

**MINUTES OF THE JOINT INFORMAL MEETING OF JOHNSON COUNTY  
BOARD OF SUPERVISORS AND CRIMINAL JUSTICE COORDINATING  
COMMITTEE:  
APRIL 6, 2011**

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Chairperson Harney called the Johnson County Board of Supervisors to order in the Johnson County Health and Human Services Building at 3:04 p.m. Members present were: Pat Harney, Terrence Neuzil, Janelle Rettig, Sally Stutsman, and Rod Sullivan.

Criminal Justice Coordinating Committee Members present were: MECCA Director Ron Berg, Iowa City City Council Member Connie Champion, Citizen Representative Bob Elliott, Iowa City Public Library Adult Service Coordinator Kara Logsden, County Attorney Janet Lyness, Bar Association Representative James McCarragher, County Sheriff Lonny Pulkrabek, Citizen Representative Professor Emeritus John Stratton, and Consultation of Religious Communities Representative Dorothy Whiston; absent were Department of Corrections Supervisor Jerri Allen, Attorney John Robertson, and Judge Douglas Russell. Staff present were: Facilities Manager David Kempf, Executive Assistant Andy Johnson, and Auditor’s Office Recording Secretary Nya Hulm.

**REPORT FROM ALTERNATIVES AND TREATMENTS SUBCOMMITTEE  
MECCA Substance Abuse Services Quarterly Report**

Mid-Eastern Council on Chemical Abuse (MECCA) Director Ron Berg said MECCA representatives were at the Jail 86 days during the most recent quarter of January 2011 through March 2011. There were 130 requests for assessments and 129 were completed. He said 55% of those were recommended for treatment, 88% of those were recommended for outpatient treatment and about 8% were recommended for residential services.

Sullivan said it is good that Berg’s report notes the number of assessments that happen on weekends, because that has been a concern. Berg said about half of the assessments took place on weekends.

**Future Planning for the Jail Alternatives Program**

Executive Assistant Andy Johnson said there was some discussion about the Jail Alternatives Program (Jail Alternatives) during the March 2011 Criminal Justice Coordinating Committee (CJCC) Meeting, but since it was not on that agenda, County Attorney Janet Lyness cut that discussion short. He said there have been some discussions about this, and it ties into the Mental Health/Disability Services (MH/DS) funding. He said MH/DS Director Kris Artley, County Sheriff Lonny Pulkrabek, and Budget Coordinator Rich Claiborne have been involved in discussions about what the funding options are, rather than funding the entire Jail Alternatives through the MH/DS budget. There have been discussions about addressing this at a Key Issues meeting, but Johnson put it on the current agenda in case the CJCC wishes to discuss this topic.

Neuzil said the Board has heard that the CJCC wants Jail Alternatives to continue. He is not sure what else is needed from the CJCC. Stutsman said the decision of how to fund Jail Alternatives is a Board decision. Pulkrabek said he would like to see the Supervisors publicly commit their support for the program so it is not in limbo and so employees of the program know the Board will find a way to keep Jail Alternatives going. Pulkrabek attended a legislative meeting earlier in the day, and it sounds like there will definitely not be any change in how the funding will be allocated to the counties. There will not be any extra money allotted to Johnson County, so it looks like the Board will have to continue making the proposed cuts. He hopes the five Supervisors are committed to Jail Alternatives, find a way to fund it, and voice their support so the employees in that program understand that they have a job.

Sullivan said one of the problems with the current mental health system is that the counties are not legally allowed to supplement MH/DS expenditures with General Fund tax dollars. The Board may have to use some finesse to figure out how to fund Jail Alternatives out of the General Fund. He thinks this can be done, because the Board does not have to call it that. Part of the reason this works well is because Jail Alternatives is connected to the MH/DS system, and Sullivan does not want to lose that. If some MH/DS money needs to be kept in there to make it work, then he thinks that is a good thing to do because Jail Alternatives would not be nearly as good of a program if it was cut off from the existing mental health system.

Citizen Representative Bob Elliott asked if this can be done the other way, by taking money from MH/DS and transferring it to the General Fund. Sullivan said no. Elliott asked if the Board can set up an additional fund. Harney said that is what the Board is considering. Harney said the Board will get it done one way or another; it is just a matter of how the process will legally work.

Pulkrabek said he thinks the important thing is that the five Supervisors are committed to making this happen. Neuzil said he does not think the Board can commit to that yet. Stutsman said she understands why Jail Alternatives staff wants that commitment, but she needs to get all of the facts before she can state her position. Personally she is committed to it. She said the Board does not know what the Legislature is going to do, not only regarding mental health funding, but with other funding as well.

Rettig said she is committed to Jail Alternatives. She does not know how the County can go forward with the justice center without this program. She thinks the Board needs to figure out how to pay for it. Rettig said she is committed to Jail Alternatives and if the Board is not going to fund the program, they should just stop holding these CJCC meetings because they serve no purpose. The County is going to have to pay for this program one way or another.

Pulkrabek agreed and said the key issue is that Jail Alternatives has a connection to MH/DS so that they have access to client records.

