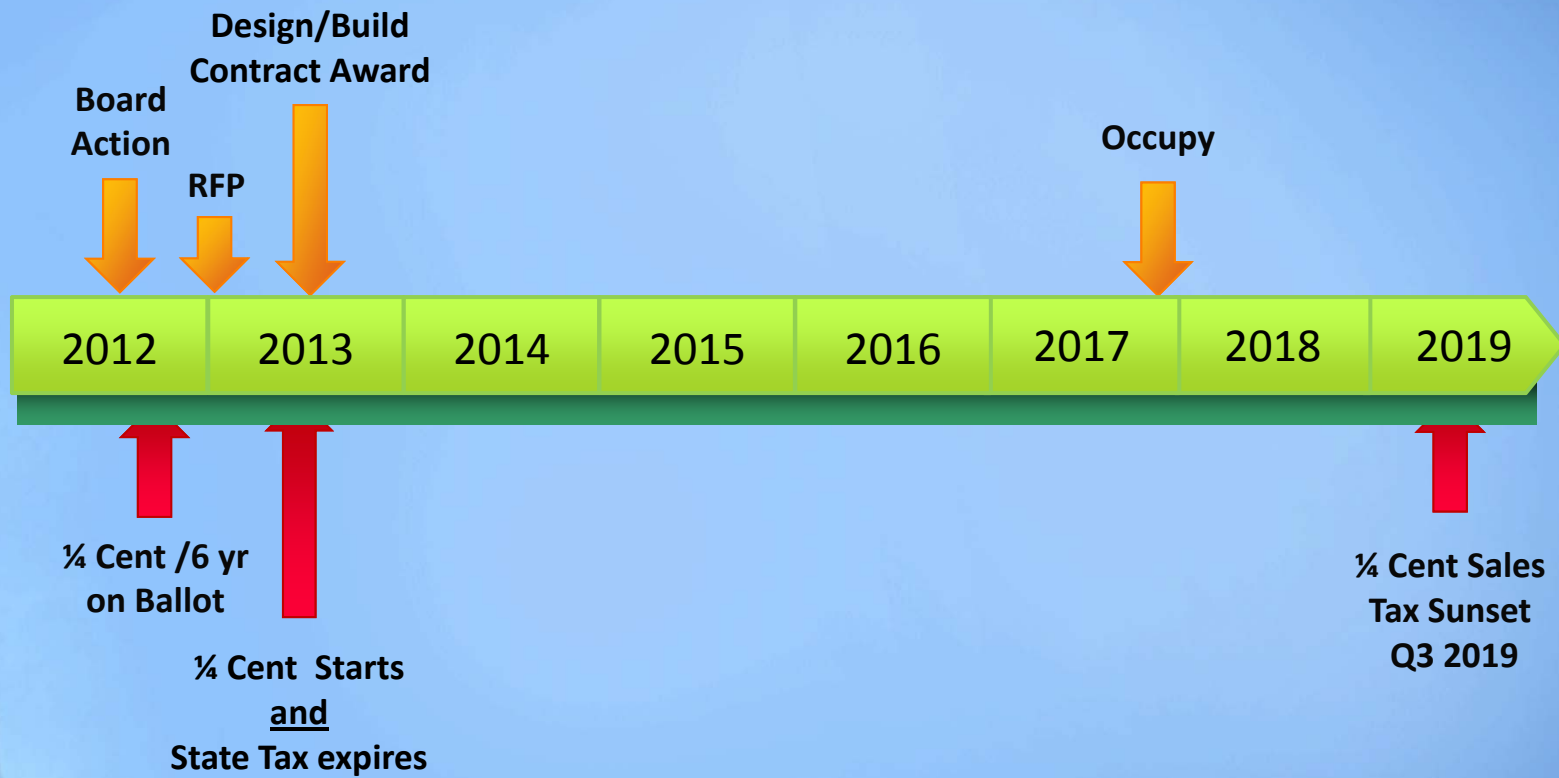
## Design/Build

- Owner develops performance-based “Bridging Documents”
- Design/Build teams compete on qualifications
- Single contract award based upon “best value”

# Action Requested

- Proceed with first phase starting in 2013, completion in 2017
- Place a 6 year, ¼ cent public safety sales tax question on the November 2012 ballot to start July 2013
- Proceed as expeditiously as possible while the market is favorable
  - Beginning in fall 2011, utilize projected revenues from the sale of the Court Services Building to:
    - Refine cost and scope
    - Coordinate information for the sales tax initiative
    - Prepare the design/build RFP for award mid-year 2013

# Timeline



# Questions

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