MEMORANDUM

Date: March 9, 2018

To: The Honorable Chairman and Members
Pima County Board of Supervisors

From: C.H. Huckelberry
County Administrator

Re: Update on Potential Consolidation of Tucson City Court with the Pima County Consolidated Justice Court

On February 13, 2018, I notified the Board of the discussions related to potential consolidation of the lower courts, specifically consolidating and/or merging Pima County Consolidated Justice Courts with the Tucson City Court. This would be our second attempt to either co-locate or consolidate the courts and am hopeful that after significant review, planning and discussion, this effort will be more successful than previous attempts.

At this time, while the study, analysis and planning of a court consolidation is taking place, no actual expenditures of the County will occur until it is clear that the Court consolidation will be approved by the governing bodies, as well as Court Administration. I have appointed Assistant County Administrator John Voorhees to lead the planning process for this potential consolidation.

To keep the Board apprised of the study efforts Mr. Voorhees has provided the attached March 8, 2018 update the Board may wish to review.

CHH/mp

Attachment

c: Honorable Kyle Bryson Presiding Judge, Superior Court
John Voorhees, Assistant County Administrator
MEMORANDUM

Date: March 8, 2018

To: C.H. Huckelberry
County Administrator

From: John Voohees
Assistant County Administrator

Re: Court Consolidation Study Effort - Update

As discussions regarding the court consolidation project gains momentum there has been considerable conversation regarding the activities of the project and agreements that have been reached to affect change in the lower court system. The purpose of this memo is to memorialize the activities of my office to date and explain the path forward for the project.

To date there have been no agreements (public or private) reached in the court project. While I have met with each of the Presiding Judges of each respective courts and the Tucson City Manager, the meetings have been introductory and largely philosophical in nature. My purpose was to hear the unfiltered views of each key stakeholder before a combined work effort begins. The opinions expressed by the Judges and City Manager were varied and passionate.

As suggested in your initial memo to me regarding this subject, this is a very complex project. Outlined in a January 8, 2018 memorandum (Attachment 1) the previous consolidation committee could not reach consensus on how the consolidation would take place and recommended a co-location plan instead. There will likely be no solution that pleases every party and until the formal meetings process begins and the key stakeholders are in one room together, the path to consensus will be impossible.

The formal meeting process begins in earnest next week and I have crafted a skeletal plan for the project. In a February 27, 2018 letter to the City Manager Michael Ortega (Attachment 2), I explained some potential objectives, an organizational structure for the consolidation team, and a rudimentary timeline for the major phases of this project.

As you know, our first Court Consolidation Steering Committee meeting is scheduled Tuesday, March 13. The Steering Committee comprised of the three presiding judges, the City Manager and yourself, will be briefed by me to provide a backdrop for our discussion. Following the briefing will be a discussion related to the major philosophical issues of court consolidation. The desired outcome of this meeting is a mutual resolve to explore all reasonable options for lower court consolidation. We will need guidance from our elected officials in order to commit to a specific course of action. I believe the Pima County Board
of Supervisors and the City of Tucson Mayor and Council will need to weigh-in early and, perhaps, more than once to keep our efforts focused.

In order to scope our project appropriately our initial consensus will be memorialized with a Memorandum of Understanding (MOU) between the key participants in the process. Without committing resources, this document will define what the courts agree consolidation should look like at the end of the project. It will also state each agency’s commitment to the agreed upon process of consolidating the court system. The MOU will be ratified by the key participants and updated as the plan evolves. This MOU will likely form the basis of a binding intergovernmental agreement that specifies the resources, personnel, and processes required of each party to affect the court consolidation.

There are a few who have expressed reluctance over the possible consolidation of the court system. I have included a February 22, 2018 memorandum (Attachment 3) that outlines the general concerns of those who are skeptical of the merger. Of note, many express concern about the loss of the “specialty courts” of the City of Tucson. Others are concerned that the Tucson City Charter and Arizona State Constitution do not permit the merger of the courts. Since we have not addressed the nature and makeup of the consolidated court, it is premature to assess the impact of either of these concerns but they will certainly be addressed.

The project team will examine all reasonable courses of action with due diligence. The team will consult with the stakeholders and seek the guidance of the Arizona Administrative Office of the Courts. The intended result will be a court system that meets all of the legal requirements of the state and local governments. The overall desire of this consolidation is to provide the same or better service to our citizens while realizing some fiscal benefit in the process.