Harney said House File 9 encroaches on county government autonomy by stipulating what the county can and cannot fund. Johnson County funds certain alternatives beyond those listed in House File 9, and some of these may not be allowed. Sullivan said the bill is dead in the Senate. Neuzil said it will not make it in the Senate.

Neuzil said if mental health services are being provided, it has to come out of the MH/DS fund. That is the law. He is not going to commit to something that is potentially illegal. Rettig said she does not think the other Supervisors are implying they are willing to break the law. She is willing to say that the Board can end this meeting now if they are not going to fund Jail Alternatives, because there will be no need to talk about a justice center. Neuzil said there is still funding in MH/DS, but he has warned Artley from the very beginning that funding for Jail Alternatives must come out of MH/DS. There is now discussion about that not being done. He asked for someone to explain to him how that can be done legally. Harney said when Jail Alternatives began, it was going to be done separately, but the Board then decided to do it through MH/DS due to the recordkeeping.

Johnson said the plan is to discuss this at a Key Issues meeting with Artley and Pulkrabek. Sullivan said it would make sense for Lyness to be present also because some of the questions are legal in nature. Stutsman said it would be helpful for someone from the Auditor's Office to be present also. Johnson said Claiborne has been doing some research on this as well. Rettig said the MH/DS Planning Council Meeting is scheduled for April 7, 2011 in Conference Rooms 203B and 203C in the Health and Human Services Building at 4:00 p.m. Johnson said the Key Issues Meeting is scheduled for April 27, 2011 at 9:00 a.m.

**REPORT FROM PUBLIC INFORMATION/OUTREACH SUBCOMMITTEE  
Plan for Survey to Prepare for Bond Referendum**

Bar Association Representative James McCarragher said the Public Information and Outreach Subcommittee (Subcommittee) reviewed the schedule for putting things together between April 2011 and March 2012 to try to tie things up for a potential bond referendum in the fall or winter of 2012. He said the CJCC has seen this document he distributed before, but it has been revised several times. The most recent revision involved the removal of the reference to any initial polling. The Subcommittee thought that a lot of time has been spent on the initial polling. However, the economy is

changing, and it is still at least a year and half before any taxing for the justice center would begin. The Subcommittee has been informed that poll data is generally good for about six months.

McCarragher said the County has been moving forward and buying houses, and the public is starting to see that the justice center plan is moving forward. The CJCC has established the County's needs and they know what the approximate costs are. The Subcommittee feels that the County should just move forward with the plan. This is not to say the Subcommittee will not look at polling in the future, but the current need is to communicate to the community that this project is an important public safety issue. If the CJCC continues lingering on issues that are side matters, then public support for the justice center support will wane.

McCarragher said recent articles in local newspapers noted the purchase of the three houses and indicated some of the reasons why the project was being done, and that plans are moving forward with a joint justice center. The job of the CJCC will be to educate the public, and he hopes they take this job seriously.

Harney asked Pulkrabek where the television stations got images of the jail cells. He said the images looked like they were the old cells. Pulkrabek said the media outlets have photographs and videos on file and they may have used old file footage. Harney said the part of the Jail that was shown on television looked like the previous jail. Pulkrabek said he did not see it, but the virtual tour of the Jail is available online.

Rettig said she does not agree that the CJCC has determined the cost of this justice center project. The CJCC has determined the cost of a wish list, and she does not think the taxpayers will be willing to pay for the wish list. This is just her guess, but she has no evidence to the contrary or in support of that. The fact that a citizen's group of interested parties cannot form and put the money together to do some simple public information is detrimental to this overall project.

Neuzil said he thinks Rettig is correct on a number of things. During the strategic planning discussions, the CJCC leaned toward hiring out for a pre-schematic design. That is the significant change, other than updating certain dates and moving the timeline to March 2012. The hiring of a consultant to prepare a pre-schematic design is noted on the front page of the CJCC Justice Center Planning and Objectives document. That is a significant change from what the Board has thought about in the past in terms of spending \$400,000 to \$500,000 to hire an architect. During that process, University of Iowa Campus Planner Larry Wilson and the CJCC both recommended a cheaper route. The notes from January 5, 2011 and March 5, 2011 identify action steps the Board wanted to take. If they go with the pre-schematic design, he thinks it will give the CJCC a better understanding of what is prioritized and what could potentially be left on or off of the design. If that information is available by September or October 2011, then he thinks the CJCC will have discussions on whether an outside organization would be able to develop the resources for determining ballot language.

Neuzil said ultimately the CJCC has to decide what price tag should be put on the ballot. The CJCC has been hearing from various people that poll results do not last very long and if the ballot referendum doesn't occur soon after a poll, then one can ask if money was wasted on the poll.

Rettig said she understands that, but she is not interested in hiring any more consultants until this project is narrowed down to something sustainable. The County has wasted a lot of money on consultants, and until the CJCC gets this project to a level that is sustainable, she considers it a further waste of money. Neuzil asked if this meant Rettig does not even want a pre-schematic design. Rettig said it makes no sense to hire yet another consultant until this project is brought to a sustainable level. Harney asked how the CJCC will know what a sustainable level is. Rettig said she does not know. She has a gut instinct of what it is, but she has nothing to back that up with. She repeated that she has no interest in hiring more consultants.

