

**Marshall County Board of Supervisors
Regular Session September 4, 2019 at 9:05 a.m.**

MINUTES

The Board met in special session on Wednesday, September 4, 2019, at 9:05 a.m. in Great Western Bank, 11 N. 1st Ave., Marshalltown, Iowa, meeting room #1, 2nd floor (north entrance) with 2 members present. Supervisor Salasek was absent.

Pledge of Allegiance

1. Approval or Amendment of Agenda—

Motion by Patten, second by Thompson, to approve the agenda as printed.

Roll call vote:	Thompson-Aye	Patten-Aye	Salasek-Absent
	Vice Chairman	Member	Chairman

Consent Agenda:

2. Approve Minutes--from Special Session of August 1, 2019.

Motion by Patten, second by Thompson, to approve the consent agenda as printed.

Roll call vote:	Thompson-Aye	Patten-Aye	Salasek-Absent
	Vice Chairman	Member	Chairman

Tabled from August 20, 2019 Regular Board of Supervisor Proceedings

3. Courthouse Remodel--A request from Scott Hand, District Court Administrator, Second Judicial District, to discuss the current Courthouse Remodel plans in regards to the bathrooms associated with the two jury deliberation rooms and the absence of a courtroom/dedicated space for juvenile court proceedings.

Motion by Patten, second by Thompson to remove this item from the table.

Roll call vote:	Thompson-Aye	Patten-Aye	Salasek-Absent
	Vice Chairman	Member	Chairman

Lucas presented Power Point-

- 3rd Floor Previous & Proposed – Removed Magistrate due to Restrooms as required by IBC
- 4th Floor Previous & Proposed – 2nd Juried Courtroom is now larger; Jury Rooms; Clerk of Court area storage will be removed and either scanned or stored offsite; Secured Hallways for Judicial Staff
- 5th Floor Previous & Proposed – 2 Courtrooms which have been expanded; Security Suite including Holding Cells
- 7 Judges Chambers on floors 4 and 5

- 4 Courtrooms added 591 Sq. Ft. plus Multi-Purpose Room of 514 Sq. Ft.
- Previous plan 3 Conference Room lost 159 Sq. Ft.; There was 2 additional Conference Rooms which were options that were not taken
- Clerk of Court office has increased 298 Sq. Ft. Removed 912 Sq. Ft.
- Back of House Circulation & Court Attendant on 5th Floor removed 712 Sq. Ft.
- Additional space for public
- 2nd Restroom adjacent to Jury Rooms; Lucas said he met with General Contractor adding the 2nd Restroom for approximately \$25,000. He would like to recommend adding the 2nd restroom adjacent to the Jury Deliberation Room; If 2 Jury Panels are going at the same time then 1 restroom would be dedicated to each

Dave had an envelope with a vote from Steve but is not opening since the information at this meeting Steve did not know and the meeting passes.

Motion by Patten, second by Thompson to add 2nd restroom between two Jury Deliberation rooms.

Roll call vote:	Thompson-Aye	Patten-Aye	Salasek-Absent
	Vice Chairman	Member	Chairman

4. Public Forum— Judge Haney asked about additional items the Scott Hand requested. State Court Administrator asked about space needs for 5th Courtroom. I invited you to come see schedules and dockets, both of you declined to do so. Supervisor Salasek did come down to visit with me. I asked that the letter I sent 2 weeks ago plus the docket information I previously supplied be included with this record except the Juvenile Cases which should be sealed(this information was not included in the minutes due to patient confidentiality.) Dave agreed this could be done.

Bill discussed some information from 2009 – 2017 from Iowa Jury Verdicts and the trends are going down for Juried Courtrooms.

Judge Haney discussed all the types of cases which we need to be prepared to hear in Marshall County. I have outlined the space and adjacent space needs. You asked for information from us and you went out and found additional information. He called the City regarding the IBC and the IBC does not require this.

Lucas responded regarding placing the restrooms being stacked to save space, assists circulation and the numbers are needed. IBC allows going up or down a floor for restrooms.

Judge Haney site IBC and called City. Lucas responded. Judge Haney responded that Election Equipment can be removed from Courthouse, which you call lakefront property. You are removing the Clerk of Courts files making their jobs difficult.