JCV/lab

Attachments
Memorandum

TO: Hon. Kyle A. Bryson, Presiding Judge
    Ron Overholt, Court Administrator

FROM: Cassandra R. Urias, Committee Chairperson for
       Justice Court-City Court Coordination Committee

DATE: January 8, 2018

RE: Co-location of Pima County Consolidated Justice Court and Tucson City Court

On behalf of the Justice Court-City Court Coordination Committee, I am providing the following summary of our committee's work.

Background:

The Justice Court – City Court Coordination Committee was formed in the spring of 2017 to determine the best approach for relocating the Tucson City Court to the Pima County Public Service Center, where the Pima County Consolidated Justice Court (PCCJC) resides. The committee consisted of 6 members: Judge Lee and myself, Tucson City Court Presiding Judge Tony Riojas, Tucson City Court Administrator Chris Hale, PCCJC Presiding Judge Adam Watters, and PCCJC Interim Court Administrator Micci Tilton. (PCCJC members changed mid-way. Judge Vince Roberts replaced Judge Watters, and Lisa Royal replaced Micci Tilton). The committee’s task was to determine whether both courts should be consolidated or co-located, and then outline the necessary steps to facilitate implementation.

The Committee met over the lunch hour on several occasions between May and October 2017. The committee quickly determined that consolidating both courts into one court was not a viable option for a variety of reasons, such as, having to amend statutes and court rules, reclassifying employees, and converting data into one case management system. The committee determined that co-location was the best and less complicated option, and that the possibility existed for several common functions to be consolidated after City Court moved into the building.
Space Fit Analysis Per Chris Hale:

The initial question for the committee was whether or not the Tucson City Court would fit into the available space in the Pima County Public Service Center. Tucson City Court (TCC) was asked to work with PCCJC and Pima County Facilities to see if there was enough existing space to fit Tucson City Court within the Pima County Public Service Center.

A review of the original City County Court Complex (C4) plans was conducted as a starting point. Space needs were reviewed and revised downward from the original 85,973 square feet to +/- 50,000 square feet. The reduction in required space is based on:

- Reduction of employees from 158.8 to 118.
- Reduction in the number of courtrooms needed from 15 to 9.
- Workload reduced from 275,000 charges to 125,000 charges filed per year.
- Reduction in the number of customer service windows needed from 40 to 19 and a corresponding reduction in waiting area space.
- Digitizing TCC case records eliminating the need for storage space.

TCC will occupy about 50,000 sq. ft. of the Pima County Public Service Center building. TCC requires 9 courtrooms: 2 currently existing on the 5th floor and 7 on the 6th floor. The courtrooms and judicial staff offices on the 6th floor will need to be built. There is room on the 7th floor for Judicial Chambers, Court Executive Administration and Judicial Services Division, but the judicial chambers and offices will need to be built as well. The total square footage for these areas is 37,273 sq. ft.

Additionally, the majority of TCC non-courtroom operations will locate in the remaining 11,911 sq. ft., which is available on the Lower Level. The following units will be located on the Lower Level:

- Public Services Division: 33 Full Time Equivalents (FTEs). The Public Services Division will operate 19 customer service windows providing customer service for approximately 41% of people coming to TCC.
- Court Services Division: 16 FTEs. Court Services Division maintains court records, processes public records requests, processes appeals, processes motions and documents submitted to the court and manages various work queues in the AJACS case management system. **This estimate is based on digitizing court records and eliminating the need to maintain/store hard copy case files.**
- Finance Unit: 4 FTEs. Processes and accounts for approximately $23.5 million annual collections.
- Information Technology Unit: 6 FTEs. Maintains approximately 220 networked devices and various automation programs to support court operations.

