



ALEX CUYLER

Intergovernmental Relations Manager
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DATE: February 15, 2016

TO: Joint Ways and Means Subcommittee on Capital Construction

RE: Lane County follow up to Senator Devlin questions

Co-Chairs Senator Girod and Representative Read and members of the Committee:

This correspondence is provided as a follow up to questions posed by Senator Devlin after hearing the panel of testimony asking for consideration of the Lane County Courthouse replacement funding request on February 12, 2016. I have provided what I think is a close approximation to the actual questions that Senator Devlin posed to the panel:

Question 1- *Some counties interpreted the 50% match given co-location with a state office to mean that even if they have one state employee other than a judicial employee, that is co-location. Oregon law provides for a 50% match of a project IF it includes state agency co-location. To what extent can you provide the committee with assurance that the presence of a state agency in your project does not mean housing, for example, a single state employee?*

Lane County interprets the 50% match to mean that the County will work with the court's state agency partners to determine an adequate space to meet their future space needs. Lane County has secured letters of interest from two state agencies that now have a presence within Lane County. One is the Department of Justice, which currently rents space (13,000 square feet) for over 20 attorneys in downtown Eugene. The other is the Office of Public Defense Services, which contemplates a resource center at the new courthouses similar to what has been included in Multnomah County's planned court facility. During the testimony we provided to the Committee, reference was made to Lane County's work with the National Center for State Courts. The NCSC work includes an analysis of courthouse needs which ultimately is translated into square footage. They then take that space requirement and apply it over the proposed sites (two sites in downtown Eugene) available for construction in what is termed a "blocking exercise" to give the client a beginning sense of the size and shape of a potential building. Each of the courthouse concepts under development by NCSC currently include 15,000 square feet for the co-location of a state office.

Question 2- *Should we grant these funds if you would only get a portion of them potentially in theory in 19-21. Knowing the size of the project you might have to wait until 21-23 to get the remaining portion. What is your reaction to that and what if your planning funds are granted with absolutely no guarantee that you would be the next project in order?*

Lane County has funds on hand to match the current request for \$1.4 million. Of the two sites which are under consideration, Lane County is the outright owner of one. Lane County voters previously provided funding for a \$39M court (juvenile justice center) building in 1986, with that bond becoming fully paid last year. The current \$2.8M planning project provides

preliminary funding to ready the Lane County Courthouse project for construction. This is similar to methodologies applied to transportation projects, where the entirety of the project is a series of phased efforts each designed to build on the one that came previously. As with transportation projects, often the hardest funding to secure is for the pre-construction phases which include public involvement, design, preliminary engineering, and cultural and environmental reviews. As the project matures to a “shovel ready” stance, the opportunities for funding actual construction activities may improve due to a variety of reasons. Thus, the importance of the work currently under contemplation should not be minimized. Lane County certainly cannot contemplate a phased or delayed schedule without first undertaking the effort to gain a detailed project proposal. If phased or delayed funding of subsequent work is our only option, we will have at least produced the information and technical documents necessary to support a detailed project plan and pursuit of the full range of future funding options. Moreover, these resources may open avenues to other, non-state resources in the future, including the provision of voter granted bonding authority.

In 2014, the Association of Oregon Counties, in collaboration with the Oregon Justice Department, developed prioritization criteria to review potential courthouse replacement projects. The Chief Justice submitted four projects for inclusion in the Chief Justices’ budget for 15-17. The Lane County Courthouse project met the AOC/OJD criteria for prioritization for the 2015-2017 biennium. This courthouse project prioritization process is not predicted to change significantly in future fiscal cycles and will continue to be a balance of project readiness, projects underway, and availability of both local and state resources.



DEPARTMENT OF JUSTICE
ADMINISTRATIVE SERVICES DIVISION

June 2, 2015

Mr. Alex Cuyler
Intergovernmental Relations Manager
Lane County Administration
125 East 8th Avenue
Eugene, Oregon 97401

Re: Letter of Interest on acquiring leased office space at the new Lane County Courthouse

Dear Mr. Cuyler:

This non-binding Letter of Interest expresses the Oregon Department of Justice's (DOJ) desire to continue further discussions with your office at Lane County Administration regarding developing a partnership which would allow DOJ to consider leasing office space at the new Lane County Courthouse that may be built during the 17-19 biennium.

Currently we lease approximately 13,000 square feet in Eugene from a private property owner. Our lease expires January 31, 2018, but it may be possible to extend our lease until the completion of the courthouse, provided it is within a reasonable time. It is not certain at this time what our square feet need would be however for planning purposes it may be reasonable to assume over 13,000 square feet but less than 20,000 square feet.

There are various terms and conditions DOJ and Lane County would need to negotiate and agree to before commitments could be made. However, DOJ is certain that we are seeking a turnkey office space specified to our program needs where DOJ is not responsible for absorbing any of the tenant improvement costs. In addition, we would be looking for comparable rent rate to the State of Oregon's uniform rate for state-owned buildings. In turn, DOJ would provide a favorable lease term.

