

# HOOD RIVER COUNTY BOARD OF COMMISSIONERS



JEFF HECKSEL, COUNTY ADMINISTRATOR

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## BOARD OF COMMISSIONERS

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March 9, 2017

RE: Hood River County Courthouse

In the 2008 Oregon County Facilities Assessment the Hood River County Courthouse ranked 46<sup>th</sup> overall out of 48 courthouses in the State. The County believes the two lower ranking courthouses have either been replaced or are in progress, therein leaving Hood River effectively ranking last. Over the past few years Hood River County has completed work to develop a building program to replace its Courthouse and, based on the program, the estimated cost is approximately \$33.6 million. The program and estimate were developed during the 2014/2015 timeframe, and while the County has looked for alternate sites it has been difficult to identify a suitable one due to the scarcity of vacant land.

During their January 2017 annual goal setting the Hood River County Board of Commissioners set a goal to move the County Courthouse project forward (memo attached). Subsequently the Board will consider an appropriation for the 2017/2018 budget year to retain a consultant team for preliminary design and to refine construction cost estimates. Completion of the work is expected to set the stage for a bond measure election to construct a new facility.

As part of the County's continued work on the project, an analysis was also completed to address the relevant criteria needed to justify State partnership. Below are some of the questions answered in the Association of Oregon Counties Court Facilities Task Force February 2016 Report (attached).

1. The significant structural defects that present the actual or potential safety threats

Hood River County's current Courthouse is susceptible to structural failure and possible collapse during seismic activity. The building's lack of seismic reinforcement coupled with the ongoing deterioration of the building, failing retention walls, and uprising foundations cause it to be a potential threat to human life and safety in a moderately seismic area.

A Small County with a big mission:  
Providing Quality of Life for all.

2. Replacement is more cost effective than remodeling or repairing the existing structure

Preliminary estimates place a total project budget for a new facility at \$33.6 Million. Because land availability is a significant issue, the assumption at this time is that the existing site is reused. Project funds for analysis, planning and development are incorporated into the total project cost which, assuming a circuit court facility space allocation between 20% and 30% with subsequent match of 50%, would be supplemented with approximately \$4,200,000 from OCCCIF funding. From these estimates it' expected the county would need to fund approximately \$29.4 Million of the facility's cost. While further analysis may be needed about reuse of the existing building, analysis up to this point in time suggest reuse of the existing building would only provide a minimal level of acceptance and would not address logistical needs such as operations and the limitations associated with the current building structure. Also, a new building can be designed for sustainability and address concerns for growth and increased demand.

3. The replacement courthouse creates the opportunity for co-location of the courts with other state offices.

Co-locating state offices into the new facility will be a primary goal during analysis and design. Although the courthouse currently houses the District Attorney which may arguably be considered a mandated state office, the inclusion of additional offices such as the Department of Motor Vehicles or the Department of Human Services will be considered as well as the logistics involved in their transfer and the sustainability of the allocated space.

Given the facility's poor condition, Hood River County continues to works towards replacing its existing Courthouse. The County appreciates the interest and support this project has received from the State and hopes to be able to continue to receive State support.

Sincerely,

A handwritten signature in blue ink that reads "JEFF HECKSEL". The signature is written in a cursive, slightly slanted style.

Jeff Hecksel

County Administrator

Cc: Board Of Commissioners

Mikel Diwan

Angie Curtis

**AOC Court Facilities Task Force Questionnaire  
Summary of Response  
Requested by February 1, 2016**

**Criteria:**

**1. Need**

**a. Current Condition of your court facilities.**

As previously submitted, the Hood River County Courthouse was originally constructed in 1954 and throughout the years has been subjected to various levels of remodeling and other improvements in efforts to meet the demands placed upon it. Most notably, an additional wing was added in the late 1970's to address spacing and facility needs at the time, however those and subsequent improvements have failed to continually provide an acceptable level safety, security, or service. In September 2008, the Hood River County Courthouse Oregon Court Facilities Assessment ranked the courthouse 46<sup>th</sup> overall and 34<sup>th</sup> by cost with an estimated project cost of over \$17 Million. As the courthouse serves not only the Circuit Court but also the District Attorney, Sheriff's Office, Community Corrections, Juvenile Department, and the Commission on Children and Families, its continual deterioration and lack of availability for expansion will likely cause its ranking to decrease unless numerous issues are addressed and considerable funding is available.