It is our understanding that the cost for co-location is estimated to be $8.9 million: $7.4 million for construction and $1.5 million to relocate the County Treasurer. However, the $7.4 million move-in cost could be reduced as TCC may bring existing furniture that matches PCCJC furniture and may include modular furniture.
Relocation Timeline

The timeline for completion is estimated from 18 to 30 months depending on construction and whether TCC operations are split. In other words, it is possible to split TCC operations whereby TCC could operate out of two locations: courtroom operations could move first to the County building, while non-courtroom operations would remain in the current city building until completion of the lower level renovation. If court operations moved first, it is estimated that courtrooms, Judicial Chambers, Court Administration, and Judicial Services Division staff could be moved in 18 months or less. The timing is dependent on construction as this space has not been built out. Non-courtroom functions located in the lower level of the Pima County Public Service Center would take between 18 to 30 months since the County Treasurer would need to be relocated, and lower level area would need to be renovated for TCC use.

Shared Functions:

There are two distinct areas that apply to both courts and therefore should be shared in terms of function and costs:

1. Court Security Screening and Roving Security

The volume of persons entering the building will require a third screening entry point as well as another x-ray machine, and it will be necessary to hire 3-4 additional contract security officers and one-armed officer. Both courts will need to comply with security standards set by the Arizona Supreme Court. The Tucson City Court currently has contractor provided security screening (4 FTEs), two roving security officers, and a TPD officer on overtime pay, who provides security and arrest authority.

The total annual security cost estimate for the County Public Service Center and Tucson City Court once both courts co-locate is $1,023,991. This figure is calculated based on each court’s current security needs. The current annual security cost for the County Public Service Center is $755,991, plus an estimated $268,000 for the Tucson City Court. Also, there will be a one-time cost for the purchase of an x-ray machine estimated at $36,550.

A governance plan or memorandum of understanding will need to be created to address security issues. For example, screening policies are handled differently in each court. Currently, Justice Court screens everyone entering the building whereas the City Court allows its employees to bypass security. Also, security services should be reevaluated every six months to ensure adequate staffing levels.

2. Building Operations and Maintenance

The TCC would share in the Operations and Maintenance costs. The O&M cost for the Public Service Center is currently $7 per square foot and includes all utility costs. Accordingly, the TCC’s portion is estimated to be $344,290 per year based on 49,184 square feet of occupancy.
Functions that could be Potentially Shared or Consolidated:

The following are functions common to both courts, which opens the possibility of sharing or consolidating processes for efficiency sake.

1. Jail Transports

Currently, TCC prisoner transports from Pima County Adult Detention Center are provided by the Tucson Police Department at an annual cost of $593,590. PCCJC prisoners are transported by the Pima County Sheriff’s Office (PCS0). Jail transports could become the responsibility of the PCSO and economies of scale could be achieved with one agency performing transports.

2. Orders of Protection and Contested Hearings.

Order of Protection Hearings and Contested Hearings are types of cases that can be consolidated or shared. A business process would need to be agreed upon by both courts. Since each court has its own case management system, either one court would need to assume all OOPs and associated contested hearings so that case numbers could be entered into one case management system, or in the alternative, each court could share the responsibility, and best if on an alternating schedule. For example, City Court would hear orders of protection one week, and Justice Court would hear orders of protection the next week.

3. Interpreting Services

The interpreter function is one that could be easily shared or consolidated. This would be a cost saving measure for both courts.

4. Commission on Judicial Education and Training (COJET)

Judicial Branch employees must attend 16 hours of Commission on Judicial Education and Training (COJET) each year. TCC is already in a partnership with PCCJC and Pima County Superior Court for attending COJET classes. Co-location would enhance this partnership.

5. Walk-in Warrant Court

Both TCC and PCCJC operate a Walk-in Warrant Court. There is a potential to share this function in that one judge could preside over Walk-in Warrant Court sessions for both courts. However, City Court Judges would need to be appointed as pro tems to preside over Justice Court cases. Also, staff from both courts would need to operate their own case management systems and ensure information and documents were produced, recorded, and entered appropriately.
6. Alternative to Jail or Field Alternative to Jail Program

This program has the potential to be used county wide and if co-location occurs. Cost for operating the program could be shared based on the percentage of each jurisdiction’s utilization of the program.

7. Specialty Courts

Each court handles special calendars, such as domestic violence and mental health. The issues in these cases are common to both courts, and there is a high probability that each court is handling some cases with the same parties. Accordingly, it would be worthwhile to review sharing or consolidating these calendars to provide better service to the parties and service providers. Additionally, there are certain calendars or programs, specific to one court, that could be extended to the other court for the sake of public service. An example is TCC’s Veterans Court. In considering sharing or consolidating the case related functions, jurisdictional issues would need to be vetted and appropriate policies and procedures created.

