

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

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

Members Absent

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

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

The January 22, 2021 meeting minutes were previously approved by the ad hoc committee of Rep. Karls and Mr. Thompson.

Ms. Holewa reminded the members that we are looking for the request to be court-related and a necessary improvement or addition to the court. If a motion is made to approve the request, it is a motion that it meets both factors. We can always bifurcate the factors if needed.

Past Grant Update

Richland County did have an extension on the original grant and ultimately ran into some unrelated projects that needed to be done so they released the grant hold. Burleigh County is in the midst of a large remodel project so that's the only one outstanding. Burleigh County requested a partial reimbursement of \$195,356.93 prior to completion. The Committee's Operations Rules provide that grant reimbursement only happens when the project is complete unless we approve another arrangement. Mr. Ulrich noted we would only pay 75% of that amount and it is for parts of the project that have been completed. **Mr. Berseth moved to approve 75% of the request (\$146,517.70), Rep. Karls seconded and the motion carried.**

Ms. Holewa was contacted by the Clerk of Court in Hettinger County wondering about the status of their application which she mailed but we have not received. She stated she mailed it on December 21, 2021. She emailed it on January 10, 2022. Mr. Thompson noted that there have been

recent documented instances in North Dakota in which mail delivery has been considerably late. Given those circumstances, **Mr. Thompson moved to consider the request, Mr. Berseth seconded and the motion carried.** Mr. Thompson noted that prior to the update, it looked like we have to approve all requests of counties under 7500 if they meet the factors before moving to the larger counties. We would be around \$100,000 short of all requests and now it would be a little more.

Review of 2022 Grant Proposals (18th Round)

County Applications – Populations of less than 7,500

Bottineau County

Grant Request: \$1,695.03

Project Description: They would like to add a cabinet and fridge to the jury room.

It was moved by Mr. Thompson, seconded by Mr. Berseth and carried unanimously that the county be awarded a grant of \$1,695.03.

Cavalier County

Grant Request: \$10,635.00

Project Description: They would like to replace the lighting in the judicial offices.

It was moved by Mr. Berseth, seconded by Rep. Karls and carried unanimously that the county be awarded a grant of \$10,635.

Dickey County

Grant Request: \$9,211.57

Project Description: They would like to install blinds and replace the antique wooden chairs in the courtroom.

It was moved by Mr. Thompson, seconded by Mr. Berseth and carried unanimously that the county be awarded a grant of \$9,211.57.

Eddy County

Grant Request: \$9,567.24

Project Description: This request is for furniture for the judge's chambers, counsel room, courtroom, and jury room and to purchase a camera, panic buttons, and monitor for the court recorder/transcriptionist/judicial secretary.

It was moved by Mr. Thompson, seconded by Rep. Karls and carried unanimously that the county be awarded a grant of \$9,567.24.

Emmons County

Grant Request: \$1,743.58

Project Description: They would like a scanner and some office chairs.

It was moved by Mr. Berseth, seconded by Rep. Karls and carried unanimously that the county be awarded a grant of \$1,743.58.

Foster County

Grant Request: \$4,500.00

Project Description: They would like a scanner, counsel table and chairs.

It was moved by Mr. Thompson, seconded by Mr. Berseth and carried unanimously that the county be awarded a grant of \$4,500.

Griggs County

Grant Request: \$637.50

Project Description: They would like to purchase a lectern for the courtroom.

It was moved by Mr. Berseth, seconded by Mr. Thompson and carried unanimously that the county be awarded a grant of \$637.50.

Hettinger County

Grant Request: \$6,668.25

Project Description: They would like to replace the floor in the courtroom.

It was moved by Mr. Berseth, seconded by Rep. Karls and carried unanimously that the county be awarded a grant of \$6,668.25.

Kidder County

Grant Request: \$56,991.00

Project Description: They would like to replace the windows in the courtroom, judge's chambers, jury room, clerk of court office, and clerk of court vault.

It was moved by Mr. Berseth, seconded by Rep. Karls and carried unanimously that the county be awarded a grant of \$56,991.00.

LaMoure County

Grant Request: \$2,908.28

Project Description: They would like to purchase a new computer credenza, huts and file cabinets to replace broken ones.

Mr. Thompson asked where this furniture is going. Mr. Olson confirmed it is for the clerk's office.

It was moved by Mr. Thompson, seconded by Mr. Berseth and carried unanimously that the county be awarded the full grant request of \$2,908.28.

Logan County

Grant Request: \$2,961.08

Project Description: They would like to purchase a bookcase for near the judge's bench and carpet tiles for the clerk's office.