Thank you for contacting me and offering to establish partnership in this exciting endeavor. I look forward to working with you.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Archana Thapa-Sherpa".

Archana Thapa-Sherpa
Director of Facilities Management & Procurement
Operations Sections
archana.thapa-sherpa@doj.state.or.us



Oregon

Public Defense Services Commission

Office of Public Defense Services

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Salem, Oregon 97301-4030
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July 1, 2015

Mr. Alex Cuyler
Intergovernmental Relations Manager
Lane County Administration
125 East 8th Avenue
Eugene, OR 97401

Re: Letter of Interest on space in the new Lane County Courthouse

Dear Mr. Cuyler:

This non-binding Letter of Interest expresses the Oregon Public Defense Services Commission (PDSC) interest in reserving space for the purpose of establishing a Public Defense Resource Center in the new Lane County Courthouse.

Currently, the PDSC has contracts with three separate entities (47 attorneys) who provide representation to financially qualified individuals who are charged with crimes or named in civil commitment or termination of parental rights actions in Lane County Circuit Court. These lawyers handle well over 4,500 cases per year. Because most cases involve multiple hearings and some include multiple days of trial, these lawyers and their clients spend significant amounts of time in the courthouse. While each lawyer must have office space separate from the courthouse, the volume of business demands that lawyers and their clients spend significant time at the courthouse. During days with heavy dockets, multiple hearings, or trials, lawyers have limited time and are often unable to commute back to their offices. Lawyers and clients have only hallways or vacant and unlocked rooms for what should be confidential communications.¹ Additionally, lawyers and clients lack a dedicated space where they can meet before proceedings. This

¹ The Oregon Rules of Professional Conduct require lawyers to “make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client.” ORPC 1.6.

lack of dedicated meeting space creates situations where defendants and victims are mingling in the courthouse hallways prior to, during, and after court proceedings.

When studying the need for a new courthouse in Multnomah County, the National Center for State Courts² summarized the situation as follows:

“Permanent office space for public defenders is rarely located in courthouses for various reasons, including but not limited to the preservation of client/witness confidentiality (people are more likely to seek legal advice and heed their legal obligations when they know their communications are private), the independence necessary to advocate for an accused (government-paid defense lawyers are often perceived to be in league with government-paid prosecutors), and the obligation to zealously protect and pursue a client’s best interests within the bounds of the law. In acknowledging these reasons for officing outside the courthouse, it does not necessarily follow that the public defense bar should be denied hoteling/transient work space in the courthouse. Public defense lawyers have many hearings in a day, and trials that span multiple days. It can be difficult for these lawyers to be efficient with their time when breaks are spent going to and from their offices. Currently, without a single dedicated reception area for public defense clients, lawyers must simply instruct clients to meet them in the courthouse hallways. This arrangement can create unnecessary crowding and mingling of victims and defendants in the courthouse hallways, especially when there are high volume dockets, many of which must be held at the Central Courthouse. A strong argument can be made that providing public defense transitory space in the building for court-related work and interaction with clients is in the best interests of justice as well as case delay reduction. Many urban courts provide such space.

The Multnomah County Courthouse project will include approximately 5,000 square feet for a Public Defense Resource Center. The space will include telework offices for trial-level and appellate-level lawyers, a large conference room, and a reception area for clients. The PDSC assumes it would need a similar

² See NCSC Report, “Multnomah County, Oregon, Circuit Court New Central Courthouse Planning and Space Programming Final Report”: <https://multco.us/file/37983/download>

configuration, and no more than 5,000 square feet within the Lane County Courthouse as well.

Given the strong public policy reasons for including a Public Defense Resource Center in courthouses, particularly in larger jurisdictions, and the potential for increased state funding³ for the courthouse project with dedicated PDSC space in the building, the PDSC requests that a Public Defense Resource Center be established with no leasing fees imposed upon the state during the life of the bond.

The PDSC appreciates the opportunity to be involved with the Lane County Courthouse project and hopes it can assist the county in its effort to provide Lane County residents with appropriate and necessary services.

Sincerely,

Nancy Cozine
Executive Director

³ Senate Bill 5506 (Chapter 705, Oregon Laws 2013), passed during the 2013 legislative session, permitted the use of state bond funds for the purpose of acquiring, constructing, remodeling, repairing, equipping or furnishing courthouses. The bill, further amended in 2014 (Chapter 121, Oregon Laws 2014), provides that bonds may not be issued unless (A) The Chief Justice of the Supreme Court has determined that: (i) The courthouse... has significant structural defects, including seismic defects, that present actual or potential threats to human health and safety; (ii) Replacing the courthouse... is more cost effective than remodeling or repairing the courthouse, and (iii) Replacing the courthouse creates an opportunity for colocation of the court with other state offices, and (B) The Oregon Department of Administrative Services has approved the project for which the bonds will be issued.

