

JUDICIAL BRANCH–COURTHOUSE FACILITIES CAPITALS REQUEST

BRIEF DESCRIPTION:

In November 2013, Polk County voters approved an \$81 million courthouse bond referendum. The three building court complex project in downtown Des Moines is separated into three phases: developing a *Justice Center Annex*, which will house juvenile, small claims, and traffic court in the former Wellmark building; creating a *Criminal Court Annex* from the old main jail; and updating the *Historic Courthouse* for civil, family law, and probate courts. By Code, the State of Iowa is responsible for funding the technology, furniture, fixture, and equipment needs of the court complex project.

JUSTIFICATION:

When the State assumed responsibility for the funding of the court system in the mid-1980s, the State did not take on the expense of facilities, i.e. the county courthouse. This makes perfect sense when you consider that in most counties the court courthouse houses numerous county offices in addition to the courts. Under current law, counties are responsible for providing the district courts with adequate facilities. Essentially, the courts are a tenant in county facilities. Although the county remains the landlord, the State assumed the role of an occupant, making it responsible for certain expenses related to the space occupied by the courts, i.e. technology, furniture, fixture, and equipment.

The financial responsibilities of the State and counties can be found in Iowa Code sections 602.1302, 602.1303, 602.11101, and 602.11107. See attached copies of statutory provisions. Section 602.11101 obligates the State of Iowa through the Judicial Branch to fund the furnishings, supplies, and equipment needs of the courts. The court complex project spans four state fiscal years (FY16-FY19) for a total capitals budget request of \$9,672,399 to cover the state's portion of the estimated furniture, equipment, and technology costs. Conditions to be ameliorated include non-separated circulations zones for detainees, the public/jurors and judges/court employees; lack of adequate restrooms; insufficient public waiting areas, jury deliberation and assembly areas, attorney/client conferencing space, and courtroom space. Additionally, no central cooling system nor sufficient building ventilation or vertical egress stairs currently exist at the historic courthouse.

Phase I renovates the Wellmark building creating a *Justice Center Annex* for the juvenile courts, juvenile court services, magistrate court (small claims and traffic), and clerk of court records storage. Estimated completion date: December 1, 2015. Phase II removes cell blocks from the top four floors of the old Polk County Main Jail, recreates the fourth floor and constructs 11 criminal courtrooms throughout the "new" *Criminal Courts Annex*. Associated space provides for judges, staff, attorneys, sheriff's office functions, jurors and the public. Estimated completion date: December 1, 2017. Phase III renovates the *Historic Courthouse* for civil, family law, probate, clerk of court, jury management and assembly, court administration and the public. Estimated completion date: December 1, 2019.

Source: State Court Administrator

Date: February 18, 2015

JUDICIAL BRANCH-COURTHOUSE FACILITIES CAPITALS REQUEST

Fifth Judicial District, Polk County-Annual Cost Estimate

PROJECT	2015	2016	2017	2018	2019	TOTALS
POLK COUNTY JUSTICE CENTER ANNEX		\$2,723,151				\$2,723,151
CRIMINAL COURT ANNEX			\$2,853,008			\$2,853,008
HISTORIC COURTHOUSE			\$1,142,274	\$1,142,274	\$1,811,691	\$4,096,240
TOTAL PROJECT COST	\$0	\$2,723,151	\$3,995,282	\$1,142,274	\$1,811,691	\$9,672,399
TOTAL PAY OUT	\$0	\$2,723,151	\$6,718,433	\$7,860,708	\$9,672,399	\$9,672,399

COMPLETE MAY 2019

Fifth Judicial District, Polk County-Tech and FFE Totals

PROJECT	Tech	FFE	TOTALS
POLK COUNTY JUSTICE CENTER ANNEX	\$1,869,000	\$854,151	\$2,723,151
CRIMINAL COURT ANNEX	\$2,250,000	\$603,008	\$2,853,008
HISTORIC COURTHOUSE	\$3,310,000	\$786,240	\$4,096,240
TOTAL PROJECT COSTS	\$ 7,429,000	\$ 2,243,399	\$9,672,399