Dave said the Election Equipment which is electronic needs to be secured. We have offered \$150,000 for scanning of the court records but the courts hasn't contributed any funds towards this.

Judge Haney, Dave and Lucas continued discussion. Dave said that the building has a limited amount of space. Dave continued discussion of history.

Attorney Laura Eilers we previously had 2 conference rooms on 5th floor and those were never enough. We need that space and more. Lucas said there are also 2 conference rooms on 1st floor which you can use. The conference space is really needed for the citizens.

Attorney Larry McKibben said he is hearing 3 angry people. I am a native Marshalltown-Ian and when this Courthouse was built it was to be a great building. I want this to be a great place again. The decision was made back at a fundraiser that the Courthouse is good. We have a group of Supervisors that want to change that.... this is no longer a Courthouse.... but we need to change the name. I feel terrible about having this visit. I want this to be a Courthouse... but we did not have an opportunity to make a change. This is a kingdom and not one that works for the people.

Bill said he is not angry but he is disappointed. Dave said that we are not angry. Larry replied.

5. Adjournment--The next regular session is September 17, 2019, at 9:05 a.m. All business to be acted upon at that session should be submitted to the County Auditor and Recorder's Office or the Board of Supervisors' Office by Thursday, September 12, 2019 at 1:00 p.m. There being no further business to come before the Board, the meeting was adjourned at 9:59 a.m.

Steve Salasek
Board of Supervisors, Chairman

Attest:

Nan Benson
Marshall County
Auditor and Recorder

The Board of Supervisors' calendar can be viewed <http://goo.gl/yubHzV>

A photograph of the Marshall County Courthouse, a large, ornate, light-colored stone building with a prominent clock tower and a statue on the roof. The image is slightly faded to allow the text to be read clearly.

MARSHALL COUNTY

COURTHOUSE REMODEL

SEPTEMBER 4TH, 2019

COURTHOUSE 3RD FLOOR

EXISTING



PROPOSED



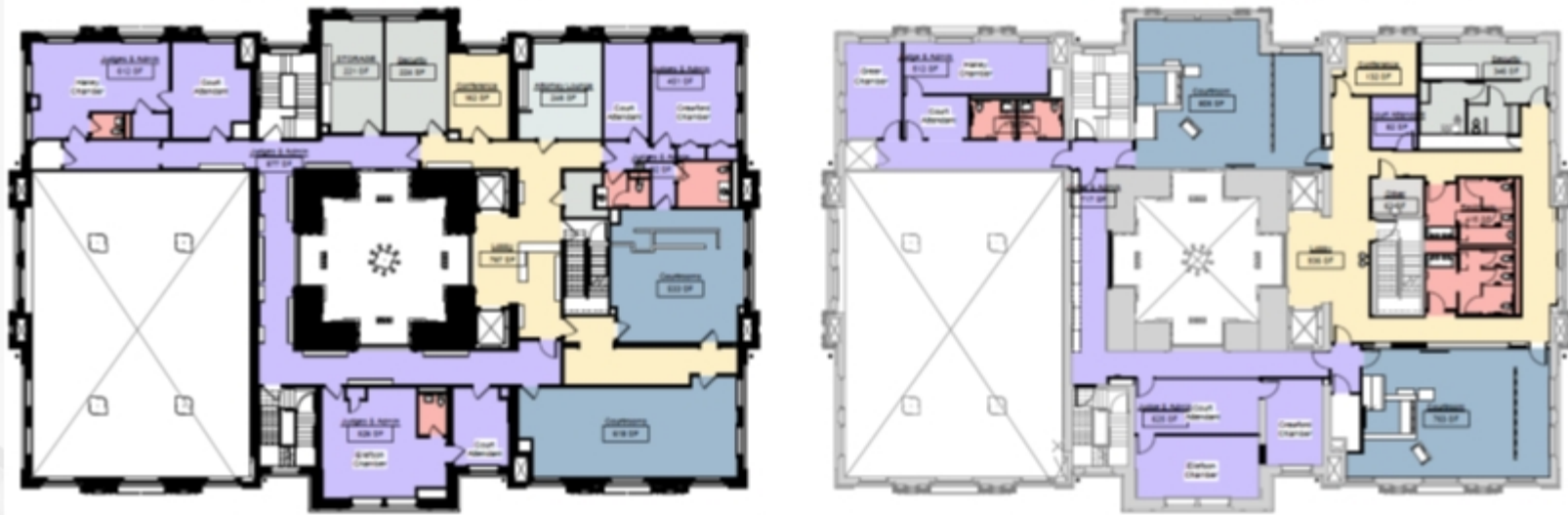
- Eliminate Magistrate Suite
- Added Multi Purpose Room (No Adjacent Chambers or Conference Space)
- Added Restroom Bank (Code Requirement)