Sullivan said the Auditor's Office has already told the CJCC what the special election dates could be. One option is to add it to the ballot for the General Election in November 2012. He thinks another date is the first Tuesday in August 2012. Neuzil said the other date is the first Tuesday in September 2012. Pulkrabek said he thinks the possible dates are in either late August 2012 or early September 2012. Sullivan said there was also a date in February or March 2012. If the CJCC chooses an early 2012 date, then that is a quick timeline. Neuzil said he does not think anyone is looking at that. The idea is that the ballot language will have been developed by March 2012. Sullivan said in order to get something on the ballot in August, it would have to be ready in early June. He asked if that is how it has worked in the past, because it gives the CJCC 60 to 90 days.

Iowa City City Council Member Connie Champion said she disagrees with Rettig. She said the CJCC may have dealt with a lot of consultants for this project, but she does not think they can move forward in talking to the public until there is some kind of schematic design. Rettig said she does not disagree with Champion, but she thinks the CJCC has more work to do. She can easily be outvoted, but she is not agreeing to spend more money on another consultant until they reach some level that is agreed upon. Champion asked Rettig to define what she means by a level. Rettig said she does not think the public will accept one estimated price of \$55 million, although she has no evidence for that. Champion asked if Rettig means she wants to know how much money will be spent on the justice center. Rettig said yes.

Neuzil said the overview came from the March 2, 2011 meeting, and that goes through the different processes of hiring an architect. He said Wilson's recommendation was to get a schematic design, and that was the cheapest option that he identified.

McCarragher said he understands what Rettig is saying. Rettig said she is not going to change her mind no matter how much McCarragher argues with her. She does not want to hire another consultant. Stutsman suggested moving on.

Sullivan said he would like some polling to be done to determine what the public is willing to pay. He knows there have been some efforts to try to get someone other than the County to pay for a poll, but no one has come forward. At some point, he thinks the CJCC needs to have some idea of what the public is willing support.

McCarragher said he does not think it is a matter of interest. He does not think the public knows whether this project is moving forward or what the project will be. The CJCC and the Board have told the public very little other than the fact that the County is going to do the justice center project. In his opinion, the CJCC cannot ask the public this question until the project is more defined and the public knows it is moving forward. Buying buildings and getting a schematic design is moving forward. The CJCC gives the public something to vote on by showing how the schematic design will take care of the public safety and security issues that are rampant in the Courthouse and the Jail.

McCarragher said when he talks to people about funding this project they are concerned the initiative will die out again. The CJCC needs to change that public perception. The only way he knows how to do this is by showing the public something tangible. Rettig asked if spending \$1.1 million on purchasing houses is not enough. McCarragher said he thinks that is a start, but that does not show the public a design or tell the public how it will address the County's needs. Rettig said there are two reports totaling a cost of \$80,000 that show that information and she asked if that is not enough. Champion said no. Rettig said she is not agreeing to spend another dime on consultants until the project has been narrowed.

Champion asked when the Board will decide about the next step that Wilson and the CJCC has recommended. The recommendation was for there to be some kind of schematic design that shows the public what the justice center will look like and how the needs will be met. If the Board is not going to vote for a schematic design, then Champion will leave the CJCC because she thinks it is stagnating again.

Neuzil said the question is whether polling should be done now or later. There is a question of what should come first in this process. Facilities Manager David Kempf said they are talking about a pre-schematic design, and this should not be confused with a schematic design. A schematic design is a lot more expensive and is an in-depth process. He asked if the County is going to retain someone to prepare a pre-schematic design for projects of various costs. He was under the impression that the CJCC agreed they need to have a price point they are going to start with. He does not think the County is going to build a \$70 million facility. Neuzil said the current project is \$48,803,000.

Sullivan asked if the \$48,803,000 is the amount without the 10% contingency. He thought the total amount is \$55 million. Kempf said when the County moves forward with hiring someone to do that pre-schematic design, then that person also needs to be given direction. Kempf said he thinks the County needs to have a pre-schematic design. Harney said in order to do this correctly, the County needs information about what size of building is necessary and what it needs to include in order to provide the service the Board thinks the County will need for the next 20 or so years. After receiving feedback

from the public, the CJCC may need to make drastic changes to the design and that may change the priorities for what will be included in the facility.

Sullivan said that is why the CJCC needs to figure out the number first. Rettig said the Novak Design Group Inc., (Novak) study and the addition to the study shows exactly the size of the proposed justice center and what it will cost. That cost is over \$50 million, but she does not think it is quite \$55 million. The question is whether the Board is willing to go with a schematic design now on a \$50 million project or whether the County will have wasted money on that consultant. She thinks they have to determine the most they are willing to spend, and that is an individual decision. She thinks the voters have a say in defining the most they are willing to support in a facility. The public may not be willing to pay \$51 or \$52 million.

