

# AD HOC COMMITTEE COURTHOUSE RESTORATION



Jack Reilly, Chair



Will Boyd



Maureen Godfrey



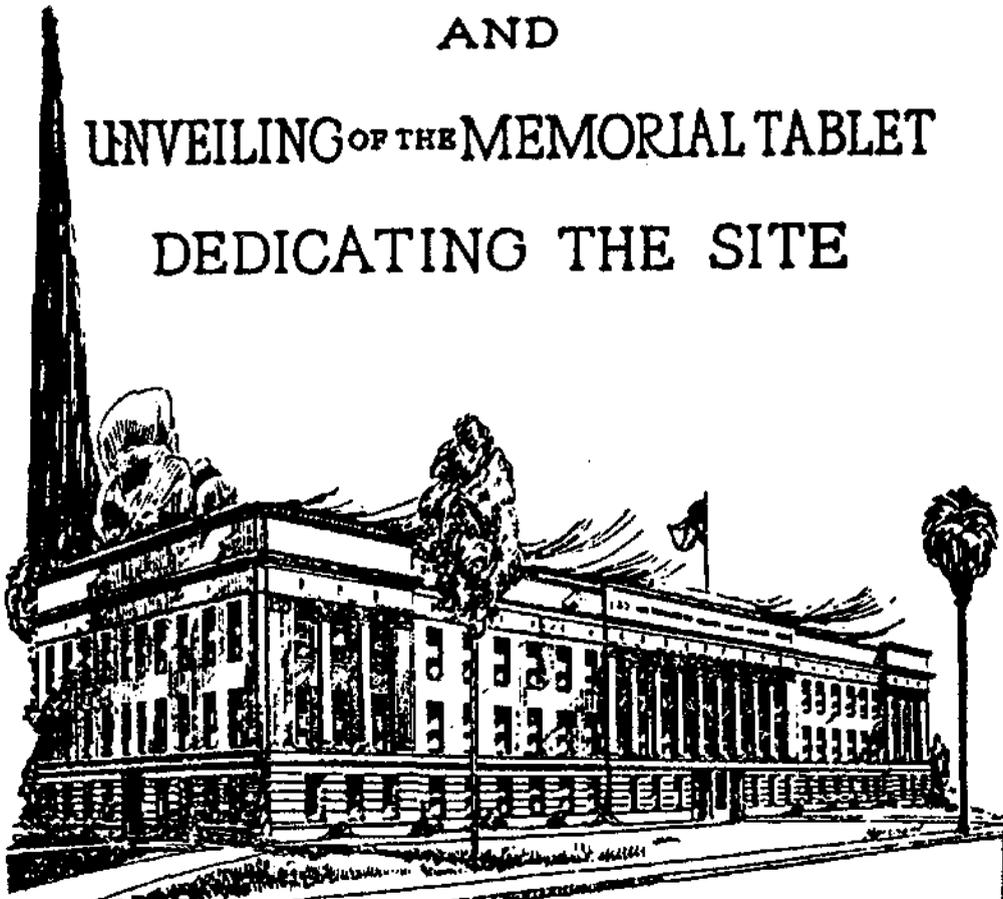
Roxanne Orrock



# SOUVENIR PROGRAM

OFFICIAL OPENING  
OF THE  
SAN BERNARDINO COUNTY COURT HOUSE

AND  
UNVEILING OF THE MEMORIAL TABLET  
DEDICATING THE SITE



• SATURDAY • APRIL 30th. 1927 •

# **AD HOC COMMITTEE ON COURTHOUSE RESTORATION**

## **INTERIM REPORT ON THE COURTHOUSE RESTORATION AND SEISMIC VULNERABILITY (Issued April 30, 2001)**

### **BACKGROUND**

The San Bernardino County Central Courthouse is a four-story building constructed in 1926. The National Park Service has recognized the building's significant historical value. It is registered in the National Registry of Historic Places (Reference #97001632, dated 1/12/98) under the National Historical Preservation Act of 1966 (see Exhibit A).

The structure is a reinforced concrete building located in Seismic Zone 4 and situated between the San Andreas and San Jacinto earthquake faults. Six studies reviewed by the Grand Jury ad hoc committee, dating from July 1978 to February 1999, have recognized the earthquake hazard (see Exhibit B).

This once magnificent building is decaying for lack of attention and direction as to its future. A general building description of the courthouse by the California State Task Force Study on Court Facilities is included in this report (see Exhibit C).

The Grand Jury meets in this building.