PROPOSED



- 228

PROPOSED



- 229

BEFORE & AFTER (COURTROOMS)

Location	Existing (Sq. Ft.)	Proposed (Sq. Ft.)	Change (Sq. Ft.)
Grand Courtroom	2,063	2,063	0
Medium	969	1,143	174
Small (East)	533	805	272
Small (South East)	618	763	145
Total	4,183	4,774	591
3 rd Floor Multi Purpose Room	0	514	514

BEFORE & AFTER (CONFERENCE ROOMS)

Location	Existing (Sq. Ft.)	Proposed (Sq. Ft.)	Change (Sq. Ft.)
Conference Room 1	67	81	14
Conference Room 2	162	81	-81
Conference Room 3	224	132	-92
Total	453	294	-159
Alternate Option			
Conference Room 4	0	118	118
Conference Room 5	0	82	82

BEFORE & AFTER (CLERK OF COURT & PUBLIC SPACE)

Clerk of Court

Location	Existing (Sq. Ft.)	Proposed (Sq. Ft.)	Change (Sq. Ft.)
Office	1,058	1,347	298
Storage/Other	912	0	-912
Total	1,970	1,347	-623

Public Space

Location	Existing (Sq. Ft.)	Proposed (Sq. Ft.)	Change (Sq. Ft.)
4 th Floor	1,391	1,587	196
5 th Floor	767	936	169
Total	2,158	2,523	365

BEFORE & AFTER (OFFICES & SECURE HALLWAYS)

Location	Existing (Sq. Ft.)	Proposed (Sq. Ft.)	Change (Sq. Ft.)
3 rd Floor Judge/Admin	534	0	-534
4 th Floor Judge/Admin	443	635	192
4 th Floor Circulation	274	476	202
5 th Floor Judge/Admin	526	512	-14
	612	625	13
	451	0	-451
Court Attendant	0	82	82
5 th Floor Circulation	984	717	-267
Judge Admin Subtotal			-712
Circulation Subtotal			-65
Total	3,824	3,047	-777



QUESTIONS

Recovery Update Meetings (just noted since September 2018)

9/06/18
9/13/18
9/20/18
10/11/18
11/15/18
12/13/18
1/31/19
3/21/19
4/18/19
5/30/19
8/01/19

Department Head Meetings (Since Tornado)

12/18/18
1/24/19
2/28/19
3/28/19
4/15/19
5/23/19
6/27/19
7/25/19
8/29/19

Court Specific Meetings

1/09/19 - Visit Polk County
1/18/19 - Courts
1/31/19 - Courts Programming Round 2
2/06/19 - Clerk of Court
3/05/19 - Security
3/20/19 - BOS Special Meeting
4/18/19 - Judge Haney Chambers & Courtrooms
4/19/19 - Clerk of Court/Court Attendants
 Judge Ellefson Chambers & Courtrooms
 Magistrates
 Judge Crawford Chambers & Courtrooms/Judge Riley Chambers & Courtrooms
5/01/19 - BOS Special Meeting
6/05/19 - Courts AV
6/13/19 - Courts – All areas at MAX Building
6/26/19 - BOS Special Meeting
8/09/19 - Courts – All areas at MAX Building
8/21/19 - Clerk of Court only at OPN