Miscellaneous Issues

While there is sufficient square footage for the co-location of two courts, it will be a tight fit with no additional space for future growth. Consequently, any legislative or programming change that impacts the volume of either court’s caseload would quickly create a significant space issue.

Also, the original design of the building placed the JP chambers on the north side of the building. However, during the building redesign, the chambers moved to the south side. If the 7th floor is built to accommodate TCC, issues may arise with the JPs requesting to be relocated to the north side of the building since it is considered prime space.

Culture differences exist in all courts. It is likely that issues will arise due to differences and therefore a memorandum of understanding should be created to address such issues, if they arise.

Conclusion

The committee’s conclusion is that consolidation of both courts is not appropriate at this time. However, co-location is viable, provided the County and the City can agree to financial terms. Co-location of the Pima County Consolidated Justice Court and the Tucson City Court would create the largest court in the state due to the high volume of persons accessing each court, estimated at 60,000 persons per month. Without question, placing both courts in one building would benefit the public. It would lessen people’s confusion about which location to report to, thereby improving access to the court.

We thank you for the opportunity to review the issues surrounding co-location and improving our justice system. If you have any questions, please do not hesitate to contact me or members of the committee.
February 27, 2018

Michael Ortega, City Manager  
City of Tucson  
P.O. Box 27210  
Tucson, Arizona 85726-7210

Re: Court Consolidation Project

Dear Mr. Ortega:

As you know, the Pima County Administrator has tasked me to readdress the issue of lower court consolidation. This complicated effort has been attempted a few times in the past with minimal success. This endeavor will require the full support of the City of Tucson (COT) and Pima County, as well as the court systems. The purpose of this memo is to provide you and the County Administrator, as well as our respective elected leadership, a grand scale view of the project ahead. This memo explains the background of the project, the major objectives to be addressed, the parties involved, a rudimentary organizational structure for the consolidation project, and finally, a very high-level timeline of events.

The County Administrator provided some background information regarding previous efforts including both his and your thoughts regarding the overarching desire for a consolidated lower court. These memos indicate that his desire is for the lower court system (Tucson City Court and Pima County Consolidated Justice Court) be completely absorbed into the County’s Justice Court system. Ultimately, this consolidation should reap some efficiencies in administrative support costs while still providing the same or better service to the public.

I see four primary objectives for the consolidation of the two courts. First, operationally, the Tucson City Court (City Court) and the Pima County Consolidated Justice Court (PCCJC) will completely merge into one court system that meets the judicial needs of the community. Second, the court system will be completely contained within the Public Service Center. Third, Pima County will take on the fiscal burden of the consolidation effort. Pima County and PCCJC will also retain the revenue gained from the consolidated court system. Finally, regardless of the outcome of the project, the relationship between the COT and Pima County will be improved and the public will be better served by our combined efforts.
On a grand scale, the parties of the project involve the whole of the COT, Pima County, and Court System staff. The logistics of the merger will certainly touch every part of each agency’s administration. However, the key stakeholders in the discussion will be the City Manager’s office, the County Administrator’s office, and the Presiding Judges of the City Court, PCCJC and Superior Court. This core group of leaders must achieve consensus with the philosophy of the merger. They will comprise a Steering Committee that will provide direction and leadership to those facilitating the merger.

The project will be organized with several administrative working groups commissioned to investigate the scope of the project and define the terms and requirements for a successful consolidation. Pima County will likely lead each working group as their organizations will be most directly affected. However, the COT and specifically the Court system will have a voice in every discussion. The working groups will endeavor to find the best solution for consolidation and in some cases that may mean the adoption of the COT’s processes or perhaps an external solution. Initially, there will be five working groups organized by administrative function as referenced in Figure 1:

![Proposed Court Consolidation Project Organization](image)

The Information Technology, Facilities, Human Resources, and Finance Working Groups are straightforward in purpose. The Policy Working Group will be comprised of legal experts from the City and the County Attorneys’ offices, as well as the Courts’ administrative staff. The purpose
of this working group is to address the legal ramifications of the consolidation strategy. The group will also determine the organizational structure of the new lower court system.