### **FINDINGS**

**Structural failure of the courthouse facility during an earthquake would result in injury and the loss of life.**

**Section 19167 of the California Health and Safety Code grants cities and counties immunity for damages or injuries caused by an earthquake when they have performed a seismic assessment.**

**The County Counsel's office has given a written opinion by Interoffice Memo dated March 29, 2001 to the Ad Hoc Committee stating that while the immunity granted cities and counties appears to be absolute, there has been no published Appellate or Supreme Court cases interpreting the statute.**

**The County has been aware of the seismic instability of the courthouse since 1978. Citizens are ordered to be present for jury duty, court trials, and/or other court mandated appearances. They are compelled by law to appear in the courthouse.**

**Common sense suggests that if people are injured in the courthouse as the result of an earthquake they will seek legal redress for their damages. Any governmental entity responsible for the courthouse, and which allows people to enter known unsafe premises, would be a logical target.**

**Section 19167, hereinabove referenced, may not withstand legal challenge where the unsafe conditions are so well known.**

**The County has the moral and ethical responsibility to insure the safety of those employees working in the courthouse as well as the visiting public.**

**The continued use of the building as a court facility has great value to both the city and the County of San Bernardino as an example of the preservation of a proud court tradition. The building, however, does not satisfy all the current or future needs of the court system.**

**The building has significant historical value (one of only three city of San Bernardino buildings listed on the National Register of Historic Places) and has great potential value to the County as a cultural center.**

**California Public Resources Code Sections 5020-5029.5 set forth the duties and powers of the State Historical Resources Commission, including buildings listed on the National Register of Historic Places. Sections 5027 and 5028 of the Code set forth conditions that before any structure listed in the National Register may be demolished, destroyed or significantly altered except for restoration purposes, there must be a review by the Historical Resources Commission.**

In 1998 a final draft report entitled *San Bernardino County Courts Master Plan* was prepared for the Board of Supervisors. A final report was submitted to the Board in 1999. The initial contract with the consultant for the preparation of both reports was \$417,155 (memo to Grand Jury ad hoc committee from County Administrative Office dated 11/28/00). The reports included recommendations pertaining to the needs of a seismic retrofit to the courthouse.

In September of 1999 the Board made a decision to terminate efforts to develop and implement the *County Courts Master Plan*. Two reasons given by the Board for the termination of the plan were (1) the State was undertaking its own plan of court facilities on a statewide basis; and (2) it was reasonably foreseeable that the State would be financially responsible for many court facilities in San Bernardino County.

Court Facility legislation by the State is expected to take place by the end of 2001. Such legislation, if approved by the State, could include financial incentives to enable counties to continue development of court facilities and possibly reimburse projects undertaken by counties prior to enactment of the legislation.

Whether the State Legislature will readily approve such legislation, how much it will cost, the length of time to process applications, which counties should receive priority in funding, and how strict the guidelines are established to qualify for funding, are all unknowns that will take time to resolve. The earthquake risk to the courthouse should be an immediate priority.

The *Master Plan for the County Government Center* was prepared for the County in 1978. The consultants, including a structural engineering consultant, pointed out that the structure of the courthouse was not seismically adequate to resist the level of earthquake forces expected in San Bernardino. This condition has not been rectified during the past 23 years.

The following statements are taken from the 1998 and 1999 *County Courts Master Plan* reports:

*"A seismic study commissioned by the County to evaluate the Courthouse's structural integrity recently revealed that the building is structurally unsound, and that extensive renovations would be required to make it safe."*

*"Of the action items presented in the plan, expansion in the High Desert and resolution to a serious seismic problem in the Central Court requires first priority in the allocation of resources."*

A copy of a portion of an Interoffice Memo received December 7, 2000 from the County Court Administrative Office reads as follows: *"On October 16, 1999 San Bernardino County experienced a major earthquake. The 7.1 magnitude of the Hector earthquake could have caused serious damage to the downtown courthouse if the epicenter had been located closer than the Joshua Tree desert region. Numerous surface cracks on interior and exterior walls were identified and reported in the facility after the quake. Actual structural damages to the facility cannot be identified, however, without a study or inspection from a structural engineer."*

Also quoting from the 1998 and 1999 *Courts Master Plan* reports:

*"The total staff in the Central Court Complex, not including Courts Administration, is 651 persons. Of this number, at least 350 are physically located in the Courthouse. When the working staff is combined with the daily traffic of more than 2,000 visitors, the level of crowding creates very unsafe conditions for staff and visitors. The anticipated increase in daily court activity combined with structural and security problems contributes to the need to make a decision soon regarding the future best use of the Central Courthouse."*

There are resources available to reduce the risk to County staff and visitors utilizing the courthouse facilities.