Jury Verdicts in Iowa District Courts Statewide During CY 2017

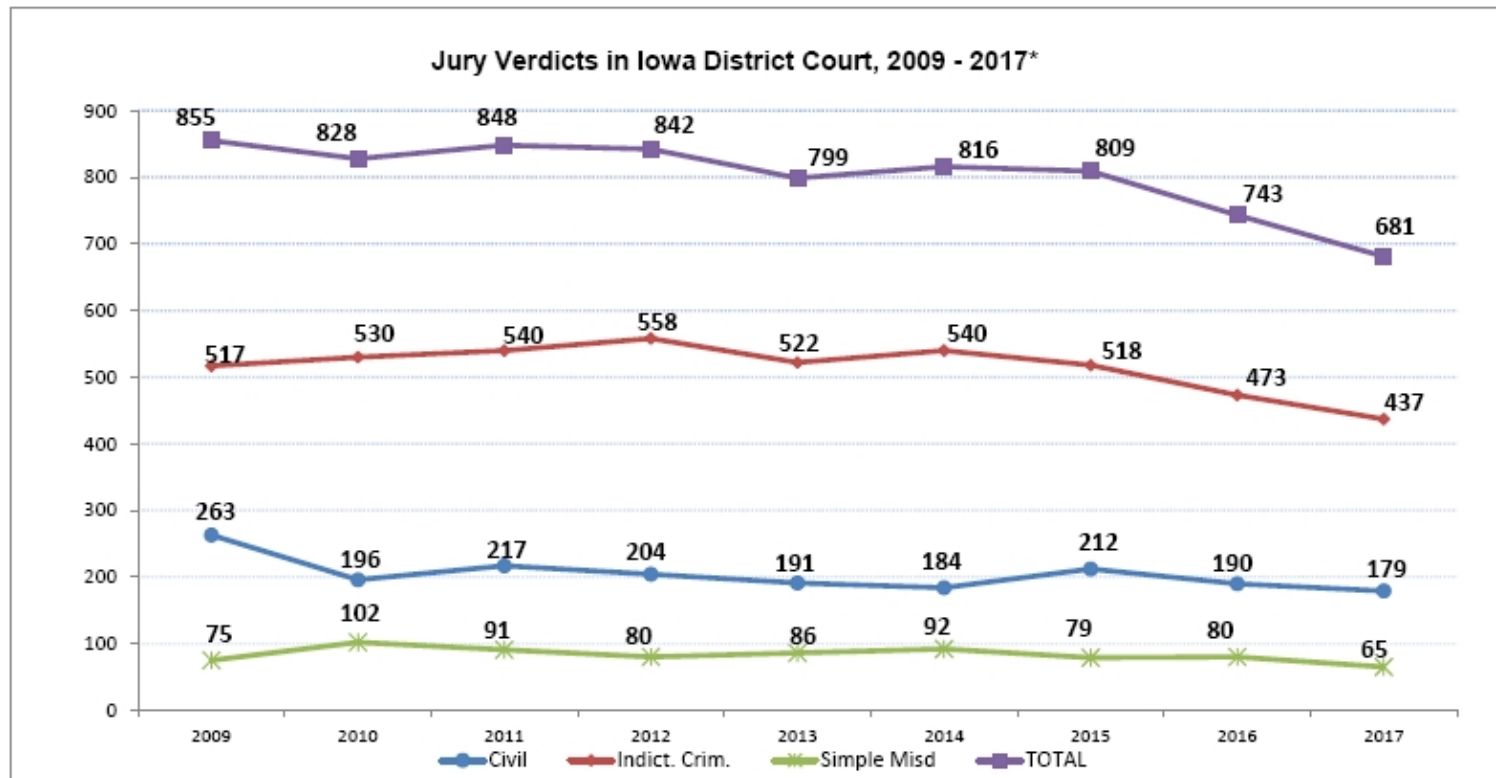
2017 Criminal Jury Verdicts		State
1	Sex assault	37
2	Dom abuse assault	9
3	Other violent	67
4	Property (B&T)	14
5	Drugs	29
6	OWI 3+	9
7	Other nonviol. Felony	64
8	Total Felonies	229
	<u>Serious / Aggrv Misds</u>	
9	Dom abuse assault	49
10	Other violent	34
11	Property	16
12	Drugs	17
13	OWI - 2nd	13
14	OWI - 1st	34
15	Drv W Lic Rev/Bar	5
16	Other nonviol. Indmsd	40
17	Total Ser/Aggrv Misds	208
	<u>Simple Misds</u>	
18	Dom abuse assault	5
19	State traf-c-sec 321	23
20	Other State	30
21	Ordinance	7
22	Total Simple Misds	65
23	Total Criminal Verdicts	507