It was moved by Mr. Thompson, seconded by Rep. Karls and carried unanimously that the county be awarded a grant of \$2,961.08.

McIntosh County

Grant Request: \$2,625.19

Project Description: They are seeking bullet resistant panels, a telescoping sign display, and a chair for the deputy clerk of court.

It was moved by Mr. Berseth, seconded by Mr. Thompson and carried unanimously that the county be awarded a grant of \$2,625.19.

Nelson County

Grant Request: \$8,485.66

Project Description: They would like to soundproof the courtroom with carpet and paint.

Ms. Holewa noted the math was off so it was redone by Lana.

It was moved by Mr. Berseth, seconded by Mr. Thompson and carried unanimously that the county be awarded a grant of \$8,485.66.

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.

Ransom County

Grant Request: \$4,875.00

Project Description: They are seeking to add data cables for the clerk of court, clerk of court's secretary and the judge's secretary.

It was moved by Mr. Berseth, seconded by Mr. Thompson and carried unanimously that the county be awarded a grant of \$4,875.

Renville County #1

Grant Request: \$1,515.00

Project Description: They would like to purchase seating for outside the courtroom.

It was moved by Mr. Berseth, seconded by Mr. Thompson and carried unanimously that the county be awarded a grant of \$1,515.

Renville County #2

Grant Request: \$1,794.00

Project Description: They would like to purchase chairs for the attorney table, the judge, court reporter and clerk desks and a witness stand.

It was moved by Mr. Thompson, seconded by Mr. Berseth and carried unanimously that the county be awarded a grant of \$1,794.

Sargent County #1

Grant Request: \$8,713.98

Project Description: They would like to re-carpet the courtroom, judge's chambers, jury rooms, and clerk's offices.

It was moved by Mr. Thompson, seconded by Rep. Karls and carried unanimously that the county be awarded a grant of \$8,713.98.

Sargent County #2

Grant Request: \$6,750.00

Project Description: They would like to purchase air purifiers for the courtroom, judge's chambers, jury room, and clerk of court offices.

Mr. Berseth noted that there is a grant through the EPA for a lot of these types of things now, but he isn't necessarily opposed to the request. Mr. Thompson wondered if it was a COVID issue. Mr. Olson explained that they have no air movement on that top floor and the air is pretty stale. Ms. Holewa directed that when Sargent County is notified of the grant award there may be alternate funding through the EPA.

It was moved by Mr. Berseth, seconded by Rep. Karls and carried unanimously that the county be awarded a grant of \$6,750.

Sargent County #3

Grant Request: \$1,961.25

Project Description: They would like to update the paint in the courtroom and judge's chambers.

It was moved by Mr. Berseth, seconded by Mr. Thompson and carried unanimously that the county be awarded a grant of \$1,961.25.

Sheridan County

Grant Request: \$5,840.25

Project Description: They are seeking to update the temperature control as it is being run off of old software currently.

It was moved by Mr. Berseth, seconded by Mr. Thompson and carried unanimously that the county be awarded a grant of \$5,840.25.

Towner County

Grant Request: \$24,028.89

Project Description: They would like to replace the windows in the courtroom.

It was moved by Mr. Berseth, seconded by Mr. Thompson and carried unanimously that the county be awarded a grant of \$24,028.89.

County Applications – Populations of more than 7,500

Mr. Ulrich stated that \$805,723.76 is remaining. Ms. Holewa explained that this can be approached a couple of ways. We can go through all the grants and give a tentative award or we can make a decision up front and make counties pay more than the 25%. She recalled that when Morton County had a big amount we had agreed to give Morton County the residual. Mr. Thompson stated that last year we acknowledged the need for the courtroom in Burleigh County and funded that at the start. He noted that Richland originally had grant money and things didn't work out and it appears they are requesting the projects again. Mr. Berseth clarified that it is a different project. Mr. Thompson pointed out that it involves security so he would be in favor of doing something similar to last year and starting with Richland and funding it fully.

Ms. Holewa noted that we have two members with potential conflicts but, because we have no other members to vote, there is a duty to vote despite the appearance of conflict. Mr. Berseth noted that Richland County is already stretched so if they are awarded less than the grant amount requested they likely can't move forward. He clarified that this project isn't a security project but is for HVAC. The entire system needs to be updated due to mold forming. The addition was delayed because a shop burned down and the HVAC has taken priority over the addition.

Richland County

Grant Request: \$650,499.99

Project Description: They are seeking to complete a HVAC update on the second floor of the courthouse.

It was moved by Mr. Thompson, seconded by Rep. Karls and carried unanimously that the county be awarded a grant of \$650,499.99.

