

**Minutes: Court Facilities Improvement Advisory Committee**  
Supreme Court Front Conference Room and Phone conference  
**January 22, 2021**

**Members Present**

Sally Holewa, Chair, State Court Administrator

Angela Carlson, Hettinger County Commissioner representing counties with a population of under 7,500

Nathan Berseth, Richland County Commissioner representing counties with a population of over 7,500

Seth Thompson, representative of the State Bar Association

Karen Karls, State Representative

**Others Present**

Lana Zimmerman, Staff

Sara Behrens, Staff Attorney

Dion Ulrich, Accounting Staff

Scott Johnson, Unit 1 Court Administrator

Rod Olson, Unit 2 Court Administrator

Donna Wunderlich, Unit 3 Court Administrator

Carolyn Probst, Unit 4 Court Administrator

Dawn Rhone, Morton County auditor

Kathleen Jones, Burleigh County

Brian Bitner, Burleigh County

The meeting began late due to the House floor session running long. While the committee waited for Representative Karls to arrive, the Morton County issue was discussed. The application had been received on January 7, 2021 without a postmark. Ms. Rhone stated that she put the application in the mail on December 30. Mr. Berseth stated that this had happened with Sargent County before as well. The Sargent County application had been lost in the mail. He wondered if there would be a burden to ask that the applications be sent by certified mail. Staff noted that she believes it is only around \$5.00 more.

**Mr. Berseth moved to accept the Morton County application for consideration, Mr. Thompson seconded noting that there have been issues with the mail.**

Ms. Rhone asked about e-mailing the application and sending supporting documentation by mail. Ms. Holewa stated that we can think about that. Ms. Rhone noted that they encountered a number of absentee ballots with no postmark. Mr. Berseth noted that it was late but if the postmark had stated December 31 there would be no issue but we simply don't know because the postmark is absent.

**The motion carried.**

### **Approval of October 28, 2020 meeting minutes**

This was a special meeting to consider Richland County's request.

**Mr. Thompson moved to approve the minutes of the October 28, 2020 meeting. Mr. Berseth seconded. The motion carried.**

Representative Karls arrived and introductions were done because we have new members. Chair Holewa explained how the committee works for the new members. Because the meeting is an open meeting, each grant request is discussed individually and the committee must find that each is dedicated to facility maintenance and that it is court-related. Rather than two separate motions, the assumption is that if you move to approve you are saying that the request is dedicated to court facility improvement or maintenance and that it is court-related. **Mr. Thompson moved to approve that operation, Mr. Berseth seconded and the motion carried.**

Because some individuals were present on the telephone to provide information about their grant requests, they were allowed time right away to provide that information with the understanding that the grant request would be considered with all of the other grant requests.

Mr. Bitner explained that presiding judge Romanick had asked that a remodeling be done to utilize space for a new jury room and court room and informed him that there was an immediate deadline for the application. They engaged architects and they came up with a plan. The county commission approved the plan and that is the application before you from Burleigh County. Mr. Berseth asked if Burleigh County would still move forward if it were to receive \$330 some thousand rather than the entire amount. Mr. Bitner stated he cannot answer that without a discussion with the county. Ms. Wunderlich added that this remodel would be converting space inherited from the county after the county vacated the space. There are currently 3 jury capable courtrooms in Morton County and 3 jury capable courtrooms in Burleigh County. However, Burleigh does about three times the volume of cases. There are 10 judges and 2 judicial referees and the bulk of work is done in Burleigh and Morton so courtrooms are juggled with a certain courtroom assigned for master calendar. They don't have the luxury of each judge having their own courtroom. This would be a larger courtroom than the largest they currently have. Chair Holewa asked if there is CARES funding available. Mr. Bitner stated they did consider that and one of the things they used the funding for was reimbursement of law enforcement costs in the early days of COVID and they used some of that funding to decrease property taxes for Burleigh County citizens. There may be some left but he is not sure of the amount.

### **Review of 2021 Grant Proposals (17<sup>th</sup> Round)**

#### **County Applications – Populations of less than 7,500**

##### **Bottineau County**

Grant Request: \$2,878.40

Project Description: Courtroom and jury room chairs and a lectern for courtroom.