Of its many unsatisfactory conditions, the lack of security is amongst the most notable. Currently, conditions include the co-mingling of court personnel, defendants, witnesses, victims, and judges throughout the facility. Its lack of suitable space and building configuration require judges to be placed in insecure environments and accessible by the public and court occupants; both during session and in areas such as parking lots and entrances.

Another primary problem is the facility's lack of usable space and the inability to expand. This has led to multiple, yet non-efficient, uses of key internal spaces as well as unsafe conditions outside the building. Parking facilities at the courthouse are well below what is needed and court participants typically have to use adjacent lots which are in physically challenging areas. Additionally, spaces that are provided at the courthouse have deteriorated significantly and have developed their own problems including walking hazards, drainage issues, and winter freezing conditions.

Other inadequacies include continual mechanical, electrical, heating, and ventilation problems; safety hazards throughout exterior facilities; extreme noise disruptions; lack of available space; poor site and facility configuration; lack of security and safety mechanisms; and insufficient funding sources to address deficiencies.

**b. Ranking/analysis in 2008 courthouse facilities assessment and any changes since.**

Of the 48 court facilities evaluated in the State of Oregon for the 2008 Oregon Court Facilities Assessment, the Hood River County Courthouse ranked 46<sup>th</sup> overall and 34<sup>th</sup> by cost with an estimated project cost of over \$17 Million. The assessment ranked a wide range of deficiencies for the facility; however several items that pertained to life and safety are of particular concern. Specifically, as the 3-story facility was constructed with seismic-prone concrete walls and has not undergone any subsequent upgrade, structural damage and possibly total structural failure continue to be a concern in this region of moderate seismic activity. As noted in the assessment, the facility *"...would be expected to suffer severe structural and non-structural damage in the design earthquake"*. The assessment also included an estimated cost for seismic upgrade improvements of over \$500,000 and rated them as significantly required.

Additionally, the building's configuration was rated as "*excessive upgrade required*" to meet the desired standards and was given the lowest rating used. This exemplifies the ineffectiveness of the courthouse as a public facility as it needs both safety and security improvements. Other aspects of the facility that received minimal ratings include the heating and ventilation, air conditioning, plumbing and fire sprinkler systems as well as its IT communications capabilities.

Due to limited funding resources, minimal improvements have been made since the assessment was completed and pertained to improving ADA access, installing additional lighting, and making electrical repairs. With the increasing demand on the courthouse and its staff, and the continual degradation of the facility, it's reasonable to presume that an assessment done today could rank the courthouse even lower overall than was done in 2008.

**c. See pp. 38 and 62-63 of the attached Feb. 2009 Legislative Committee on Court Facilities report. Please evaluate your facilities against those criteria.**

Minor improvements have been made to the courthouse in response to the 2008 Assessment report, however substantial improvements cannot be made without significant funding. American with Disabilities Act (ADA) access has been improved at one of the building's two public entrances but continues to be a concern due to the building's internal configuration. Individuals with ADA needs can access the facility but are limited to certain areas because the building has only one elevator and one ADA accessible door. These types of conditions are a continual problem, particularly when considering the need for emergency access, developing effective evacuation plans, or responding to events such as an active shooter.

Security concerns also continue to plague the courthouse not only with regard to life and safety of the public but also to court staff and judges. With no room for expansion, issues such as access for judges, defendants, or witnesses cannot be properly addressed and are expected to worsen with the increase of personnel and public attendants. Current security measures require logistical scheduling and depend on additional personnel being available; however these methods have only exasperated some problems as their solutions have also increased scheduling demands. Surveillance or other forms of IT-related security improvements are also problematic due to communication and electrical demands as well as installation and logistic needs. Minor improvements have been made with the addition of either court cameras or other security equipment, however it is likely that a current review would again yield a rating of "*excessive upgrade required*" as did the 2008 Assessment.