Attempting to predict a timeline for this effort is nearly impossible. At present there are too many "unknowns" to assume any time constraints. However, I have envisioned a rudimentary process for the consolidation project. Figure 2 below shows the five major parts to the process:

![Figure 2: Notional Timeline](image)

The project begins by building consensus among the stakeholders. This has been attempted at least three times in the past. Each time the details of the merger quickly enveloped the conversation and led to an impasse. I will endeavor to keep the discussion high-level until all parties can agree with the philosophy of the consolidation. Once all parties agree with a conceptual "final product", a Memorandum of Understanding (MOU) will be drafted that states the overall intent of the project. This MOU will be given to COT and Pima County elected leadership to review, modify and ratify, before any substantive work begins. There will be two primary working groups formed during this discussion: The Steering Committee and the Policy Working Group. The Steering Committee will have the goal of reaching consensus across all parties, while the Policy Working Group will examine the agreed upon structure for legal ramifications.

Once a general consensus is reached, a period of discovery will follow. The other four working groups will be formed to evaluate restraints (self-imposed restrictions), constraints (externally imposed restrictions) and requirements, to successfully implement the vision agreed upon by the Steering Committee and ratified by the elected leadership. Though the graph above (Figure 2) does not state a specific outcome or product, it would be reasonable to expect a more detailed
Mr. Ortega  
Re: Court Consolidation Project  
February 27, 2018  
Page 4

revision of the MOU may be sent to the elected officials highlighting some costs and any changes to the original intent.

If all parties agree to move forward, the implementation of the plan will proceed in earnest. The Public Service Building will be configured to meet the new needs of the facility. Plans to move personnel between affected Pima County facilities will commence as well. The working groups will shift their focus to drafting appendices to an Intergovernmental Agreement (IGA) delineating the detailed agreements of the consolidation. Issues such as employee classification and compensation, Information Technology (IT) database requirements and facility layout will be memorialized in the IGA and appendices. The end result of the implementation phase will be facilities that are ready for beneficial occupancy at minimum, employees reclassified and ready to move into their new facilities, merged or newly procured IT systems that will meet the needs of the court, and a financial plan that will be sustainable for Pima County. The product of this phase will be a final IGA for review and ratification by City, County elected officials, as well as the Court’s leadership.

There will be an interim period of adjustment after final agreements have been reached when the transitioning employees will be trained in their new environments and punch list items are completed. While the agreement is final, there may be small changes in this period of initial operation. Patience is the key while the minor details of the new organization and facility are worked out. There is no product at the end of this phase.

Finally, the project will be closed out as final adjustments are made to facility, process and personnel. Any remaining documentation is finalized. Given the length and complexity of this project, it would be appropriate to have some ceremony or celebration to commemorate this event and thank the staff for their efforts and understanding.

As the Project Manager for this effort, you can expect that I will be embedded in every facet of this endeavor. My intent is to attend all committee and working group meetings. I am at your disposal should you see the need for me to engage your staff and leadership. I believe that the more I can speak face-to-face and be present for questions and comments, the more likely our success will be. I am excited about the opportunities we face in this challenge and look forward to working with your staff.

Sincerely,

[Signature]

John Voorhees  
Assistant County Administrator

[Redacted]

C: C.H. Huckelberry, Pima County Administrator
To: The City of Tucson Mayor and Council

From: Thomas Berning, Tucson City Court Magistrate

Re: Proposed Consolidation of Tucson Court and Pima County Justice of the Peace Court

Date: February 22, 2018

City Manager Michael Ortega has asked the Mayor and Council to approve the consolidation of Tucson City Court with the Pima County Consolidated Justice of the Peace Court as one means of addressing the structural budget deficient. The proposal is based upon an agreement in concept between Mr. Ortega and County Manager Chuck Huckleberry as outlined in a February 6th memorandum from Mr. Huckleberry to the Hon. Kyle Bryson, Presiding Judge of the Pima County Superior Court.

The City faces significant financial challenges and the Mayor and Council should explore all possible alternatives, including the operations of City Court. Nonetheless, a decision to eliminate the Tucson City Charter created third branch of government should not be taken lightly and only after having all available data and hearing from all the stakeholders.

In May, 2017 a Justice Court-City Court Coordination Committee was created to determine whether the two courts should be consolidated or co-located and to then outline the necessary steps to facilitate implementation. The Committee contained judicial and administrative representatives of both courts as well as from Pima County Superior Court.

