

ANALYSIS

Item 3: Judicial Department State Court Facilities Security Account

Analyst: John Borden

Request: Increase Other Funds expenditure limitation for the Judicial Department by \$1,104,500 for the State Court Facilities Security Account to fund security projects in circuit courthouses in Clatsop and Lane Counties.

Analysis: The Oregon Judicial Department (OJD) is requesting an increase Other Funds expenditure limitation of \$1.1 million to fund security projects in Clatsop and Lane County Circuit Courthouses. The revenue to support this request would come from the State Court Facilities Security Account (SCFSA).

In 2005, the Legislature established the SCFSA. By statute, account proceeds may be used to provide: (1) development or implementation of the plan for state court security emergency preparedness, business continuity, and physical security in buildings that contain or are utilized by the Supreme Court, Court of Appeals, Oregon Tax Court, or the Office of the State Court Administrator; (2) statewide training on state court security; (3) distributions to court facilities security accounts to each county; and (4) in 2011, the Legislature expanded the use of the SCFSA to include the funding of capital improvements for courthouses and other state court facilities. Courthouse capital improvements do not have a recurring allocation; only project-specific requests are funded, as determined by the Legislature. In addition to the SCFSA, the Legislature has funded local court capital improvements through either a General Fund appropriation or Federal as Other Funds from the American Rescue Plan Act.

SCFSA has a 2023-25 legislatively approved budget of \$8.2 million Other Funds and includes four positions (4.00 FTE). The approved budget does not currently include any capital improvement projects. For the 2023-25 biennium, the SCFSA is projected to receive \$8.5 million of revenue. The Account is supported by an allocation from the state's Criminal Fines Account (\$7.9 million or 94%), a portion of punitive damage awards under ORS 31.735 (\$355,941 or 4.2%), and interest earnings (\$190,656 or 2.2%). Local court facilities security accounts are distinct from the SCFSA and held by each county for the reimbursement of costs to provide court security personnel and security systems. Funding for local court facilities security accounts comes from a combination of state funding from SCFSA deposits and non-SCFSA county revenues (e.g., justice and municipal court ticket revenues).

The Clatsop County Courthouse project, located in Astoria, Oregon, includes construction of a single point of building access plus an entry security scanning station and two holding cells. Courthouse holding cells became necessary as the county's newly constructed jail, which opened in February 2023, is located in Warrenton, Oregon. The total estimated cost of these changes would be \$883,150 of which the county would pay one-half and the Judicial Department one-half, or \$441,575, as negotiated between the two entities. OJD is requesting Other Funds expenditure limitation of \$445,000 for this project.

The Lane County Courthouse project, located in Eugene, Oregon, would fund building access control, video surveillance, and duress alarms. The request is comprised of \$527,945 in bid costs and \$131,987 for contingency costs (25%). OJD notes that contingency funding will only be utilized, if needed. As an

aside, the planned replacement of the Lane County Courthouse has experienced delay and uncertainty exists as to when the project will recommence. OJD is requesting Other Funds expenditure limitation of \$660,000 for this project.

SCFSA has a beginning balance of \$1.9 million. After accounting for projected revenues (\$8.5 million) and expenditures (\$7.9 million), the SCFSA has a sufficient balance to support this request. More specifically, the request would be funded with a combination of projected revenues above projected expenditures (\$640,430) plus a drawdown the account's beginning balance (\$464,570). SCFSA would have a projected \$1.4 million ending balance if this request were to be approved.

Recommendation: The Legislative Fiscal Office recommends that the Emergency Board increase Other Funds expenditure limitation for the Judicial Department by \$1,105,000 for the State Court Facilities Security Account to fund security improvements in Clatsop and Lane County Circuit Courthouses.

03
Oregon Judicial Department
Gehringer

Request: Increase Other Funds expenditure limitation by \$1,104,500 for needed security upgrades to the Oregon Judicial Department projects in Clatsop and Lane Counties.

Recommendation: The Oregon Judicial Department is not under Executive Branch budgetary authority.

Discussion: The Oregon Judicial Department (OJD) letter identifies the need for increased funding for security improvements in two county courthouses, and requests funding from the State Court Facilities and Security Account (SCFSA). Funding for the SCFSA comes through allocations from the Criminal Fines Account and limited funding from periodic punitive damage awards, and capital improvements are an authorized use of the funding under ORS 1.178.

The projects identified by the OJD include:

- Lane County Courthouse: The security systems are outdated and failing, requiring \$660,000 for new equipment and installation.
- Clatsop County Courthouse: The courthouse lacks a single entrance with screening and holding cells for in-custody defendants, needing \$445,000 for remodeling.