Life Safety concerns within the courthouse vary from minor personal injury to multiple-death incidents for cases such as fire or seismic events. The most visible and problematic insufficiencies are due to the continual deterioration of the structure itself. Public areas such as parking lots and stairwells have become significant hazards due to potholes, extreme slopes, indefinable walkways, frozen stairwells, and uprising sidewalks. Other areas have also become hazardous due to deterioration and include carpeting, stairwell linings, and mechanical systems. A major Life Safety concern includes the facility's lack of seismic reinforcement coupled with structural deterioration, along with the failure of retention walls and uprising foundations. As noted in response to Question #1(b), the courthouse "*...would be expected to suffer severe structural and non-structural damage in the design earthquake*" and was given a rating of "*significant upgrade required*" by the 2008 assessment. The assessment continued to state that although the building would likely suffer such damage, a total structural failure should not occur. However; the assessment does not take into account the effects of soil lifting, continued saturation, cracks and failures currently visible within retaining walls, or the structural capacity of the building itself. Subsequently, such an event is likely to cause significant structural damage and continues to pose a danger to the public and personnel.

Several improvements have been made to the courthouse independent of the 2008 assessment; however none have brought the facility to an adequate level of acceptance relative to the standards described in the report. The prominent reason for not improving the facility sufficiently is the

substantial costs that would be involved. As the report estimated a total project cost of over \$17 Million to bring the facility to an acceptable level, an investment of that amount is unpractical as it would only bring its service to an “acceptable level” and not to what may otherwise be desired. Although a new facility may cost significantly more, it would allow sub-standard conditions such as poor building configuration to be resolved or otherwise integrated with other improvements.

The Risk of Harm within the courthouse should be considered high as its configuration, security and public notification systems, and fire/seismic susceptibility all contribute to a lack of confidence of ensuring public safety and the safety of court personnel. One example is the lack of safety for judges while parking. Although it may not seem as problematic when compared to other deficiencies, the security of judges is imperative while either inside or outside the building. As the criteria considered the need for safe parking as “*High Risk (Level 2)*”, it is an element that cannot be resolved without substantial improvements or investment. Subsequently, the existing courthouse is far below the desired level of acceptance for all criteria.

## **2. Level of collaboration with and involvement by the circuit court in identifying and prioritizing the requested improvements.**

Circuit court staff, judges, local law enforcement, the District Attorney and Trial Court Administrator have all been an integral part of the development process and have approached the project in a collaborated effort. Although initial meeting participants included personnel from the circuit court and Presiding Judge, the TCA’s participation in the feasibility process has been highly valuable and will continue throughout the project.

## **3. Readiness**

### **a. Is the county ready to proceed?**

Hood River County has foreseen the need for a new court facility for a significant time due to its ineffectiveness and structural condition; however, limited resources have generally prevented even minor advances from being made towards this goal. In 2014-15, the county invested a significant financial expense developing a Space & Needs Study for circuit court and law enforcement functions. Through work with DLR Group Architecture of Portland, OR, the study identified various levels of facility programming that need to be further evaluated. Subsequently, with the assistance of funding through the Oregon Courthouse Capital Construction Improvement Fund (OCCCIF), the county is fully prepared to continue through the feasibility process and work towards final development of a new facility.

### **b. Does it have the necessary financial and political commitments? Please identify and explain.**

Financial and political commitments are always questionable with a project of this magnitude. Regardless, conditions at the courthouse have deteriorated to the point of necessity and the project has the support of the County Board of Commissioners, Circuit Court Judges, Trial Court Administrator, District Attorney, and the Hood River County Sheriff. Financial commitments will be challenging and certainly high throughout development so the county continues to consider a wide range of options including on-hand matching funds, liquidation of assets, and bond levies.