2017 Civil Jury Verdicts		State
	<u>Law: Torts</u>	
1	P.I. - Med/dental malp	19
2	P.I. - Motor vehicle	56
3	P.I. - Premises liability	20
4	P.I. - Prod liab & toxic	1
5	P.I. - Other	17
6	Profess. malp (no P.I.)	4
7	Other torts (no P.I.)	14
	<i>P.I. = Personal injury</i>	
	<u>Law: Contract/Comrc.</u>	
8	Contract - Debt Collec	6
9	Fraud/Misrep.	4
10	Mortgage Foreclosure	0
11	Employment claim	9
11	Cont/commrc: other	7
	<u>Equity</u>	
12	Other Real Property	1
13	Other Equity	2
	<u>Other Civil</u>	
14	Admin Appeals to DCt	14
15	Post conviction relief	0
16	Other actions	5
	Total Civil Verdicts	179

Grand Total	686
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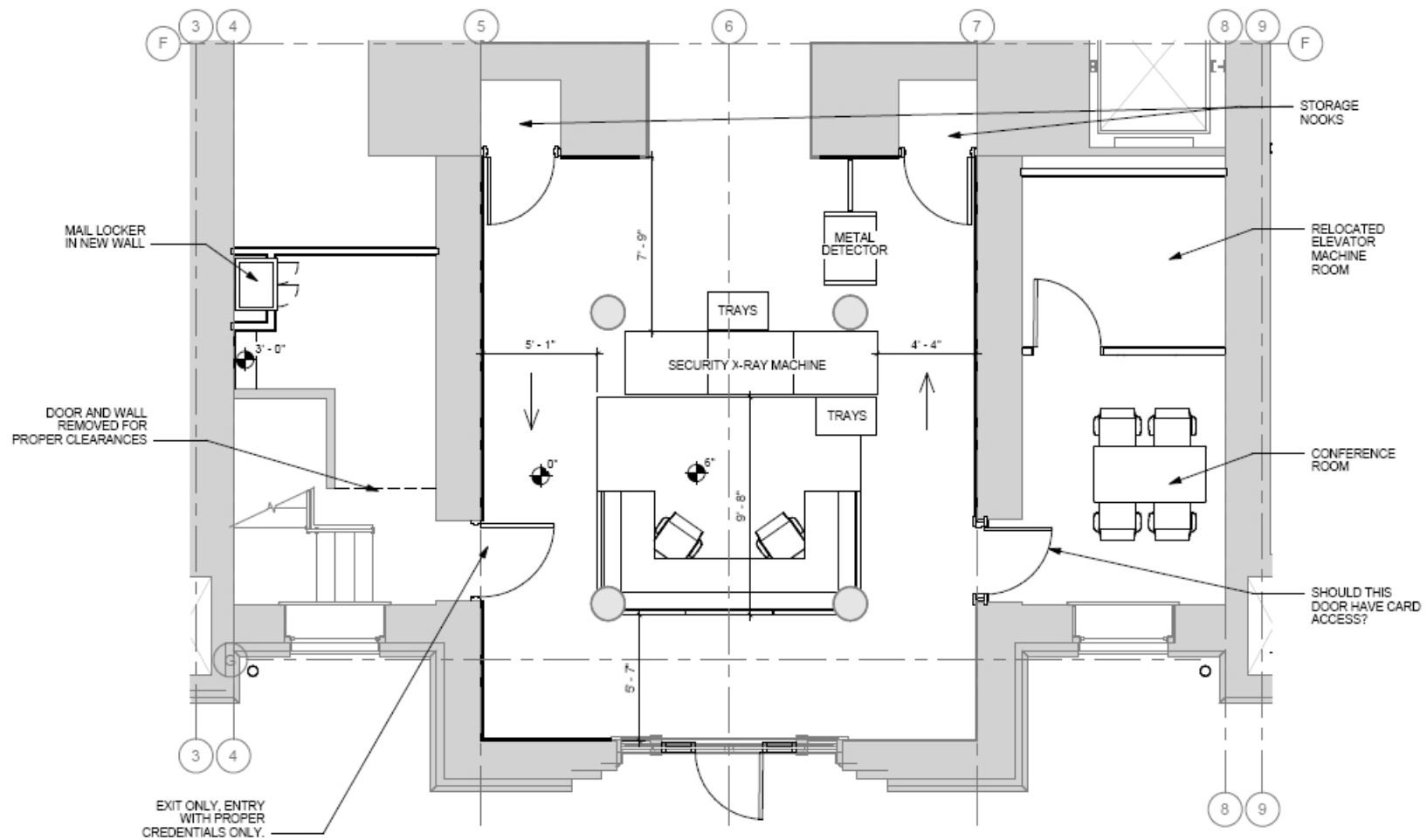
*The table shows "verdicts entered." It does not include jury trials that were started, but ended in a guilty plea or settlement before the verdict was entered.