Mr. Ulrich noted that \$155,223.77 remains.

Barnes County

Grant Request: \$18,870.00

Project Description: They are seeking to replace floor covering in the clerk of court's office, the judge's office and library, the district courtroom, the juvenile offices, and the state's attorney's offices.

Mr. Olson noted that they included the state's attorney's office and juvenile offices. The juvenile offices were closed but they hope to use that space for file storage. As of today, it is still court space. Mr. Berseth noted that \$3,000 of the request is for the state's attorney's offices which isn't court use.

It was moved by Mr. Berseth, seconded by Mr. Thompson and carried unanimously that the county tentatively be awarded a grant in the amount of the \$13,925.87 (request minus state's attorney's office and juvenile offices).

Cass County #1

Grant Request: \$60,000.00

Project Description: They would like to create a jury deliberation room on the third floor of the courthouse and to remodel adjacent bathrooms.

Cass County submitted a drawing but no bid. Mr. Berseth asked if we have ever approved a grant without a bid. Ms. Holewa stated we have not and that we either deny the request or tentatively approve it and require an estimate and drawing consistent with the application. Mr. Olson explained that Cass County made two small courtrooms into one big courtroom using COVID funds but they don't have a jury room to use so they would like to make one with connecting bathrooms. He believes they submitted a bid last year and was surprised that they didn't this time. The request was denied last year due to Burleigh's large request.

Mr. Thompson indicated he would be in favor of approving the request subject to receiving cost estimates.

It was moved by Mr. Thompson, seconded by Mr. Berseth and carried unanimously that the county be tentatively awarded a grant contingent on submission of a cost estimate consistent with the request.

Cass County #2

Grant Request: \$34,127.85

Project Description: They would like to install new overhead counter doors for the clerk of court offices.

Mr. Olson explained that they have glass but there is a space. They also have metal security garage doors but they are worn out and the concern is that they will fall on someone.

It was moved by Mr. Berseth, seconded by Mr. Thompson and carried unanimously that the county be awarded a grant in the amount of \$34,127.85.

Morton County

Grant Request: \$47,143.26

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 install LED lighting in the second floor hallway where the courtrooms and clerk of court are located.

Ms. Holewa asked if the adjacent offices are all court offices. Ms. Wunderlich confirmed that they are. She also noted that the law library has been converted into cubicles for visiting judges.

Mr. Thompson asked for an update on the funds remaining. Mr. Ulrich stated that \$47,170 remains. Mr. Berseth noted that we are currently prioritizing based on the alphabet. Looking at Ward's request, they are asking for a panic button which should take precedent over cosmetics. Mr. Thompson pointed out that Morton had a large project just a couple rounds ago. It was decided this request would be tabled.

Stutsman County #1

Grant Request: \$31,088.88

Project Description: They are requesting funds to widen the stairwell entrance to the lobby/waiting area, replace carpet with tile and replace doors.

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. Holewa asked if Mr. Olson thought the project would move forward if they awarded just part for construction. Mr. Olson thinks it would. Mr. Berseth pointed out that they must have already accounted for the ADA items because the numbers aren't adding up.

This request was tabled.

Stutsman County #2

Grant Request: \$6,210.00

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 in the amount of \$6,210.00.

Stutsman County #3

Grant Request: \$5,482.41

Project Description: They are looking to install sun control film on the windows in the district court lobby.

It was moved by Mr. Berseth, seconded by Mr. Thompson and carried unanimously that the request be tentatively denied.

Walsh County

Grant Request: \$8,662.00

Project Description: They want to install locks on the front door of the courthouse.

Ms. Holewa noted that this recommendation came from the courthouse security team.

It was moved by Mr. Berseth, seconded by Mr. Thompson and carried unanimously that the county be awarded a grant in the amount of \$8,662.

Mr. Ulrich stated that there is now \$32,298.05 remaining.

Ward County

Grant Request: \$106,695.00

Project Description: They are seeking to replace carpet and window blinds, install acoustic paneling and install panic buttons.

Ms. Probst added that the wiring is poor and that it's been intermittent in the last couple of years. They are now working off a daisy chain that won't last permanently. The information they received is that they need to revamp the alarm system.

Ms. Holewa suggested removing the carpet, blinds, and acoustic panels. Mr. Berseth stated those only cut it down to \$95,000. Mr. Thompson asked if we awarded a portion of the request if the county would still move forward. Ms. Probst spoke with the chair about this and they do have some funds in another area that could be available.

Mr. Berseth wondered if this would be more important than the metal doors in Cass County. Mr. Olson clarified that the drop down doors are a security issue.