#### **4. Likelihood of on-time, on-budget completion.**

**a. Do other transactions need to occur before the project is ready to go? (e.g., does the county already have the land and/or the project matching funds?)**

As further analysis of the Space & Needs Study may lead the project in a new direction, it's reasonable to assume significant action may be needed before construction of a new building can begin; including land acquisition or passage of a bond levy. However, the county currently owns land that is available for a facility, has identified several alternative properties, and has options for raising acquisition funds. Additionally, through prior work with architectural design firms that specialize in court facilities, the county has the political support to proceed with the initial phase of analysis and planning.

**b. What processes, decisions, actions need to occur to execute this project?**

To begin the project analysis and planning stage, support through OCCIF funding needs to occur to ensure the project is developed properly and will be completed as scheduled. Supplemental OCCIF funding is crucial as it will also provide incentive to the county to continue funding development through its own budgetary processes. With construction desired to begin within the latter part of 2019 and be completed within 24 months, funding commitments by OCCIF will be necessary to avoid premature development of a facility that does not meet project goals. Additionally, several key aspects need to occur early in the project to ensure the project stays on schedule. These include the coordination of a Pre-design Study with local and state entities, a cooperative effort with the Oregon Judicial Department or its liaisons on funding efforts, and further analysis of the Space & Needs Study.

**c. Describe the number/significance/complexity of project unknowns or contingencies.**

Prominent unknowns include the feasibility of utilizing the current courthouse site for a new facility and the logistics of a temporary location for services should it be developed. If deconstruction of the current courthouse and constructing a new facility in its place is determined the most feasible option, additional resources will be needed for temporary court services, the District Attorney, and the Sheriff's Office. However, as construction of a new site would allow the reutilization of the current building for other needs, including liquidation for funding support, it is anticipated that a new site will likely be selected. Other unknowns include public response to county financial needs while considering all competing efforts, and the ability to accurately quantify sustainability with continually changing demands.

Additional unknowns include the compatibility of Space & Needs Study results with their design life. As Hood River County is one of the fastest growing counties in the state, population growth continues to change and will have an exponential impact on court services. In any case, as the project proceeds it is possible that development may be halted for any number of findings thus altering the level of need for OCCIF supplemental funding. Such findings may be to accommodate project complexities not originally anticipated or simply due to staging construction through seasonal weather. Regardless, the need to later revise funding support requests remains possible and should be acknowledged. Subsequently, although the total amount of funding support requested through OCCIF may not change, proportionate requests may be submitted to correspond with the phase of development; i.e. some requested in 2017, some in 2019, etc.

**5. If bond funded (major rebuilds/new courthouses), how does it meet the statutory criteria? See Sections 6 and 7, 2014 Enrolled [Senate Bill 5703](#) (Section 6 begins on page 4).**

**a. Structural defects posing actual or potential threat to human health/safety;**

The project meets the criteria outlined in Section 6(A)(i) with regards to structural defects posing actual or potential threat to human life and safety as it's susceptible to structural failure and possible collapse during seismic activity. As mentioned previously, the building's lack of seismic reinforcement coupled with the ongoing deterioration of the building, failing retention walls, and uprising foundations cause it to be a potential threat to human life and safety in a moderately seismic area.

**b. Replacing courthouse more cost effective than remodel/repair;**

Preliminary estimates place a total project budget for a new facility at \$33.6 Million assuming a gross square footage of 56,700 and contractual construction fees at about \$600 per square foot. Project funds for analysis, planning and development are incorporated into the total project cost which, assuming a circuit court facility space allocation between 20% and 30% with subsequent match of 50%, would be supplemented with approximately \$4,200,000 from OCCCIF funding. From these estimates it's expected the county would need to fund approximately \$29.4 Million of the facility's cost. Although the 2008 assessment estimated a project cost of only \$17 Million, the improvements described would only bring the facility to a minimal level of acceptance and would not address logistical needs such as operations and their dependency on building configuration. As a new building can also be designed for sustainability and address concerns for growth and increased demand, there is confidence that further analysis would show a new building to be more economical than remodel or renovation.