**It was moved by Mr. Berseth, seconded by Mr. Thompson and carried unanimously that the county be awarded a grant of \$2,878.40.**

**Cavalier County**

Grant Request: \$5,486.13

Project Description: They would like to replace the carpeting and flooring in bathrooms and jury rooms.

**It was moved by Mr. Thompson, seconded by Ms. Carlson and carried unanimously that the county be awarded a grant of \$5,486.13.**

**Divide County**

Grant Request: \$11,839.82

Project Description: They would like to purchase a new document camera/projector for the courtroom and new air conditioners for the courtroom.

**It was moved by Mr. Berseth, seconded by Mr. Thompson and carried unanimously that the county be awarded a grant of \$11,839.82.**

**Dunn County**

Grant Request: \$864.37

Project Description: They would like to purchase smart televisions for the hallways to display the court docket.

**It was moved by Mr. Thompson, seconded by Rep. Karls and carried unanimously that the county be awarded a grant of \$864.37.**

**Eddy County**

Grant Request: \$64,748.78

Project Description: This request is for a remodel of the basement for the Sheriff's Department and States Attorneys use and a new desk chair for the clerk of court.

Mr. Thompson questioned whether there is a court-related purpose for the remodel. His recollection is that when dealing with law enforcement components in the past is that they have not been included. Chair Holewa confirmed that the rules would not include this type of use. Mr. Berseth moved to deny the request, seconded by Ms. Carlson. Mr. Olson pointed out that they did request a new chair for the clerk of court. Mr. Thompson asked whether everything else relates to just the office space for the Sheriff's Department and State's Attorneys' office. Mr. Berseth pointed out that nothing is delineated. Mr Olson believes it is basically for the Sheriff and State's Attorney. Mr. Berseth withdrew his motion.

**It was moved by Mr. Berseth, seconded by Ms. Carlson and carried unanimously that the county be awarded a grant of \$262.49 (75% of the office chair cost).**

**Emmons County**

Grant Request: \$2,978.72

Project Description: They would like two new computers and a laptop for clerk and courtroom use.

**It was moved by Mr. Thompson, seconded by Rep. Karls and carried unanimously that the county be awarded a grant of \$2,978.72.**

#### **Griggs County**

Grant Request: \$3,000

Project Description: They would like to purchase a courtroom switch control and a monitor and CAT 6 cables.

**It was moved by Mr. Berseth, seconded by Mr. Thompson and carried unanimously that the county be awarded a grant of \$3,000.00.**

#### **Hettinger County**

Grant Request: \$5,428.12

Project Description: They would like to replace the floor in the clerk of court's office.

**It was moved by Mr. Berseth, seconded by Rep. Karls and carried unanimously that the county be awarded a grant of \$5,428.12.**

#### **LaMoure County**

Grant Request: \$1,753.49

Project Description: They would like to purchase computers, a wireless keyboard and mouse, webcams for the clerks and a color printer.

Mr. Olson explained he just became aware of the request for webcams. He has been providing them to any county wanting them for use in Zoom meetings. He can send them out later today if we want to remove them from the grant request. They have one printer but not color.

Mr. Thompson clarified that we can leave the webcams in. Chair Holewa confirmed.

**It was moved by Mr. Thompson, seconded by Mr. Berseth and carried unanimously that the county be awarded the full grant request of \$1,753.49.**

#### **Logan County**

Grant Request: \$648.42

Project Description: Seeking to purchase a printer, wireless headsets, a Bluetooth adapter and a display monitor.

**It was moved by Rep. Karls, seconded by Ms. Carlson and carried unanimously that the county be awarded a grant of \$648.42.**

#### **McKenzie County**

Grant Request: \$2,550.00

Project Description: They are seeking to renovate the clerk space.

Ms. Probst explained that this will provide an additional office for a supervisor III.

**It was moved by Ms. Carlson, seconded by Mr. Thompson and carried unanimously that the county be awarded a grant of \$2,550.00.**

#### **Oliver County**

Grant Request: \$3,959.30

Project Description: They would like to install Plexiglas in the courtroom and purchase chairs that are easily cleaned and disinfected.