Harney said he thinks that is a fairly accurate number to build a facility to serve the County's needs. The question is whether the Board wants a schematic design or whether they want to contract someone to poll the public on what they will support. This is similar to what was done with the Conservation Bond. The Board knew when to put this on the ballot and knew the amount the public would support. Harney said he thinks the County is about to this point with the justice center.

Neuzil said according to the March 2, 2011 report received by the CJCC, item three is to prepare a pre-schematic design. Neuzil asked if they have what the report calls for in an additional first phase to prepare for the bond issue, including conceptual design, building appearance, determining what would fit in the Courthouse, whether the Jail should be reused, sold, or land banked, phasing to meet targeted costs, and a more accurate cost estimate. According to Wilson's report, that is what the first phase is supposed to do. Neuzil said he does not think the CJCC has this information yet.

Harney said he thinks that is part of it. Once the CJCC figures out the cost for the project and figures out what amount the public will support, then they also have the alternative of determining what someone would pay for the present Jail and how much that would offset the cost of the justice center. That may considerably reduce the amount of money the County needs. He said it is a matter of whether the present Jail will be retained for Sheriff's Office space or if it will be sold.

Elliott said he agrees with Rettig that too much time and money is spent on consultants. However, the thing that bothers him is that the CJCC keeps referring to a wish list. He would think that at this point, the CJCC is well beyond a wish list. He would like to see the Board take the available information and list the priorities in successive order, including their associated costs. He thinks the CJCC needs to spend its time deciding what they want and need to build and what it will cost, and then they need to start selling that idea to the public.

Citizen Representative Professor Emeritus John Stratton said as a taxpayer and a voter, he will not make any decisions unless he knows what he is going to get for his money. He will not make a decision in the abstract on how much of a tax increase he is

willing to accept. He thinks somebody needs to make that decision of what taxpayers are going to get for their money. The CJCC knows what the County needs. The questions are what will be built and how much can the County afford. He asked if the Board is going to make that decision, if it will be left up to consultants, or if the voters will decide. If it is left up to the voters, this can be done through a poll. Those people who respond to the poll will then dictate what the County will build. This makes the assumption that the CJCC cannot sell to the public or change their minds.

Rettig said she thinks both Elliott and Stratton are correct. She does not care whether a poll is done. Everyone has an instinct about what they think the public will vote for. She said the CJCC has to prioritize. They know what they want in a justice center facility, but they have yet to determine what the County's bare needs are. Wants and needs are very different things. The first thing she would cut out of Novak's design may be completely different from what another CJCC member would cut out. She thinks the CJCC needs to set those priorities and she does not think that can be determined by someone else. Having chaired the last bond referendum in Johnson County, Rettig instinctually thinks the price tag must be lowered.

Consultation of Religious Communities Representative Dorothy Whiston said she thinks there is still ambivalence about the project. She thinks it reflects both public discomfort and discomfort among CJCC members about the County's criminal justice system. Those are important things, and she thinks the CJCC needs to decide as a group what the civically responsible thing to do is. In her opinion, there is a less than ideal justice system in this country. There are underlying disagreements and misgivings about this project, and she personally has some of these. She thinks there is a responsibility to this community and to the people who are involved in the criminal justice system on all sides for the CJCC to do something soon and decisively. If the CJCC cannot come up with a consensus about what the civically responsible thing to do is and then advocate for it, then they might as well give up with this project. She does not think the problem relates to whether the gym, library, or second courtroom is dropped from the facility. She thinks the CJCC knows this project will have to be completed in phases, and it will not be the ideal facility that some would like to have.

Harney said he thinks Whiston is right. At some point, the CJCC needs to decide how much space the County needs in a justice center and move forward from there. If there is not enough support for the plan, then the CJCC needs to look at other alternatives. The County can look at what is being spent on inmate transportation and what the Jail could be sold for. The County is spending money in other areas, and this could also be looked at. He thinks all of those things will lower the total cost to taxpayers.

Stutsman asked why the CJCC is not ready to start polling the public. Neuzil said it is not a matter of wanting to poll the public but rather a question of who will spend the \$15,000 to conduct the poll. Stutsman asked how they will poll the public without spending that money.

Neuzil said that is why the CJCC is debating whether they need to poll. Rettig said she thinks the CJCC needs to hold a prioritizing work session. They will take the list and Novak's numbers and determine what they would remove from the plan and place in phase two to make this a \$40 million project. She agrees with Whiston that this project will need to be completed in phases. The County will tax the voters for one amount, and they will then have a plan for investing in the second phase through normal County dollars. Rettig said the first thing she would remove from the justice center plans is parking. There are six parking ramps within three blocks of the proposed site. She does not think there is a need for the County to spend \$4 million on another parking ramp. Rettig said if everyone else thinks the voters are ready to have a \$50 million referendum, then that is fine. However, she does not think the voters are ready for that.

Neuzil referenced the April 2011 - June 2011 page of the Planning and Objectives document and said one of the Facilities objectives refers to exactly that. The objective states to break down the Durrant Group Feasibility and Needs Assessment Study and the Novak Space Analysis Study to determine priority space necessities. Rettig suggested doing that before hiring a consultant. Neuzil said they can do that. He said hiring a pre-schematic design consultant would not occur until July, August, or September 2011.

