

June 30, 2004

Dear Members of Council:

I learned that a group of citizens, anonymous to me, posed questions for us in *The Marietta Times* on June 30, 2004. I normally do not respond to anything that comes from a source I cannot identify. However, I want to assure you that the request of the Court, Law Director and Committee of the Washington County Bar Association to proceed with the Justice Center project is a reasonable request that has been studied thoroughly.

My responsibility, at this point, is to respond to **your** questions on this project. We have a joint responsibility to do what is necessary to make our city government function. This court is constitutionally and statutorily mandated. It is not a luxury. We have problems with the facility that must be resolved or we are derelict in our joint responsibilities. We have a plan that will resolve a huge potential liability. We must move forward with this project.

Here is my response to the questions in the advertisement.

1. It is too early to state with certainty. Many questions will be answerable once we have a building design. My best estimate at this time is \$4.4 million. This includes construction, contingency, architectural and engineering fees, equipment and parking.
2. The architects tell us it is impossible to estimate accurately without a design. Much will depend on the final design, construction materials chosen, HVAC system installed, etc.
3. None.
4. The proposal is to pay for the building from court costs **NOT** tax revenue. The question assumes inaccurate facts.
5. Mr. Riggs made contact with a municipal bond attorney. We have accurate estimates for the cost of amortizing the bonds. An increase of \$5.00 per case in court costs will cover any deficit between our court cost income and the cost of paying off the bonds, at our historic caseload.

6. As you know, there is no correlation between revenues generated by the court and court expenditures. The responsibility for funding the court rests solely on city council. Court revenue to the general fund is capricious. Recently, the State Legislature mandated a 20% reduction in fine revenue to the city and redirected that to the state general fund. Like every other city department, we are dealing with increases in costs for health insurance benefits. We have a very good staff of loyal employees who receive fair compensation. We are working with Councilman Art Fordham to examine our operational costs to see if we can make reductions or be more efficient.

The question raised in the newspaper ignores the fact that funding for the Justice Center comes from a fund set aside specifically for that purpose. Court operations have no impact on that fund. The Justice Center project will have no impact on the city's general fund as we propose to fund the project. In short, this is not even a relevant issue to discuss as costs of court operations have no impact on our ability to fund the project.

7. Your responsibility to fund our operations is found in Ohio Revised Code 1901.36(A)(1), which reads in pertinent part as follows:

The legislative authority of a municipal court shall provide suitable accommodations for the municipal court and its officers.

The legislative authority shall provide for the use of the court suitable accommodations for a law library, complete sets of reports of the supreme and inferior courts, and such other law books and publications as are considered necessary by the presiding judge, and shall provide for each courtroom a copy of the Revised Code.

The legislative authority shall provide any other employees that are necessary, each of whom shall be paid such compensation out of the city treasury as the legislative authority prescribes. It shall provide all necessary form books, dockets, books of record, and all supplies, including telephone, furniture, heat, light, and janitor service, and for such other ordinary or extraordinary expenses as it considers advisable or necessary for the proper operation or administration of the court.

8. No, but we are prepared to do so with the advice of our bond attorney. We want to be sure it is correct and binding. Other communities are undertaking similar projects. It can be done. We will resolve this when the time is right.
9. Save for your pledge of \$500,000.00 for the project, the Justice Center should have no impact on your ability to fund other projects as we are going to pay for this from user fees **NOT** general fund money.

10. It is time to move forward as the questions raised do not demonstrate this project is unaffordable. The anonymous citizens have reached their conclusion based on a lack of accurate information. The contract with the architect is for \$325,000.00 not \$400,000.00 as their question suggests.

We are projecting 13,935 square feet of usable space in the new Justice Center. We currently have approximately 7,000-8,000 net square feet of usable space in four locations. The external dimensions of the proposed new Justice Center project is 22,000 gross square feet. That includes walls, hallways and other common areas. Those who oppose the project like to juxtapose our net square feet of usable space, excluding common areas and hallways, at 301 Putnam St. (ignoring the other three locations completely) against the gross square feet of the proposed Justice Center. That is purposely misleading to make it look like our request for space is unreasonable. Please do not be misled by inaccurate information.

City Council certainly should embrace the priority of the Mayor's Advisory Committee and work with the court to solve this problem. There is nothing more fundamentally important and necessary to this community than equal justice. I am confident you will see fit to give us the tools to deliver it.

Very truly yours,



W. M. Nuzum, III, Judge