Approximately \$5.0 million in Federal funds have been designated for retrofitting the structural system in the historic Courthouse. There is a time limit for the availability of these funds.

The cost for retrofitting the courthouse is estimated to be \$16 million. An updated seismic retrofit feasibility study was recently initiated. The purpose of the study is to reevaluate the retrofit project in light of current advances in seismic engineering technology to determine if a lower cost estimate is feasible and to determine if the project can be accomplished in phases.

The State Legislature approved a \$35 surcharge to various filing fees to assist San Bernardino County in the acquisition, rehabilitation, construction and financing of courtrooms or buildings for operation of the judicial system (see Exhibit D). The effective date of this action was January 2000. From January 2000 to December 31, 2000 the County has collected surcharge fees in the amount of \$830,843.62. (Information provided by the Deputy Court Administrative Officer).

The 2000-01 County budget includes a Justice Facilities Reserve Fund. The Fund balance as of March 2001 was \$7.1 million.

Section 5079 of the California Public Resources Code lists potential sources of grants for historic preservation projects.

The City of San Bernardino has much to gain by assisting the County in restoring and preserving the courthouse. Within downtown San Bernardino, the courthouse is a major source of economic vitality.

Vacant State and privately owned buildings are located in close proximity to the courthouse complex. Space for temporary relocation of personnel is presently available if relocation becomes necessary during a retrofit.

## **RECOMMENDATIONS**

- 01-114 A STRUCTURAL RETROFIT OF THE CENTRAL COURTHOUSE SHOULD BEGIN NOW TO PRESERVE LIFE AND AVOID BODILY INJURY.
- 01-115 UTILIZE THE \$5 MILLION IN FEDERAL FUNDS THAT HAVE BEEN DESIGNATED FOR RETROFITTING THE STRUCTURAL SYSTEM IN THE COURTHOUSE BEFORE THE GRANT EXPIRES.
- 01-116 DESIGNATE A PORTION OF THE FUNDS IN THE JUSTICE FACILITY RESERVE TO ASSIST IN THE CENTRAL COURTHOUSE RETROFIT PROJECT.
- 01-117 PETITION THE STATE TO RAISE THE COURTHOUSE CONSTRUCTION ASSESSMENT FEE FROM \$35 TO \$50. COMMIT A MAJOR PORTION OF THE TOTAL FEES COLLECTED TO CENTRAL COURTHOUSE RENOVATION.
- 01-118 CONSIDER ISSUANCE OF BONDS BASED ON THE REVENUE STREAM OBTAINED FROM INCREASED SURCHARGE FEES FOR THE PURPOSE OF UPGRADING THE CENTRAL COURTHOUSE FACILITY.
- 01-119 APPLY FOR STATE AND FEDERAL GRANTS FOR HISTORIC PRESERVATION PROJECTS.

- 01-120 UTILIZE COURT FINANCIAL INCENTIVE PROGRAMS THAT MAY BE ADOPTED BY THE STATE LEGISLATURE AS COURT FACILITY LEGISLATION.
- 01-121 ENLIST THE SUPPORT OF OUR ELECTED OFFICIALS IN SACRAMENTO AND WASHINGTON, D.C. IN OBTAINING FUNDS FOR THE RESTORATION OF THE CENTRAL COURTHOUSE.
- 01-122 CONFER WITH CITY OF SAN BERNARDINO OFFICIALS REGARDING THEIR FINANCIAL ASSISTANCE IN THE RENOVATION OF THIS HISTORIC STRUCTURE.
- 01-123 PUBLICIZE THE FACT THAT THE COURTHOUSE IS LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES, AND THE RARE HONOR THAT ACCOMPANIES SUCH A LISTING.