Fifth Judicial District, Polk County-Itemized OPN Estimate

ITEMIZED	JUSTICE CENTER	CRIMINAL COURT	HISTORIC COURTHOUSE	TOTALS
TECH				
A/V	\$473,000	\$500,000	\$700,000	\$1,673,000
VIDEO	\$924,000	\$950,000	\$1,400,000	\$3,274,000
VIDEO CONFERENCING	\$117,000	\$500,000	\$650,000	\$1,267,000
DIGITAL SIGNAGE	\$55,000	\$100,000	\$210,000	\$365,000
CABLING (MISC)	\$300,000	\$200,000	\$350,000	\$850,000
FIXTURES, FURNITURE, EQUIPMENT				
FFE	\$854,151			\$854,151
FFE CHAMBER/OFFICE		\$117,000	\$153,000	\$270,000
FFE OPEN OFFICE		\$150,400	\$217,600	\$368,000
FFE CONFERENCE		\$145,000	\$155,000	\$300,000
FFE COURTROOMS		\$126,000	\$176,400	\$302,400
FFE CONTINGENCY		\$64,608	\$84,240	\$148,848
TOTAL PROJECT COSTS	\$2,723,151	\$2,853,008	\$4,096,240	\$9,672,399

602.1302 State funding.

1. Except as otherwise provided by sections 602.1303, 602.1304, and 602.8108 or other applicable law, the expenses of operating and maintaining the judicial branch shall be paid out of the general fund of the state from funds appropriated by the general assembly for the judicial branch. State funding shall be phased in as provided in section 602.11101.

2. The supreme court may accept federal funds to be used in the operation of the judicial branch, but shall not expend any of these funds except pursuant to appropriation of the funds by the general assembly.

3. A revolving fund is created in the state treasury for the payment of jury and witness fees, mileage, costs related to summoning jurors by the judicial branch, costs and fees related to the management and payment of interpreters and translators in judicial branch legal proceedings and court-ordered programs, and attorney fees paid by the state public defender for counsel appointed pursuant to section 600A.6A. The judicial branch shall deposit any reimbursements to the state for the payment of jury and witness fees and mileage in the revolving fund. In each calendar quarter the judicial branch shall reimburse the state public defender for attorney fees paid pursuant to section 600A.6B. Notwithstanding section 8.33, unencumbered and unobligated receipts in the revolving fund at the end of a fiscal year do not revert to the general fund of the state. The judicial branch shall on or before February 1 file a financial accounting of the moneys in the revolving fund with the legislative services agency. The accounting shall include an estimate of disbursements from the revolving fund for the remainder of the fiscal year and for the next fiscal year.

4. The judicial branch shall reimburse counties for the costs of witness and mileage fees and for attorney fees paid pursuant to section 232.141, subsection 1.

83 Acts, ch 186, §1302, 10201; 85 Acts, ch 197, §11; 87 Acts, ch 152, §2; 95 Acts, ch 207, §23; 98 Acts, ch 1047, §46; 2002 Acts, ch 1175, §43; 2003 Acts, ch 35, §45, 49; 2005 Acts, ch 107, §6, 14; 2005 Acts, ch 165, §2; 2014 Acts, ch 1141, §15

Referred to in §622A.3, §622A.4

Local court property devoted for use of judicial branch; §602.11107

Subsection 3 amended

602.1303 Local funding.

1. A county or city shall provide the district court for the county with physical facilities, including heat, water, electricity, maintenance, and custodial services, as follows:

a. A county shall provide courtrooms, offices, and other physical facilities which in the judgment of the board of supervisors are suitable for the district court, and for judicial officers of the district court, the clerk of the district court, juvenile court officers, and other court employees.

b. The counties within the judicial districts shall provide suitable offices and other physical facilities for the district court administrator and staff at locations within the judicial districts determined by the chief judge of the respective judicial districts. The county auditor of the host county shall apportion the costs of providing the offices and other physical facilities among the counties within the judicial district in the proportion that the population of each county in the judicial district is to the total population of all counties in the district.

c. If court is held in a city other than the county seat, the city shall provide courtrooms and other physical facilities which in the judgment of the city council are suitable.

2. A county shall pay the expenses of the members of the county magistrate appointing commission as provided in section 602.6501.

3. A county shall pay the compensation and expenses of the jury commission and assistants under chapter 607A.

4. A county shall provide the district court with bailiff and other law enforcement services upon the request of a judicial officer of the district court.

5. A county shall pay the costs incurred in connection with the administration of juvenile justice under section 232.141.

6. A county shall pay the costs and expenses incurred in connection with grand juries.

7. A county or city shall pay the costs of its depositions and transcripts in criminal actions prosecuted by that county or city and shall pay the court fees and costs provided by law in criminal actions prosecuted by that county or city under county or city ordinance. A county or city shall pay witness fees and mileage in trials of criminal actions prosecuted by the county or city under county or city ordinance.

8. A county shall pay the fees and expenses allowed under sections 815.2 and 815.3.

9. If a county board of supervisors, with the approval of the supreme court, elects not to maintain space for the district court, the county may enter into an agreement with a contiguous county in the same judicial district to share the costs under subsections 1 through 8. For the purposes of this subsection, two counties are contiguous if they share a common boundary, including a corner.