**c. Create an opportunity to co-locate with other state offices.**

Co-locating state offices into the new facility will be a primary goal during analysis and design. Although the courthouse currently houses the District Attorney which may arguably be considered a mandated state office, the inclusion of additional offices such as the Department of Motor Vehicles or the Department of Human Services will be considered as well as the logistics involved in their transfer and the sustainability of the allocated space.

**6. Urgency**

**a. What are the consequences of this project not receiving funding now?**

If the project does not receive additional financial support through OCCCIF funding in the next biennium it will likely be postponed indefinitely and the conditions of the courthouse will continue to deteriorate. As discussed previously, it is impractical for the county to expend significant financial resources only to bring conditions to an acceptable level and also limited in the improvements that could be made. Immediate needs such as mechanical maintenance and space renovations will continue to be addressed, however long term solutions such as building configuration, seismic reinforcement, and proper security improvements will be postponed until an economical solution becomes available.

**b. What are the consequences of this project not receiving funding at all?**

If the project is not funded at all conditions will continue to deteriorate and it is reasonable to conclude that the courthouse will drop in ranking from 46<sup>th</sup> to last when compared to other court facilities within the state. Again; immediate needs will continue to be addressed but functional challenges will remain until a replacement facility can be developed. Given the political and financial needs for this project to be successful, supplemental OCCCF funding is likely the best opportunity the county has to address its courthouse needs.

**7. Does the facility plan incorporate Best Practices (e.g., as published by the NCSC)? See [www.ncsc.org/topics/courthouse-facilities/courthouse-design-and-finance/resource-guide.aspx](http://www.ncsc.org/topics/courthouse-facilities/courthouse-design-and-finance/resource-guide.aspx).**

The project will incorporate a variety of Best (Management) Practices throughout development, design, and construction. As with any project, valuable resources such as the Best Practices published by the National Center for State Courts are available through a variety of mediums. Ultimately, the selection for final Architectural and Design Services will be predicated by not only cost factors but by the firm's knowledge and ability to incorporate such practices into the project. An example of this was shown in the work by DLR Group for the Space & Needs Study. By soliciting input directly from court personnel, DLR Group was able to refine several design guidelines very early on and focus on elements important to both the community and the local culture. As the project progresses, other parameters can be evaluated in order to develop a more functional and effective facility and impact issues such as financing and sustainability as well as more subtle ones such as onsite child care.

**8. Level of detail provided/currently available as an indicator of thoroughness/maturity of the proposal.**

In 2015, the county budgeted for and contracted DLR Group Architects to perform a Space & Needs Study of its courthouse. As part of the study, the consultant evaluated incorporating all county functions into a single facility and provided several building programs for review. While further analysis will evaluate planning development, facility functionality, economical considerations, site acquisition and funding options, the information acquired thus far has been extremely valuable to the project and shows the level of commitment by the county. By also committing to incorporating a Best Practices approach, the proposal submitted by the county should exceed any maturity criteria.

**9. For non-bond projects, availability of county matching funds.**

Funds for non-bond projects such as critical repair or minor improvement are available through a variety of resources including annual budgetary allocation. Funds in excess of annual allocations may be available through by liquidating assets or through contractual obligations such as leases. However, utilizing funds in this manner has been unpractical for most conditional repairs and the priority needs require the replacement of the entire facility. This is reinforced by the 2008 assessment and the \$17 Million estimated project cost of bringing the facility to an acceptable level.



## MEMORANDUM

DATE: January 19, 2017  
TO: Jeff Hecksel, County Administrator  
FROM: Mikel Diwan, Public Works Director  
SUBJECT: Courthouse Info for 2017 Goal Session

Jeff,

To summarize, In 2014 DLR Group was contracted to perform a Space & Needs Study of all county departments in order to estimate the project size of replacing the courthouse. Through their analysis five (5) construction options at two separate locations were evaluated for project costs. The two sites included the existing courthouse location and a theoretical alternate site assumed to encompass at least 3.80 acres. Each site was evaluated for building a comprehensive county facility and also a facility that housed only law enforcement and the courts. An additional option included comparing a 2-story versus a 3-story facility.

