



BOARD OF SUPERVISORS COUNTY OF MADERA

MADERA COUNTY GOVERNMENT CENTER
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April 26, 2011

The Honorable Mitchell C. Rigby
Presiding Judge
Madera County Superior Court
209 West Yosemite Avenue
Madera, California 93637

Subject: **Response to the 2010-2011 Grand Jury Final Report on the "Handicapped Access to Government Facilities"**

Dear Honorable Judge Rigby:

In accordance with Penal Code Section 933, the Madera County Board of Supervisors submits this response to the Final Report of the Grand Jury.

The following are the Grand Jury's findings in their Final Report, and the Board of Supervisors' response to those findings:

Finding 1. Nearest handicapped parking to courthouse is located approximately two blocks from the entrance.

Response 1. The Board of Supervisors agrees with this finding.

Finding 2. No handicapped parking spaces in front of the courthouse or on G Street.

Response 2. The Board of Supervisors agrees with this finding.

Finding 3. It would be necessary for someone parking in the handicapped spaces located on Fifth Street to have to cross G Street and continue for approximately two blocks to the courthouse entrance.

Response 3. The Board of Supervisors agrees with this finding.

Finding 4. The County is responsible for providing parking spaces in the parking structure for use by the court, pursuant to Contract No. 8303-C-2007.

Response 4. The Board of Supervisors agrees with this finding.

Finding 5. Eight out of four hundred parking spaces in the parking structure are designated as handicapped and are all located on the ground floor. This doesn't meet Federal Law. The remainder of

the spaces on level one are reserved. There are no handicapped spaces on levels two, three, and four.

Response 5. The Board of Supervisors agrees only eight of four hundred spaces are designated for handicapped parking and that all handicapped spaces are located on the first level of the parking structure. This ratio of 8/400 does meet Federal ADA standards (see attachment "A"); therefore, the Board of Supervisors disagrees with this part of the Grand Jury's finding in this matter. There are no handicapped spaces on levels two, three, and four and the Board of Supervisors agrees with this part of the finding.

Finding 6. According to County officials there is a reluctance to provide handicapped parking spaces on levels two, three, and four due to the unreliability of the two elevators in the structure.

Response 6. The Board of Supervisors agrees with this finding; however, the County Official who spoke with the Grand Jury provided a more extensive reason for not putting handicapped spaces on upper levels of a parking structure.

Finding 7. There is no safe passage from parking spaces to the elevators in the parking structure. Pedestrians must navigate the traffic lanes.

Response 7. The structure was built to all existing local, state and federal standards. This situation is typical of all parking structures.

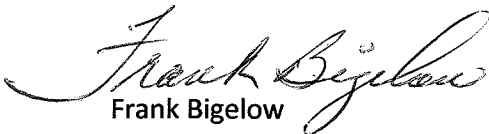
Finding 8. The north entrance to the courthouse has been fenced off by the court barring public access. The north entrance has ramps, is handicapped accessible, and close to the parking structure.

Response 8. The Board of Supervisors agrees with this finding.

Finding 9. The Grand Jury was denied access to court personnel to discuss handicapped parking issues and accessibility to the courthouse.

Response 9. The Board of Supervisors has no knowledge of this finding and cannot support or dispute it.

Sincerely,



Frank Bigelow
Chairman
Madera County Board of Supervisors

Attachment



Americans with Disabilities Act and Architectural Barriers Act Accessibility Guidelines

July 23, 2004

UNITED STATES ACCESS BOARD

A FEDERAL AGENCY COMMITTED TO ACCESSIBLE DESIGN

208 Parking Spaces

208.1 General. Where parking spaces are provided, parking spaces shall be provided in accordance with 208.

EXCEPTION: Parking spaces used exclusively for buses, trucks, other delivery vehicles, law enforcement vehicles, or vehicular impound shall not be required to comply with 208 provided that lots accessed by the public are provided with a passenger loading zone complying with 503.

208.2 Minimum Number. Parking spaces complying with 502 shall be provided in accordance with Table 208.2 except as required by 208.2.1, 208.2.2, and 208.2.3. Where more than one parking facility is provided on a site, the number of accessible spaces provided on the site shall be calculated according to the number of spaces required for each parking facility.