Provided by the Office of State Court Administration (1-17-2019)



*The numbers reflect jury "verdicts" entered. An additional 15 to 20% of cases that begin a jury trial settle or end in a guilty plea before a verdict is entered. (Table and chart prepared by the Office of State Court Administration: 1-16-19.)

Note: Prior to 2009, "jury trial" stats included any disposed case in which a jury had been selected (even if the case settled or a defendant pleaded guilty before a witness was sworn in). In 2009, "jury trial" stats were changed to capture only cases with a jury verdict entered. An estimated 20% of cases that begin a jury trial end in a guilty plea, settlement, hung jury, or mistrial before a verdict is entered.



Marshall County Courthouse - Entryway Option 1

JUDICIAL REVIEW SET 06/09/19



ACCESS TO JUSTICE IN MARSHALL COUNTY

The one-year anniversary of the July 19, 2018, tornado that devastated Marshalltown is now past us. This disaster greatly affected our community, its residents, businesses, the judicial branch and our county government. Marshalltown has pulled together during these challenging times and demonstrated that we are indeed “Marshalltown Strong” through the rebuilding process.

I write this letter to share with you the importance of ensuring that our court system is rebuilt to provide for the present and future needs of our citizens here in Marshall County. Through this tragedy, we have a great opportunity to improve and update our courthouse and court facilities.

Access to justice is a cornerstone of democracy and a free society. The mission of the Iowa Judicial Branch is to provide independent and accessible forums for the fair and prompt resolution of disputes, administering justice under law equally to all persons.

Iowa Code Section 602.1303 requires Marshall County and our Board of Supervisors to provide courtrooms, offices, and other physical facilities that are suitable for the district court, the judicial officers of the district court, the clerk of the district court, juvenile court officers, and other court employees. The judicial branch team has been working with the county to ensure the courthouse rebuilding process meets these needs.

The court system in Marshall County provides services to Iowans through criminal, civil, juvenile, probate, mental health, substance abuse and specialty court proceedings. In 2018, our courts handled nearly 16,000 cases and over 140,000 separate filings. These court cases touch all aspects of our citizens’ lives. Nearly 8,000 of these cases were criminal felony, indictable and misdemeanor offenses completed through disposition.

Our Marshall County courts are busy. Our space and resources were stressed before the tornado. The judicial branch has provided county officials with data and information reflecting these growing needs. We anticipate these needs will continue to expand in the future. The current proposed layout of the Courthouse remodeling provides for four courtrooms. Historically, this number has been woefully inadequate and will continue to be inadequate for the ever-growing dockets of the future. Other counties in the Second Judicial District with similar populations and court dockets have five or six dedicated courtrooms and adjoining spaces to serve their citizens.

As you might guess, having suitable, safe and functional courtrooms, conference rooms and office space is essential to give all citizens access to the courts. The current plans approved by our Board of Supervisors actually results in the judicial branch having less space in the Courthouse than before the tornado. This will result in reduced access to our courts by the citizens of Marshall County. Unfortunately, if our Supervisors fail to provide adequate space for court services here in Marshall County, we may be forced to move hearings and trials to other counties that afford adequate space and facilities for court proceedings. This will obviously result in additional costs to the city, county and most importantly to the parties involved in these court cases. We do not want to see this happen.