Space needs, total project cost, and tax rate per \$1,000 to fund a 20 year service debt on each option is summarized below. For discussion purposes, the annual tax due on a \$600,000 assessed value at an assumed 3.5% nominal rate is also included.

<u>Option</u>	<u>Bldg Area</u>	<u>Project Cost</u>	<u>Rate/\$1,000</u>	<u>Tax Due/Yr</u>
Downtown Site	81,665	\$45,239,367	1.454654	\$872.79
Downtown Site (Sheriff/Court Only)	56,726	\$33,621,501	1.081079	\$648.65
Theoretical Site (3-Story)	81,665	\$36,192,481	1.163748	\$698.25
Theoretical Site (2-Story)	81,665	\$35,706,902	1.148134	\$688.88
Theoretical Site (Sheriff/Court Only)	56,726	\$25,476,574	0.819184	\$491.51

Considering the magnitude of the project emphasis was directed towards the feasibility of an Option "B" Downtown Site (Sheriff/Court Only) facility. Also for discussion purposes the following breakdown of Option "B" summarizes DLR Group's estimated unit cost/SF, subtotal construction costs, and total project costs.

Budget	\$ 33,621,501
<u>Total SF</u>	<u>56,726</u>
<u>\$/SF</u>	<u>\$ 593</u>

Area	Quantity	\$/SF (Q4 2015)	Total Cost
Foundations	56,726.00	\$25.52	\$1,447,648
Special Foundations (Geopiers)		\$14.30	\$0
Basement Construction (Parking per Stall)	153.00	\$20,250.00	\$3,098,250
Structured Construction (Parking per Stall)	40.00	\$20,250.00	\$810,000
Superstructure	56,726.00	\$28.47	\$1,614,876
Exterior Enclosure	56,726.00	\$46.52	\$2,638,894
Roofing	20,271.00	\$14.62	\$296,362
Interior construction	56,726.00	\$32.42	\$1,839,057
Stairs	4.00	\$75,000.00	\$300,000
Interior Finishes	56,726.00	\$15.70	\$890,598
Conveying (stops)	16.00	\$45,000.00	\$720,000
Plumbing	56,726.00	\$12.74	\$722,689
HVAC	56,726.00	\$33.36	\$1,892,379
Fire Protection	56,726.00	\$5.40	\$306,320
Electrical			
Facility Power Generation			\$0
Electrical Service and Distribution	56,726.00	\$12.66	\$718,151
General Purpose Electrical Power	56,726.00	\$8.94	\$507,130
Lighting	56,726.00	\$10.09	\$572,365
Other Electrical	56,726.00		\$0
Communications	56,726.00	\$5.15	\$292,139
Electronic Safety and Security	56,726.00	\$6.70	\$380,064
Integrated Automation Facility Controls	56,726.00		\$0
Equipment	56,726.00		\$0
Furnishings (Fixed)	56,726.00	\$5.69	\$322,771
Furnishings (Movable)	56,726.00		\$0
Existing Building Demolition (Allowance)	1.00	\$1,470,600.00	\$1,470,600
Site Excavation (Allowance)	1.00	\$470,047.69	\$470,048
Sitework (Allowance)	0.37	\$975,000.00	\$363,367
<b>SubTotal</b>		<b>\$382.08</b>	<b>\$21,673,618</b>
1.5% for Solar	1.50%		\$325,104
<b>SubTotal</b>		<b>\$387.81</b>	<b>\$21,998,722</b>
General conditions	8.00%		\$1,759,898
O&P	7.00%		\$1,663,103
Bonds & insurances	2.50%		\$635,543
Phasing contingency	3.00%		\$131,509
Estimating contingency	15.00%		\$3,928,316
Escalation to Q4 2017 (Midpoint of Construction)	11.64%		\$3,504,409
<b>Total</b>		<b>\$592.70</b>	<b>\$33,621,501</b>