- EXHIBIT A** Notice from Director of the National Park Service, Washington, D.C., listing the San Bernardino County Courthouse on the National Register of Historic Places on January 12, 1998, reference number 97001632
- EXHIBIT B** List of reports reviewed by ad hoc committee
- EXHIBIT C** Copy of page A-1.3-2 of the California State Task Force Study on court facilities, giving a general description of the courthouse.
- EXHIBIT D** Copy of table #7-4 from Manual of Accounting and Audit Guidelines for Trial Courts, Revision 12 - Table #7-4 of Tables #7-1 through #7-13

PLEASE NOTE NEW MAILING ADDRESS:

UNITED STATES DEPARTMENT OF THE INTERIOR  
NATIONAL PARK SERVICE  
CULTURAL RESOURCES  
NATIONAL REGISTER OF HISTORIC PLACES  
MAIL STOP 2280, SUITE 400  
1849 C STREET, NW  
WASHINGTON, DC 20240

PLEASE NOTE SAME LOCATION ADDRESS  
(FEDEX, UPS, SPECIAL DELIVERIES, AND VISITORS):

NATIONAL PARK SERVICE  
NATIONAL REGISTER OF HISTORIC PLACES  
SUITE 400 (OFFICES) or SUITE LL99 (ARCHIVES)  
800 NORTH CAPITOL STREET, NW  
WASHINGTON, DC 20002

The Director of the National Park Service is pleased to announce actions on the following properties for the National Register of Historic Places. For further information contact Edson Beall via voice (202) 343-1572, fax (202) 343-1836, regular or E-mail: [Edson\\_Beall@nps.gov](mailto:Edson_Beall@nps.gov)

Visit our [National Register of Historic Places Home Page](#)

WEEKLY LIST OF ACTIONS TAKEN ON PROPERTIES: 1/12/98 THROUGH 1/16/98

KEY: State, County, Property Name, Address/Boundary, City, Vicinity, Reference Number, NHL, Action, Date, Multiple Name

ARIZONA, COCONINO COUNTY, Williams Residential Historic District, Roughly bounded by Grant, and Fairview Aves., and Taber, and Sixth Sts., Williams, 97001603, LISTED, 1/08/98

ARIZONA, YAVAPAI COUNTY, Clarkdale Historic District, Roughly along Main St., roughly bounded by Verde R. including industrial smelter site., Clarkdale, 97001586, LISTED, 1/08/98

CALIFORNIA, SAN BERNARDINO COUNTY, San Bernardino County Court House, 351 N. Arrowhead Ave., San Bernardino, 97001632, LISTED, 1/12/98

CALIFORNIA, SANTA CRUZ COUNTY, Robinson, Elias H., House, 363 Ocean St., Santa Cruz, 97001634, LISTED, 1/09/98

COLORADO, FREMONT COUNTY, Mount Saint Scholastica Academy, East Building, 615 Pike Ave., Canon City, 97001646, LISTED, 1/15/98

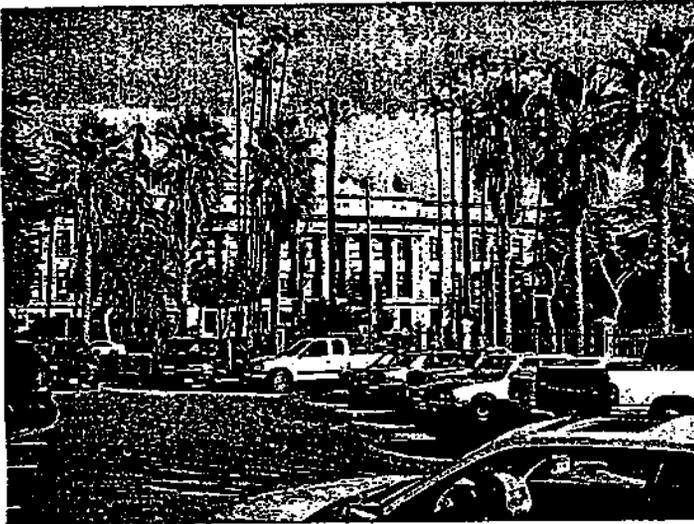
IDAHO, BOUNDARY COUNTY, Soderling, Russell and Pearl, House, 217 W. Madison St., Bonners Ferry, 97001650, LISTED, 1/15/98

**REPORTS REVIEWED BY THE GRAND JURY AD HOC COMMITTEE**

<b>YEAR</b>	<b>TITLE</b>	<b>CONSULTANT</b>
JULY 1978	MASTER PLAN COUNTY GOVERNMENT CENTER	KURT MEYER JOHNSON/NIELSEN STRUCTURAL ENGINEERS
JULY 1986	HISTORIC STRUCTURES REPORT	MELVIN GREEN AND ASSOCIATES
JANUARY 1990	SEISMIC ISOLATION RETROFIT STUDY	FORELL/ELSESSER ENGINEERS, SAN FRANCISCO
APRIL 1996	SEISMIC PERFORMANCE STUDY	FORELL/ELESSER ENGINEERS, SAN FRANCISCO
NOVEMBER 1998	SAN BERNARDINO COUNTY COURTS MASTER PLAN – FINAL DRAFT REPORT	ROSSER/ CARTER GOBLE
FEBRUARY 1999	SAN BERNARDINO COUNTY COURT SYSTEM FINAL REPORT	ROSSER/ CARTER GOBLE