83 Acts, ch 186, §1303, 10201; 84 Acts, ch 1301, §14; 85 Acts, ch 197, §12; 86 Acts, ch 1108, §6; 87 Acts, ch 192, §1; 92 Acts, ch 1164, §2

Referred to in §331.361, §602.1302, §602.6105, §602.11101

Certain bailiffs employed as court attendants; §602.11113

602.11101 Implementation by court component.

1. The state shall assume responsibility for components of the court system according to the following schedule:

a. On October 1, 1983, the state shall assume the responsibility for and the costs of jury fees and mileage as provided in section 607A.8 and on July 1, 1984, the state shall assume the responsibility for and the costs of prosecution witness fees and mileage and other witness fees and mileage assessed against the prosecution in criminal actions prosecuted under state law as provided in sections 622.69 and 622.72.

b. Court reporters shall become court employees on July 1, 1984. The state shall assume the responsibility for and the costs of court reporters on July 1, 1984.

c. Bailiffs who perform services for the court, other than law enforcement services, shall become court employees on January 1, 1985, and shall be called court attendants. The state shall assume the responsibility for and the costs of court attendants on January 1, 1985. Section 602.6601 takes effect on January 1, 1985.

d. (1) Juvenile probation officers shall become court employees on July 1, 1985. The state shall assume the responsibility for and the costs of juvenile probation officers on July 1, 1985.

(2) Until July 1, 1985, the county shall remain responsible for the compensation of juvenile court referees. Effective July 1, 1985, the state shall assume the responsibility for the compensation of juvenile court referees.

e. (1) Clerks of the district court shall become court employees on July 1, 1986. The state shall assume the responsibility for and the costs of the offices of the clerks of the district court on July 1, 1986. Persons who are holding office as clerks of the district court on July 1, 1986, are entitled to continue to serve in that capacity until the expiration of their respective terms of office. The district judges of a judicial election district shall give first and primary consideration for appointment of a clerk of the district court to serve the court beginning in 1989 to a clerk serving on and after July 1, 1986, until the expiration of the clerk's elected term of office. A vacancy in the office of clerk of the district court occurring on or after July 1, 1986, shall be filled as provided in section 602.1215.

(2) Until July 1, 1986, the county shall remain responsible for the compensation of and operating costs for court employees not presently designated for state financing and for miscellaneous costs of the judicial branch related to furnishings, supplies, and equipment purchased, leased, or maintained for the use of judicial officers, referees, and their staff. Effective July 1, 1986, the state shall assume the responsibility for the compensation of and operating costs for court employees presently designated for state financing and for miscellaneous costs of the judicial branch related to furnishings, supplies, and equipment purchased, leased, or maintained for the use of judicial officers, referees, and their staff. However, the county shall at all times remain responsible for the provision of suitable courtrooms, offices, and other physical facilities pursuant to section 602.1303, subsection 1, including paint, wall covering, and fixtures in the facilities.

(3) Until July 1, 1986, the county shall remain responsible for the compensation of and operating costs for probate referees and judicial hospitalization referees and their staffs. Effective July 1, 1986, the state shall assume the responsibility for the compensation of and operating costs for probate referees and judicial hospitalization referees and their staffs.

(4) Until July 1, 1986, the county shall remain responsible for necessary fees and costs related to certain court reporters. Effective July 1, 1986, the state shall assume the responsibility for necessary fees and costs related to certain court reporters.

f. The county shall remain responsible for the court-ordered costs of conciliation procedures under section 598.16.

2. a. For the period beginning July 1, 1983, and ending June 30, 1987, the provisions of division I of 1983 Iowa Acts, ch. 186, articles 1 through 10 of this chapter, take effect only to the extent that the provisions do not conflict with the scheduled state assumption of responsibility for the components of the court system, and the amendments and repeals of divisions II and III of 1983 Iowa Acts, ch. 186, take effect only to the extent necessary to implement that scheduled state assumption of responsibility. If an amendment or repeal to a Code section in division II or III of 1983 Iowa Acts, ch. 186, is not effective during the period beginning July

1, 1983, and ending June 30, 1987, the Code section remains in effect for that period. On July 1, 1987, 1983 Iowa Acts, ch. 186, takes effect in its entirety.

b. However, if the state does not fully assume the costs for a fiscal year of a component of the court system in accordance with the scheduled assumption of responsibility, the state shall not assume responsibility for that component, and the schedule of state assumption of responsibility shall be delayed. The delayed schedule of state assumption of responsibility shall again be followed for the fiscal year in which the state fully assumes the costs of that component. For the fiscal year for which the state's assumption of the responsibility for a court component is delayed, the clerk of the district court shall not reduce the percentage remittance to the counties from the court revenue distribution account under section 602.8108. The clerk shall resume the delayed schedule of reductions in county remittances for the fiscal year in which the state fully assumes the costs of that court component. If the schedules of state assumption of responsibility and reductions in county remittances are delayed, the transition period beginning July 1, 1983, and ending June 30, 1987, is correspondingly lengthened, and 1983 Iowa Acts, ch. 186, takes effect in its entirety only at the end of the lengthened transition period.