Ms. Holewa asked what they were doing as a jury deliberation room in Cass right now for the new courtroom. Mr. Olson responded that they are using a very small one down the hall with no connecting bathrooms.

Mr. Berseth suggested they could deny Cass #1 and move that \$60,000 over to Ward. Ms. Holewa agreed that is an option. She noted there is only Williams County remaining.

Williams County

Grant Request: \$2,649.00

Project Description: They are seeking to install two doors to make the back room into an office in the clerk's office.

It was moved by Mr. Berseth that the county be awarded a grant in the amount of \$2,649.

Mr. Thompson noted that when we are in situations like this we have always focused on security issues. He is more in favor of denying Williams County in order to fund security items.

Mr. Berseth withdrew his motion and moved, Rep. Karls seconded and the motion carried unanimously to deny the request.

Mr. Berseth suggested that we revisit Barnes County as well. Mr. Thompson agreed that Barnes is cosmetic and, while likely needed, it isn't a security issue.

It was moved by Mr. Berseth, seconded by Mr. Thompson and carried unanimously to deny the grant to Barnes County.

It was moved by Mr. Berseth that if Cass County fails to provide bids and supporting documents consistent with its application the funds would be moved to Ward County. The motion failed for lack of a second.

Mr. Thompson stated he can get on board with Mr. Berseth's idea but he doesn't want to get in a situation where we're doing the work for Cass County. Mr. Berseth doesn't like the idea of approving a round number and then having the county try to get up to that amount if the bid were to come in lower. He questioned why we're even considering an incomplete application.

It was moved by Rep. Karls, seconded by Mr. Thompson and carried unanimously to reconsider Cass County #1.

Ms. Holewa reminded the members that we still have Stutsman #1 on the table as well. Mr. Berseth stated he is inclined to fulfill the Ward County request and deny Stutsman #1 and Morton based on funding.

It was moved by Mr. Berseth, seconded by Mr. Thompson and carried unanimously to deny Stutsman County's request #1.

It was moved by Mr. Berseth, seconded by Mr. Thompson and carried unanimously to deny Morton County's request.

Going back to Ward County, Ms. Holewa noted that, contrary to our instructions, they put all requests into a single application, but they really have four projects: carpet and window blinds, panic alarms, circuits, and acoustic panels. Mr. Berseth is in favor of approving the panic alarms and circuits. Mr. Ulrich noted that if the carpet, blinds and acoustic panels are taken out, the request is \$78,624.44 and that would leave a balance of \$27,599.48. Ms. Holewa noted that the acoustic panels are to block out the sound of the jury deliberating which is important. Mr. Thompson would be in favor of adding it back in. That would be a total of \$89,868.75.

It was moved by Mr. Berseth, seconded by Mr. Thompson and carried unanimously that Ward County be awarded a grant in the amount of \$89,868.75.

A balance of \$16,335.17 remains. Ms. Holewa asked if there are any that the members would like to reconsider. Mr. Berseth commented that both Barnes and Williams could almost be funded now. Ms. Probst mentioned that they created a large room for equipment and meetings but open on two sides and they would like the option to close doors and drown out the noise in Williams. Mr. Olson reminded the members to remove the amount for the state's attorney's office floor covering in Barnes.

It was moved by Mr. Berseth, seconded by Mr. Thompson and carried unanimously that Barnes County be awarded a grant in the amount of \$13,925.87 (request minus state's attorney's office and juvenile offices).

It was moved by Mr. Berseth, seconded by Rep. Karls and carried unanimously to award the balance to Williams County.

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 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 moved that the committee meet only once next year in January 2023.

Ms. Holewa noted we could skip a year as well.

Mr. Berseth moved to meet in July of 2023.

Mr. Thompson explained that if a county is going to do a big project they will need to be taking the time now to get drawings and estimates so if we waited some of it may be tentative and would need to wait until July and at that point they will be starting later in the constructive season. Ms. Holewa agreed that July doesn't work well with the county budget project. She suggested we could tentatively plan for a January meeting and if there are insufficient funds we can consider canceling or delaying.

Mr. Berseth rescinded both his previous motions.

Lana noted we send out notices in September. Mr. Ulrich stated we will know the amount by then. Ms. Holewa stated we will decide no later than October 1 if we have sufficient funds for the meeting.

Mr. Thompson asked if it would be worthwhile to look into an electronic submission process. Ms. Holewa will discuss it with IT and if they have sufficient time she thinks they can create a process to have them submit and sign electronically.

Having no further business, Rep. Karls moved and Mr. Thompson seconded to adjourn the meeting.