Johnson said he copied the email that was sent out with the documents from the March 2011 CJCC Meeting. Sullivan said there is a problem with having lay people, which make up the majority of this group with the exception of Kempf, make decisions regarding space needs. Sullivan said in 1980 or 1981, lay people decided to save money with the Jail by taking out footings. That did not work very well. He knows quite a bit about this now because he has seen it happen with ten different community projects over the last 30 years. That is one of his concerns with lay people modifying these plans. For example, cutting back on the kitchen can save money now, but might prevent the ability to expand the kitchen if the jail population doubles. Sullivan said he agrees with what was said, but he thinks the CJCC should have someone with expertise walk them through that process. He does not know enough about how to safely and smartly make reductions to this plan.

Harney asked where the CJCC wants to go with this. Sullivan said they could potentially rely on Kempf's expertise. Kempf said he thinks the CJCC members have enough combined knowledge and experience that they can develop a realistic list of needs for a justice center. Part of what they need to do is determine how many beds and courtrooms the County will need in a justice center. They can go through all of these needs and prioritize what will go into each phase of the project. Once that is determined, the CJCC can start looking at records of phased projects and how phasing decreases the price. He said the CJCC will need someone who can assign values to items on the list at some point. Kempf said the CJCC has some rough numbers that specify how much a certain number of beds will cost. He thinks the number of beds can be reduced by a third. He thinks some general assumptions can be made to help develop the list of necessary items.

Harney said he would like to see Wilson step in and lead the CJCC in taking the next step to keep this project moving. Kempf agreed that Wilson would be good at that. Sullivan asked if the CJCC wants to try to prioritize at the next meeting. Kempf said he thinks Wilson has the knowledge to help prioritize needs. Rettig said the next CJCC Meeting is scheduled for May 4, 2011 at 4:30 p.m., and other community members could be helpful. Neuzil said the League of Women Voters annual banquet is scheduled to begin at 5:30 p.m. on May 4, 2011. Sullivan said the Supervisors have had to miss that event before.

Neuzil said this is almost like what the CJCC did on January 5, 2011. Rettig said it is just a follow-up to that workshop. Kempf said perhaps they need to see what time will work for Wilson, if the CJCC wants his assistance. Lyness suggested Wilson meet with some of the stakeholders for the facility before the next CJCC meeting in order to parse the list down. These stakeholders include private attorneys, Clerk of Court, the County Sheriff, and herself. That way, they will have something to present to the CJCC at the next meeting. She thinks there are a lot of people present at the CJCC Meeting who do not know what specific spaces would be used for in the justice center. They would not know this unless they actually work in the Jail or the Courthouse.

Neuzil said there is a full list of all of the things the CJCC wants included in the justice center. He said it would be great if the Facilities Subcommittee could identify essential things and break them down into phases. Phase 1 could include the present to eight years from now. Phase 2 could potentially include years eight to 16. The Board would like to see if funding mechanisms, other than asking for another bond referendum, are in place to pay for the project. He said there could be a third phase too. He agreed it would be nice for Lyness and the others to go through the list and prioritize what the justice center will need.

Lyness suggested only having a subset of CJCC members come to the next CJCC meeting, and that time could be devoted to discussing prioritizing. This could be like a work session for people with an interest in this project, including the Facilities Subcommittee members. Harney said he has a problem with laying out phases now when they have not yet decided what the justice center's necessities are. He thinks that should be something to fall back on, if it is done. He asked what the priorities and needs are for the County. They should gather that information together. If they think that plan will fail on a ballot, they can start looking at other alternatives, including phasing and cutting back.

Neuzil said there is a need today and over the next five to seven years, and there are also future needs. The cost of phasing may be different than what Harney is considering when he uses the word phasing. Sullivan said it is always cheaper to build the justice center in its entirety today, but that has to be approved by the voters. If the CJCC does not think there will be voter approval, then they will have to make cuts to the project until they get to the point where they think they might have voter approval. He said he would guess that \$50 million is too high for public support, but he does not know what that number should be.

Harney said the plan has already been reduced to \$50 million from the original \$74 million estimate. He thinks this comes down to selling to the County's needs to the public, informing them of the cost savings of the justice center, the benefits of having the facility, and the benefits of doing it right to begin with. Once the County puts the facility in place, he thinks it would be extremely difficult to get another bond referendum for an addition to the facility.

Rettig agreed. She said the County can fund projects out of the Capital Improvements Plan if the Board sets aside money for it every year. That is how the Health and Human Services Building was built; there was no bond.

Champion said she does not think a bond referendum will pass at \$50 million. She assumes the project will be phased in, so the priorities have to be there. She thinks it may be possible to pass a bond referendum at \$30 million, but it will be difficult to pass an amount higher than that.

Stutsman said she is confused about why the CJCC is moving away from polling the voters. She said she has only heard what people's instincts are telling them, and that is not based on factual information. She said when the Iowa City Public Library expansion was proposed, she does not think cuts were made to the project prior to going out for bid. She said it worked out, and they got everything they wanted in a facility because the bond referendum passed the first time around. She does not know why cuts are being made to the justice center without asking the voters first.