3. The supreme court shall prescribe temporary rules, prior to the dates on which the state assumes responsibility for the components of the court system, as necessary to implement the administrative and supervisory provisions of 1983 Iowa Acts, ch. 186, and as necessary to determine the applicability of specific provisions of 1983 Iowa Acts, ch. 186, in accordance with the scheduled state assumption of responsibility for the components of the court system.

83 Acts, ch 186, §10201, 10301; 84 Acts, ch 1301, §15; 85 Acts, ch 197, §29 – 31; 86 Acts, ch 1108, §8; 86 Acts, ch 1111, §1; 98 Acts, ch 1047, §63, 64; 2007 Acts, ch 126, §100; 2013 Acts, ch 90, §172; 2014 Acts, ch 1026, §127, 143

Referred to in §602.1302, §602.11102

Code editor directive applied

Subsection 2, paragraph a amended

602.11107 Court property.

1. Commencing on the date when each category of employees becomes state employees as a result of 1983 Iowa Acts, ch. 186, public property referred to in subsection 2 that on the day prior to that date is in the custody of a person or agency referred to in subsection 3 shall not become property of the judicial branch but shall be devoted for the use of the judicial branch in its course of business. The judicial branch shall only be responsible for maintenance contracts or contracts for purchase entered into by the judicial branch. Upon replacement of the property by the judicial branch, the property shall revert to the use of the appropriate county. However, if the property is personal property of a historical nature, the property shall not become property of the judicial branch, and the county shall make the property available to the judicial branch for the judicial branch's use within the county courthouse until the court no longer wishes to use the property, at which time the property shall revert to the use of the appropriate county.

2. This section applies to the following property:

- a. Books, accounts and records that pertain to the operation of the district court.
- b. Forms, materials, and supplies that are consumed in the usual course of business.
- c. Tables, chairs, desks, lamps, curtains, window blinds, rugs and carpeting, flags and flag standards, pictures and other wall decorations, and other similar furnishings.
- d. Typewriters, adding machines, desk calculators, cash registers and similar business machines, reproduction machines and equipment, microfiche projectors, tape recorders and associated equipment, microphones, amplifiers and speakers, film projectors and screens, overhead projectors, and similar personal property.
- e. Filing cabinets, shelving, storage cabinets, and other property used for storage.
- f. Books of statutes, books of ordinances, books of judicial decisions, and reference books, except those that are customarily held in a law library for use by the public.
- g. All other personal property that is in use in the operation of the district court.

3. This section applies to the following persons and agencies:

- a. Clerks of the district court.
 - b. Judicial officers.
 - c. District court administrators.
 - d. Juvenile probation officers.
 - e. Court reporters.
 - f. Persons who are employed by a person referred to in paragraphs "a" through "e".
4. Subsections 1 through 3 and 5 do not apply to electronic data storage equipment, commonly referred to as computers, or to computer terminals or any machinery, equipment, or supplies used in the operation of computers. Those counties that were providing computer services to the district court shall continue to provide these services until the general assembly provides otherwise. The state shall reimburse these counties for the cost of providing these services. Each county providing computer services to the district court shall submit a bill for these services to the supreme court at the end of each calendar quarter. Reimbursement shall be payable from funds appropriated to the supreme court for operating expenses of the district court, and shall be paid within thirty days after receipt by the supreme court of the quarterly billing.

5. Personal property of a type that is subject to subsections 1 through 3 shall be subject to the control of the chief judge of the judicial district commencing on the date when each category of employees becomes state employees as a result of 1983 Iowa Acts, ch. 186. On and after that date the chief judge of the judicial district may issue necessary orders to preserve the use of the property by the district court. Commencing on that date, the chief judge, subject to the direction of the supreme court, shall establish and maintain an inventory of property used by the district court.

83 Acts, ch 186, §10201, 10307; 98 Acts, ch 1047, §65; 2014 Acts, ch 1092, §135
Subsections 1 and 5 amended