Following a series of meetings the Committee issued its report on January 18, 2018. That report directly contradicts the Manager’s

1 The opinions expressed herein represent my views only and are not reflective of the views of Tucson City Court.
2 Consolidation would involve the elimination of Tucson City Court, the Tucson City Prosecutors Office and the Office of the City Public Defender.
recommendation, “The committee quickly determined that consolidating both courts into one court was not a viable option” and that “co-location was the best and less complicated option and that the possibility existed for several common functions to be consolidated after City Court moved into the building”.

The Committee suggested that the Courts co-locate (the City Court would physically move into the newer Pima County Public Service Center) and consider consolidating certain operations (security, language interpretation, and jail transports) and judicial functions (Orders of Protection, Mental Health Court and Walk-in Warrant Court). It was anticipated that these steps could result in considerable cost savings. Additionally the consolidation of certain limited services could serve a trial run as to the feasibility and desirability of a full consolidation.

Despite this recommendation, and without further consultation with the Committee, County Manager Huckleberry’s February 6th memorandum states that “a consolidated Court is the best option as it holds the most promise for improved public access to the Courts, lower aggregate costs and potentially more consistent and better justice outcomes.” The County Managers memorandum provides no supportive data or analysis as to why this conclusion is more than mere conjecture.

Moreover there appears to have been minimal consideration as to whether, on a policy basis, consolidation is a good idea that would actually advance the interests of the citizens of Tucson. The proposal has not been discussed by those in the community who would be most affected. Prior to making any decisions the Mayor and Council may wish to consider the following:

1. Tucson is a charter city. The charter requires a City Court. Under consolidation the Mayor and Council would cede control of City Court and its attendant operations to the Pima County Board of
Supervisors, the County Manager and the Presiding Judge of the Consolidated Justice of the Peace Courts. These are entities that have not always prioritized the needs of the citizens of the City of Tucson.

2. Consolidation between two large courts with separate IT, accounting, record keeping and cultures would be a logistical nightmare and will involve numerous unanticipated consequences and expenses.

3. Tucson City Court operates innovative and award winning specialty courts (Domestic Violence, Homeless, Mental Health and Veterans). These Courts have long established relationships with federal granting agencies and local community partners. These partners have not been consulted. Both the Domestic Violence Court and Veterans Court are reliant upon federal grants. It is by no means certain that these grants could transfer to a new consolidated court.

4. Tucson City Court cases are presided over by City Court Magistrates who are selected by the Mayor and Council following review and recommendations by the Merit Selection Commission. They are required to be law trained and are not politicians. This is not true of the JP Court system. Under consolidation the cases of Tucson residents would be decided by pro-tem judges selected by the Presiding Justice of the Peace.

5. Tucson City Court has a dedicated Order of Protection office with full time staff and judicial coverage. A domestic violence advocate, funded by Tucson City Court’s federally funded domestic violence grant, is available full time to assist victims. This office provides a safe and secure location for victims of domestic violence to apply for a court order.

6. Tucson City Court has jurisdiction over city code violations, including red tag and weedy lot cases which are great import to neighborhoods. These cases are assigned to legally trained magistrates appointed by the Mayor and Council. These
magistrates understand the importance of these cases to the Tucson community.

7. If consolidation were to occur the prosecution of city misdemeanors would be the province of the County Attorney’s Office where historically misdemeanor cases are not a priority. Generally their misdemeanor cases are handled by newer attorneys whose primary goal may be to gain experience and advancing to more prestigious felony prosecution. The Tucson City Prosecutor’s Office is primarily staffed by experienced misdemeanor prosecutors who understand the importance of their cases to the community and have devoted their careers to serving the City.

8. Tucson City Court has a relationship with and works to accommodate the logistical and administrative needs of the Tucson Police Department. Likewise, the Tucson City Prosecutor also has a long standing relationship with and understands the importance of working with TPD.

9. Tucson City Court and the City Prosecutor are responsive to the needs of the Mayor and Council and the community. This includes giving priority to red tag and other city code quality of life issues, taking proactive steps to reduce the jail population and working to minimize the consequences of the impact of judicial system on the unemployed and working poor.

CC: Hon. Kyle Bryson
Hon. Tony Riojas
Michael Ortega