Champion said the public loves libraries, but they do not like jails. Harney said they can even look beyond that at expenditures within the community. The University of Iowa (UI) is buying a lot of property and nobody has commented on what the UI paid for those properties. Businesses are being moved and buildings are being built for millions of dollars. Sullivan said the University does not have to ask the voters' permission. Champion said the State of Iowa is spending \$500 million on roads this year and nobody is complaining about that. Sullivan said the State does not need to consult the voters about roads, either.

Sullivan said the voters have to go to the polls to vote yes or no on the justice center. The other things that have been mentioned do not have to be voted on. Harney said complaints have not been voiced about those other projects and purchases. He said the County has needs and can present those to the public, and if the public says they want reductions to be made, the County can make cuts as necessary. Rettig said two years will have been wasted in the process of doing that. Sullivan said the United States has a multi-trillion dollar defense budget that nobody votes on. Harney said that has nothing to do with the justice center. Sullivan said nothing Harney is talking about has to do with the justice center. Harney said he is talking about local projects. Sullivan said a local project like this is up to the voters. Harney said this is why the CJCC is not getting anywhere.

Iowa City Public Library Adult Service Coordinator Kara Logsdon said it seems like the CJCC keeps coming back to one piece of information that is needed in order to move forward, and that is the question of what the voters will do. She said that piece of information may be necessary in order to move forward, set the priorities, and start discussing phasing. Neuzil said this comes back to who will want to spend \$15,000 on this poll.

Rettig said she does not think the County should use taxpayers' money to pay for polling data. Neuzil agreed. Rettig said if a citizens group of interested parties is incapable of raising the money for a poll, then they are incapable of passing a bond referendum. When she previously worked on a bond referendum, polling indicated that everyone wanted that bond referendum. The polling cost \$30,000, they were outspent two to one, and they barely won the referendum. This bond referendum campaign for the justice center could cost significantly more than that. If the interested parties are not willing to invest their money up front, then she does not know how they can ever run the campaign. If there are three Supervisors who are willing to tax people in order to conduct a survey that is fine, but she does not think that is a good use of taxpayers' money.

Stutsman asked if taxpayers' money was used for the survey for the Conservation Bond. Rettig said taxpayers did not pay for that, the Trust for Public Land paid for it. Sullivan said Conservation Director Harry Graves received a grant for that. Rettig said the Doris Duke Charitable Foundation paid for it.

Whiston said she thinks there is a difference between land conservation and public safety. In the United States, the government is traditionally in charge of public safety and not in charge of land conservation in the same way. There is no constituency of voters who are used to raising money and lobbying for a jail or courthouse. She thinks the CJCC members are talking about two entirely different things. She thinks the CJCC has to decide if they want to be the group to say the justice center is something the community needs.

Rettig said that can only be done to a certain point. Whiston agreed. Rettig said with the previous bond referendum, the County Attorney's position was that elected officials were not even allowed to wear a sticker in support of the campaign in a parade. That changed as the campaign moved along, but it is illegal to use taxpayer dollars for advocacy. It can be done for education, but once it is on the ballot, it is pretty much over. Whiston said that is different than the polling she referred to.

McCarragher said he was proposing advocacy to support the justice center because it is a public safety issue. He said they should tell the public it is a public safety and security issue. If the public is not concerned about getting shot in the Courthouse and protecting security, then he thinks they are sending the CJCC a pretty strong message. He thinks Whiston is correct that this is a public safety issue that is essential to the well-being of the people who work inside the Courthouse. This includes State and County officials as well as any jurors. This could influence everybody. If the County polls the

public, this is an issue that will be harder to put together a campaign for. The price point is important. That is not advocacy. They are seeking information and trying to find out what the public is willing to spend for an improvement.

Stutsman said it seems like the CJCC needs that information. She thinks part of this comes down to whether the public even understands this issue. The CJCC members all speculate on this topic, but they do not know how the general population actually feels. If the CJCC finds that the public has no tolerance for a justice center cost, then they will need to figure out how to fund the project. This includes discussion of whether they will have a phased plan or put money aside each year. The County will have to cut out a lot of other services in order to do that.

McCarragher said from a public information standpoint, that is a backwards process. He asked what the County will be polling the people for. He asked what deficiencies will and will not be covered. He asked if the poll will include what the \$50 million, \$40 million, and \$30 million scenarios would include in each phase. Sullivan told McCarragher that he has seen that work. Stutsman said there are experts that conduct polls. Sullivan said he would be as skeptical as McCarragher, but he has seen a couple of instances where this worked out well. He would prefer having that information. McCarragher said that is not advocacy. Sullivan agreed and said it is legal. He said whatever is bought belongs to everyone in the County.

Neuzil said he does not want to conduct a poll. He believes the CJCC has identified what they think is a top price scenario, which he thinks is too high. He said people in the County make decisions without a poll all the time. The Public Information and Outreach Subcommittee Meeting communicated that the money raised by outside organizations would be better spent on education and outreach than on a poll. He thinks each Supervisor will have to come up with a number, and they will have to agree on a number that will be the top limit of the project.