Ms. Wunderlich commented that they put Plexiglas in all of the state-funded counties but not all contract counties. When things were really bad they did remote proceedings but this is in anticipation of jury trials.

**It was moved by Mr. Berseth, seconded by Mr. Thompson and carried unanimously that the county be awarded a grant of \$3,959.30.**

#### **Pembina County**

Grant Request: \$15,001.57

Project Description: The request is to switch the court recorder's office and the jury room to create a larger jury room. It would also include some work in the bathrooms.

**It was moved by Ms. Carlson, seconded by Mr. Berseth and carried unanimously that the county be awarded a grant of \$15,001.57.**

#### **Pierce County**

Grant Request: \$1,417.41

Project Description: They are seeking to purchase two combination entry locks and key override for the judge's chamber and a DVD player and TV.

**It was moved by Mr. Thompson, seconded by Rep. Karls and carried unanimously that the county be awarded a grant of \$1,417.41.**

#### **Ransom County**

Grant Request: \$900.00

Project Description: Seeking to add electrical outlets.

**It was moved by Ms. Carlson, seconded by Mr. Thompson and carried unanimously that the county be awarded a grant of \$900.00.**

#### **Renville County**

Grant Request: \$4,650.00

Project Description: They would like to purchase new chairs for the jury room.

**It was moved by Mr. Berseth, seconded by Ms. Carlson and carried unanimously that the county be awarded a grant of \$4,650.00.**

#### **Towner County**

Grant Request: \$18,417.36

Project Description: Replacement of windows in the judge's/court reporter's office, the small jury room, the law library, and the judge and jury bathrooms.

**It was moved by Mr. Thompson, seconded by Ms. Carlson and carried unanimously that the county be awarded a grant of \$18, 417.36.**

Mr. Ulrich stated that \$82,035.60 has been allocated so far and have \$596,499.21 remaining.

#### County Applications – Populations of more than 7,500

#### **Burleigh County**

Grant Request: \$937,500.00

Project Description: Remodel/repurpose the current courthouse space on the ground floor of the annex to create a large courtroom, a judge's chamber, a jury room, a conference room, and a jury assembly room.

Mr. Berseth commented that if we allocate Ward, Stutsman, and Cass the full amounts we could fund half of Burleigh's request. Mr. Thompson noted that the Burleigh County request is very important and does need to be done. Looking at past grants, rounds 1-16, Burleigh has received around \$457,000, Cass has received over \$1 million, Ward has received \$469,000, Stutsman has received over \$1 million and Morton has received over \$1 million. While he thinks all of the items identified are important, when he looks at it in the scheme of adding another courtroom to have more hearings and make the wheels of justice move along he would be more in favor of supporting Burleigh as much as we can, particularly looking at the levels other counties have received.

Mr. Berseth asked if we can have multiple motions and contingencies. He asked what would happen if Burleigh comes back to state that they don't want to move forward because they won't be receiving the full amount. Chair Holewa confirmed that it can be handled by approving the other requests contingent on the money being available or provide Burleigh sufficient time to have a meeting and make a decision and if they decline, we can come back and reallocate the funds. If we accept all of them and make them contingent as soon as her office has word from Burleigh then the others can be notified. Otherwise, we would wait for Burleigh to provide a response and schedule another meeting.

Ms. Carlson asked for confirmation that the others could apply again if they don't receive the funds. Mr. Berseth confirmed this. Chair Holewa explained that historically we have picked a priority when we cannot fund all requests.

**It was moved by Mr. Berseth, seconded by Mr. Thompson and carried unanimously that the county be awarded a grant in the amount of the remaining funds, \$596,499.21.**

### **Cass County**

Grant Request: \$60,000.00

Project Description: They would like to convert the third floor video courtroom to a dual purpose room.

Mr. Olson explained that Cass County used CARES funds to take two courtrooms to put into a large courtroom to assist the county in dealing with COVID. However, the trouble is that they don't have a decent size jury deliberation room and they would have to go out and down to the floor below.