OJD requests Other Funds expenditure limitation from the Emergency Board to begin these projects during the 2023-25 biennium.

Legal Reference: Increase the Other Funds Capital Construction expenditure limitation established by chapter 380, section 2(3), Oregon Laws 2023, for the Oregon Judicial Department, State Court Facilities and Security Account, by \$1,104,500 for the 2023-25 biennium.



OREGON JUDICIAL DEPARTMENT
Office of the State Court Administrator

August 26, 2024
(SENT BY EMAIL)

The Honorable Rob Wagner, President of the Senate
The Honorable Julie Fahey, Speaker of the House
Joint Emergency Board
900 Court Street NE
H-178 State Capitol
Salem, OR 97301-4048

Re: Other Funds Limitation for Capital Projects from State Court Facilities and Security Account

Dear President Wagner and Speaker Fahey:

Nature of Request

The Oregon Judicial Department (OJD) requests a limitation increase to the State Court Facility and Security Account by \$1,104,500 to fund capital projects in two county courthouses.

Background

The State Court Facilities and Security Account (SCFSA) was established in 2011 under ORS 1.178. Authorized uses for the fund include:

- (a) Developing or implementing the plan for state court security, emergency preparedness, business continuity, and physical security.
- (b) Statewide training on state court security.
- (c) Distributions to local security accounts.
- (d) Capital improvements to courthouses or state court facilities.

Funding for the SCFSA come through allocations from the Criminal Fines Account and limited funding from periodic punitive damage awards where the state receives part of the judgment.

OJD has identified capital projects in two county courthouses that can be paid through the SCFSA, where adequate funds are available.

Lane Courthouse Security Project

The minimum-security standard systems in the Lane County Courthouse are beyond the end-of-life cycle, unrepairable, on the verge of failure, or nonexistent. To ensure the safety of court users and staff and to comply with the minimum-security standards set by the Chief Justice, OJD requests \$660,000 in Other Funds Limitation.

The county has already completed the security improvement project design with a detailed project scope. OJD would provide the funding for the equipment and installation and the county would administer the procurement and the project management to install new access controls, video cameras, duress alarms, and the requisite control and monitoring equipment and be responsible for future maintenance and repairs.

Clatsop Courthouse Security Project

The Clatsop County Courthouse, located in downtown Astoria, was built in 1905, before modern security options were available. Currently, Clatsop County has two very specific safety concerns. First, a 2019 courthouse vulnerability assessment by the Oregon Judicial Department Marshal's Office identified the lack of a single entrance with screening as, "...the single most significant vulnerability of the entire facility." Second, the Marshal's report identified the safety and procedural challenges of transporting in-custody defendants to, from, and within the courthouse.

In 2018, Clatsop County voters approved a bond to replace the current jail, which is adjacent to the courthouse. The new jail will be in nearby Warrenton, however, relocating the jail will further exacerbate the need for holding cells in the courthouse.

The County has presented a proposal that addresses both of these concerns by remodeling existing spaces to create a single point of entry with screening as well as adding two holding cells in the basement for in-custody hearings and trials.

In the spring of 2023, the County put this design out to bid, but it was postponed when the bid submittals that were returned were significantly higher than the budgeted amount. The county is able to provide half of the funding if the OJD can get the Other Fund Limitation to provide \$445,000.

OJD would like to request additional Other Funds limitation from the Emergency Board to start these projects during the 2023-25 biennium.

President Wagner
Speaker Fahey
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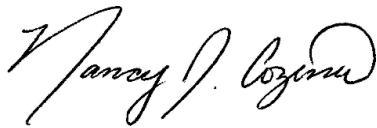
Action Requested

OJD requests an increase in the State Court Facility and Security Account Other Funds Limitation by \$1,104,500 for project costs in the 2023-25 biennium.

Legislation Affected

Increase of \$1,104,500 to the State Court Facility and Security Account established by Senate Bill 5512 (Oregon Laws 2023, chapter 380, section 2(3)).

Sincerely,

A handwritten signature in black ink, appearing to read "Nancy J. Cozine". The signature is fluid and cursive, with the first name "Nancy" being the most prominent.

Nancy J. Cozine
State Court Administrator

NC:jm/24eNC034jm

cc: Chief Justice Meagan A. Flynn
Amanda Beitel, Legislative Fiscal Officer, LFO
Kate Nass, Chief Financial Officer
John Borden, Principal Legislative Fiscal Officer, LFO
Zachary Gehringer, Policy and Budget, DAS-CFO
David Moon, Director, BFSD, OJD