Stutsman said Lyness, Pulkrabek, and the courts would get together and determine the cost of the most basic project possible. Lyness said she is not sure she could come up with numbers, but she could come up with a list of what is essential, what is needed right now, and what will be needed for the next ten years.

Kempf said Wilson, Johnson, and he could work with the key stakeholders in the justice center to go through the list and prioritize those items. They could then assign some numbers to those needs. Harney said he thinks Novak did a cost estimate for the bare minimum for the project and also did a cost estimate for the County's needs ten to 20 years in the future. Rettig said Novak did a cost estimate for what was requested, and that is not the same thing as the bare minimum. Harney said he has a problem with cutting the project down to the bare minimum before the CJCC even knows what the County really needs.

Stutsman asked what the bare minimum is. Whiston said it seems there is a price range from \$30 million to \$52 million. She asked where they fall within that spectrum.

She said it seems possible that they could be within \$5 million of each other. Harney said he thinks those figures are based on actual square footage of space and what it would cost to build that facility at the current market price. It does not include the cost of excavating the banks behind and around the Courthouse. The price could be above or below those estimates. Whiston said if they are all within \$5 or \$10 million of each other, they can start focusing on that. She would like Board Members to declare what they think is a reasonable amount to spend on a justice center.

Neuzil said the question is whether the CJCC wants to poll for that or if the CJCC members want to come up with that number on their own. Whiston said if all of the CJCC members have numbers that are close to each other, polling might not be necessary. Neuzil said it does not mean that polling would not happen later, but the question is whether they want to poll now. Whiston asked if there is any reason for CJCC members not to say where they stand on this issue. Neuzil said it would be nice to have the stakeholders in this project give more detailed lists of their needs and prioritize what needs to be done. Neuzil said he thinks most of the CJCC members have been asking for this for about two years.

Kempf said they do not want to design anything for the County's current needs because by the time the facility is built, it would be outdated. Harney said that is what happened with the existing Jail. Neuzil said the present Jail does not have the ability to be expanded in any direction. Rettig said they will probably have to look at a point five years after the facility is built, because more money cannot be invested in it before that point. She asked what the County's needs will be five years after the justice center is finished. She asked what the bare minimum is to get the County through that time.

Rettig said Champion, who has been involved in politics longer than anyone else present, mentioned \$30 million as an amount for the project. She said it is an instinctual number. Rettig said she knows \$20 million will raise someone's property taxes approximately \$26 on a \$200,000 home. She said people will have price points. For example, people might be willing to pay an extra \$50 per year. Her instinct is that the price point is somewhere around \$50. She has no evidence to support this other than nine months of working on another ballot initiative.

Rettig said she understands the questions people would ask. Someone may say the justice center is more important, but that is not true in Johnson County. The last time the voters spoke on this issue, they said no to a justice center. The voters have passed every library, school, and Conservation issue since then. The voters are very clear on how they want government to spend their money. She said the problem is they need to spend money on this justice center project. The County needs to have a number that they can persuade the public to vote for. Her instinct is that the number is around \$50 for an average household in Johnson County. The average household is somewhere around \$180,000. Sullivan agreed. Rettig said this would put the project somewhere around \$40 million, and this is based solely on her instinct.

Whiston asked if two-thirds of the CJCC members think that is a good place to focus on. Neuzil said the plan for April through June 2011 is to develop a tax impact chart on bonding. Rettig said they already did that. Neuzil said yes, but they need an updated tax impact chart. Rettig said there is no need to update it; the numbers are accurate. Sullivan said the rates have changed in different cities.

Whiston asked if the CJCC can agree on a price between \$35 million and 45 million. She asked if there is any price point on which the CJCC has consensus so that they can start compromising. Sullivan said it was pointed out to him that the \$48 million number would actually be \$52 million. There is also a \$5 million parking ramp that he thinks is a non-starter. He said he has had many conversations with Iowa City Planning and Community Development Director Jeff Davidson, Iowa City Mayor Matt Hayek, and Iowa City City Manager Tom Markus, and those individuals are all telling him not to worry about parking.

Whiston said if they think it is a \$52 million project and they cut off \$5 million for the parking ramp, then it's a \$47 million project. Harney said he thinks the UI would pay a good price for the Jail if the County decides to sell it. Whiston said if one CJCC member will not go over \$25 million, then the CJCC needs to know that. If they are all agreement for the \$35 million to \$47 million range, then it seems to her that they should move ahead. Neuzil said they could maybe say it is a \$30 million to \$47 million range.

Berg said he agrees with Whiston. Since the CJCC has this range of values, he would be curious to see information from the Facilities Subcommittee regarding the priorities and what the bare minimum is. He would just like to compare these two things. If they continue moving along these items in parallel until they get more information, then this might guide a better discussion when they compare the range of needs and wants to the range of funding. From there, they can decide what the next step is. If those ranges are more defined, then the next step may be enough to get a pre-schematic illustration.