**It was moved by Mr. Berseth, seconded by Ms. Carlson and carried unanimously that the county be awarded a grant of \$60,000 contingent on Burleigh County denying the grant funds offered.**

### **Morton County**

Grant Request: \$50,566.48

Project Description: They are seeking to remove the wallpaper, texture and paint and replace the carpet in the third floor courtroom, judges' chambers, law library and adjacent offices and repair the x-ray inspection system.

**It was moved by Mr. Berseth, seconded by Mr. Thompson and carried unanimously that the county be awarded a grant of \$50,566.48 contingent on Burleigh County denying the grant funds offered.**

### **Stutsman County #1**

Grant Request: \$27,595.57

Project Description: They are requesting funds to remodel the courtroom entry.

Mr. Thompson noted that there are a number of items related to the ADA in the request which are not items we can fund. Ms. Carlson pointed out that they did break out those items. Mr. Ulrich stated that the \$27,595.57 is 75% of the cost after backing out the ADA costs.

**It was moved by Mr. Berseth, seconded by Mr. Thompson and carried unanimously that the county be awarded a grant of \$27,595.57 contingent on Burleigh County denying the grant funds offered.**

### **Stutsman County #2**

Grant Request: \$5,910.00

Project Description: Replacement of a heat pump in the deputy clerk's office area.

**It was moved by Mr. Thompson, seconded by Mr. Berseth and carried unanimously that the county be awarded a grant of \$5,910.00 contingent on Burleigh County denying the grant funds offered.**

#### **Ward County**

Grant Request: \$22,485.00

Project Description: Replacement of window blinds for judicial officers, staff and jury areas and replace carpet in the judicial chambers.

**It was moved by Mr. Thompson, seconded by Rep. Karls and carried unanimously that the county be awarded a grant of \$22,485.00 contingent on Burleigh County denying the grant funds offered.**

#### **Williams County**

Grant Request: \$11,464.23

Project Description: Two projects with the highest priority being installation of two doors to allow a room to be used for a meeting/training space and the second being new attorney chairs in the courtroom and chairs for an additional jury room.

**It was moved by Mr. Thompson, seconded by Ms. Carlson and carried unanimously that the county be awarded a grant of \$11,464.23 contingent on Burleigh County denying the grant funds offered.**

Chair Holewa will notify Burleigh County of the decision. Ms. Wunderlich noted they meet the first and third Mondays of the month. Chair Holewa gave until the end February for a decision.

#### Other Business

Chair Holewa explained that the committee typically only meets yearly so a small committee is designated to review and approve the minutes ahead of time. She asked for two volunteers. Mr. Thompson and Rep. Karls volunteered to comprise this committee.

Chair Holewa asked if anyone had suggestions for improving committee work. Morton County had discussed submitting the application through e-mail. Mr. Berseth indicated we would still need a date and he is concerned that it would create more issues. Mr. Thompson suggested certified mail. Staff noted that the cost of certified mail is \$3.55 and a return receipt is \$2.85 for a mailed receipt and \$1.70 for an e-mailed receipt.

Chair Holewa thinks it could be set up as a computer generated submission to go to the members but the book is handy. Mr. Berseth and Mr. Thompson agreed they like the book. Chair Holewa stated we will send a letter notifying the county and encouraging the county to send their applications early and to use certified mail for their own protection.



Chair Holewa next addressed the timing of the next round. We can meet twice a year with the second time being in June but we previously made the decision to only meet in January due to the timing of county budgets and the low amount of funds for a June round. However, we need to make the decision each year. Mr. Berseth thinks once per year is better. Mr. Thompson agreed. Rep. Karls asked if the meeting could be done virtually. Chair Holewa indicated it could but we need to decide whether we want to open another whole separate round of grants. She explained the funds come from the court administration fee. The first \$750,000 goes to Indigent Defense and after that we receive the next \$460,000. After that, the funds are divided 50/50 between us and Indigent Defense. Mr. Ulrich explained we will likely only receive another \$300,000 from now until July and then it will start over again in July.

**Mr. Berseth moved that the committee meet only once next year in January 2022, Mr. Thompson seconded and the motion carried.**

Having no further business, the meeting was adjourned at 2:42 p.m.