**OTHERS:**

- ▶ Portions of State Historical Building Code
- ▶ Portions of State Task Force Court Facilities Study
- ▶ U.S. Secretary of Interior – Standards for Rehabilitation
- ▶ Portions of California Public Resources Code



Administrative Headquarters Elevation

107C

**Site ID: Facility/Site Name and Location:**

A Central Courthouse  
351 North Arrowhead Ave  
San Bernardino, CA 92415

**Site Owner:** San Bernardino County

This building is owned by the County.

**Bldg. No. Building Name:**

1 Central Courthouse

**Building Construction Date:** 1926

**Major Renovation/Expansion Projects, If Any:**

1957 Annex addition.

**General Building Description:**

Maintaining its original shape and function the San Bernardino Central Courthouse presents itself as a monumental structure with lavish cornices and delicate detailing all in the medium of a concrete frame structure. The exterior is still in its original condition, except for the addition of an annex in 1958. The court administrators have also discussed the possibility of registering the courthouse as a historic preservation building. The building currently is experiencing a significant amount of neglect and is in need of restoration. The exterior fenestration is falling apart and off the building making the surrounding exterior a dangerous area for the public to walk. If properly restored the building may be an excellent representation of a civic/justice facility.

**Current Courts Utilization:**

The County Courthouse acts as the main courthouse in the central region. Surrounding courthouses therefore send cases when existing facilities are inadequate. The courthouse is also a full service courthouse.

**Building Area:**

Table #7 - 4  
Fee Distribution

CODE SECTION	VIOLATION/SITUATION	DISTRIBUTION	APPLICABLE FUND	FUND USE
GC 26826.1 — Surcharge in Riverside County for seismic rehabilitation of courthouse	Surcharge not to exceed \$50 on various filing fees in Riverside County Collection shall terminate upon repayment of amortized costs incurred	Riverside County	Not specified	To cover costs of seismic stabilization, construction, and rehabilitation of the Riverside County Courthouse and Indio Branch courthouse
GC 26826.2 — Surcharge in Riverside County for cost of conciliation court	Surcharge not to exceed \$50 on various filing fees concerning marriage dissolution or child custody in Riverside County	Riverside County	Not specified	To cover costs of constructing, maintaining, and operating a conciliation court
GC 26826.3 — Surcharge Children's Waiting Room	Surcharge of not less than \$2 or more than \$5 for filing in superior court of (1) complaint, petition, or other first paper in a civil or probate action or special proceeding (2) first paper on behalf of any defendant, respondent, intervenor, or adverse party (3) a change of venue motion (4) first paper in a proceeding under LC 98.2	County	Children's Waiting Room Fund	To cover any cost, excluding capital outlay, related to the establishment and maintenance of courthouse children's waiting room including personnel, heat, light, telephone, security, rental of space, furnishings, toys, books, or any other item in connection with operation of a children's waiting room.
GC 26826.4 — Surcharge in San Bernardino County for Courthouse Construction Fund	Surcharge not to exceed \$35 on various filing fees other than in a limited civil case in San Bernardino County	San Bernardino County	Courthouse Construction Fund	To assist the County in the acquisition, rehabilitation, construction, and financing of courtrooms or buildings for operation of the justice system
GC 26827 — Probate, Guardianship, Conservatorship Filings	\$182 for filing papers in probate proceedings	See GC 26820.4 of this Table	See GC 26820.4 of this Table	See GC 26820.4 of this Table
GC 26827.4 — Subsequent Paper Probate Court	\$23 filing fee in Probate except for papers or proceedings: Probate Code 10501 Chapter 4, Part 5, Division 9, of Probate Code - Accountings of Testamentary trusts Division 4 Probate	\$14 to the County Remainder (\$9) to the State (GC 68085)	County General Fund Trial Court Trust Fund	County General Fund revenue To fund trial court operations
GC 26830 — Motion Fee	\$23 Motion fee with specific exceptions	\$14 to the County Remainder (\$9) to the State (GC 68085)	County General Fund Trial Court Trust Fund	County General Fund revenue To fund trial court operations
	\$14 Motion fee — small claims	100% to the County	County General Fund	County General Fund revenue

107D