Neuzil said that would give Kempf a number and the ability to start making a design. Berg said he assumes they will be working with some very rough square footage costs for these different spaces. He said the CJCC should establish the County's priorities. He said part of his hesitation with doing just the bare minimum is that he does not want to find out later that they could have received something else on the list by spending a little more. He does not want to lose anything without knowing. Sullivan said the Conservation Bond originally proposed \$10 million, and it ended up being \$20 million because of polling.

Champion said she will support whatever figure the CJCC comes up with. She has worked on a lot of past bond referendums, and the only referendum above \$20 million that has passed in the last 25 years was the \$40 million school bond referendum. She maintained that she thinks the public will support \$30 million. Forty million dollars sounds like a lot of money to a lot of people, and it is a lot of money. She is not saying the County does not need that money, but she thinks the public will recall that they just approved a \$20 million land referendum and a \$20 million library referendum. She said

she supports \$30 million because the community needs a safety net around its criminal justice system. She will help support a \$40 million bond referendum for the justice center, but she does not think it will pass.

Rettig said she thinks it is a struggle, and she does not think it is an easy vote. Her guess is that \$30 million is the cap, but she cannot prove that. Champion said Rettig is correct. Harney disagreed. He said he thinks \$54 million will be supported, especially if \$5 million is taken out for the parking ramp.

Champion said if the County can pass a bond referendum for \$30 million, they can cut out the \$5 million for the parking ramp. She does not know if excavation is included in the building cost or if those costs will need to be added. Sullivan said when the County has a certain amount of money designated for this, then they can go to someone and ask what can be built for that amount. Champion said if they cut out the \$5 million for the parking ramp, they know there is another \$15 million the County will need to phase in over the next ten to 20 years. She thinks the important thing is coming up with something that the voters will approve.

#### **SET NEXT MEETING DATE**

Rettig said Lyness proposed that the next CJCC Meeting only involves the stakeholders, Kempf, Johnson, and, Wilson. Champion said that is great. Rettig said those people will work out what parts of this project can be phased. The whole CJCC will then meet in two months and see whether they agree with those suggestions.

Stutsman asked if the Board should give the stakeholders direction involving a dollar amount. Neuzil said he likes that proposal with the exception of the suggestion to wait two months. He asked if the group can get together in a separate meeting sometime in May to review that work. CJCC members discussed potential meeting dates and agreed that the next CJCC Meeting is scheduled for May 17, 2011 at 3:00 p.m. He said the Facilities Subcommittee and stakeholders are scheduled to meet on May 4, 2011.

#### **REPORT FROM FACILITIES SUBCOMMITTEE**

##### **Update on Discussions with General Services Administration regarding Exchange of Property**

Harney said the Board is scheduled to hold a conference call with the United States General Services Administration (GSA) representative on April 7, 2011.

Harney said the Board has received a request from Tiffin Mayor Royce Phillips to join the CJCC and have some input. Harney asked if the Board is in favor of adding people. Stutsman said she is in favor of adding Phillips if he will sell it to the City of Tiffin. Neuzil said he thinks Phillips should be placed on the Education and Outreach Subcommittee. He said when the Board starts to get resolutions from each of the cities in support of the project at the end of 2011, Phillips could help with that. Rettig said Phillips has volunteered for four or five months and no committee has been in touch with

him. She said Phillips is willing to serve on the CJCC, and added that there are CJCC members who do not attend meetings. Harney said the Education and Outreach Subcommittee is part of that, so that is fine. Rettig said that is a subcommittee and not the CJCC. Harney said he understands.

Stutsman said the CJCC member from the Public Defender's Office does not attend the meetings and needs to be replaced. Neuzil said they can think about how they want to expand the CJCC. He said Rettig is correct that they do need to get in touch with Phillips.

McCarragher asked the Board if they would like McCarragher to get in touch with Phillips. Champion said if Phillips is going to be involved, he should not be assigned to a subcommittee yet, because they do not yet know how Phillips will interact with that issue. She said if the Board wants Phillips on a committee, then he should be on the CJCC. Neuzil said the bylaws would then have to be changed. Rettig said Johnson said there are no bylaws. Johnson said the Board would have to make the appointment.

Stutsman said they should place an advertisement in a paper saying the CJCC is being opened up to others. Harney said if they start including communities in the CJCC, then they should probably look at all of the communities. Neuzil said at some point, the CJCC may want to review the group in the next several months and see where its weaknesses are. Logsden said the CJCC has done that in the past; they had discussed trying to include a member from Coralville and other communities. Neuzil said he thinks the CJCC is big enough at this point. Harney said he thinks Phillips can reach out to the Education and Outreach Subcommittee and they can decide if they want to include him. If so, then the Board can decide how to address it. McCarragher asked if the Board does or does not want him to contact Phillips. Rettig said she is grateful that Phillips is willing to serve on the CJCC, and she wishes he would be appointed, but apparently the Board is not going to do this. Neuzil said they are not going to appoint him at this point.

Adjourned at 4:27 p.m.

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Attest: Tom Slockett, Auditor

On the \_\_\_\_\_ day of \_\_\_\_\_, 2011

By Nya Hulm, Recording Secretary

Sent to the Board of Supervisors on June 28, 2011 at 4:30 p.m.