Table 208.2 Parking Spaces

Total Number of Parking Spaces Provided in Parking Facility	Minimum Number of Required Accessible Parking Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total
1001 and over	20, plus 1 for each 100, or fraction thereof, over 1000

Advisory 208.2 Minimum Number. The term "parking facility" is used Section 208.2 instead of the term "parking lot" so that it is clear that both parking lots and parking structures are required to comply with this section. The number of parking spaces required to be accessible is to be calculated separately for each parking facility; the required number is not to be based on the total number of parking spaces provided in all of the parking facilities provided on the site.

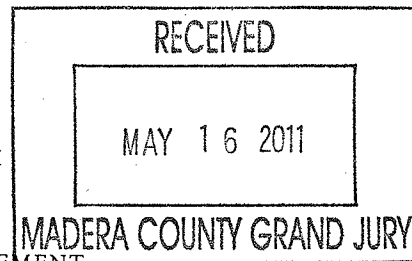


Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF COURT CONSTRUCTION AND MANAGEMENT

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Chief Justice of California
Chair of the Judicial Council

WILLIAM C. VICKREY
Administrative Director of the Courts

RONALD G. OVERHOLT
Chief Deputy Director

LEE WILLOUGHBY
*Director, Office of Court
Construction and Management*

May 2, 2011

Madera County Grand Jury
P.O. Box 534
Madera, California 93639

Re: Grand Jury Report on Handicapped Access to Government Facilities

Dear Foreman Lawrence A. Haugen and Members of the Grand Jury:

This response to the above-entitled report is submitted on behalf of the Superior Court for the County of Madera (the Court) by the Administrative Office of the Courts' (AOC) Office of Court Construction and Management (OCCM). As you may know, the current court facilities real property on West Yosemite Avenue in the City of Madera was transferred to the State of California by Madera County on April 24, 2007, pursuant to the Trial Court Facilities Act of 2002 (Gov. Code, § 70301 et seq.). The court facilities are managed by OCCM for the benefit of the Court and the public through a Joint Occupancy Agreement between the AOC and Madera County.

As the grand jury report correctly indicates, Madera County owns and operates the public parking garage at 200 G Street in Madera, the nearest public parking facility to the Court buildings. Although a limited number of parking spaces on the first floor of the garage are reserved for the Court's judges, some Court staff and jurors pursuant to the Joint Occupancy Agreement, the Court has no control over the county's designation of disabled parking spaces, but would expect the county to be following all state and federal laws in that regard. The Court does not have any arrangement with the City of Madera regarding on-street parking for disabled Court users but would similarly expect the city to designate disabled-only parking spaces as applicable laws require.

As to the report's comments on ingress and egress to the Court buildings, security and public safety reasons dictate that all Court users enter the Court facilities through a single entrance where everyone can be screened in the lobby area that can accommodate the x-ray and magnetometer machines as well as security staff. Wheelchair access to the Court facilities is located at this main entrance as well. The outside gated entrance to the Court facilities on the north side of the main Court building is simply not a practical place for an alternative public entrance with the expense it would entail to build and staff another screening station.

Finally, the Court is concerned with the misstatement contained in the report to the effect that the Court somehow denied access to Court staff when the grand jury was investigating the disabled parking issues discussed in the report. In fact, the Court's human resources manager received a telephone call from a member of the grand jury requesting that she appear and answer questions about parking issues. The human resources manager declined to make an in-person appearance given the vague nature of the request but answered all questions that were asked of her in a subsequent telephone call with a grand jury representative. The Court did not receive any other requests for information or access to the Court staff. Thus, the Court cooperated in providing information to the grand jury notwithstanding the fact that the California Attorney General's Office has opined that grand juries have no authority to investigate a court's administrative operations. (See 76 Ops.Cal.Atty.Gen. 70 (1993): "A county grand jury does not have the authority to investigate and report on the fiscal and administrative operations of the executive officer of a superior court." This is based on the conclusion that a court executive officer is not a county officer within the meaning of that term in Penal Code sections 925 and 928.)

In summary, the Court and the AOC share the grand jury's concerns regarding disabled parking access in proximity to the Madera County Court facilities and assure the grand jury that every effort is being made to minimize such issues in the pending construction of the new Court facilities in Madera. Meantime, the Court and OCCM would be pleased to work with the county and city to mitigate such issues at the current Court facility.

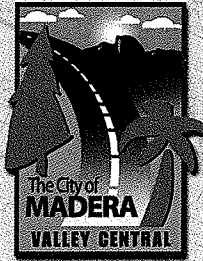
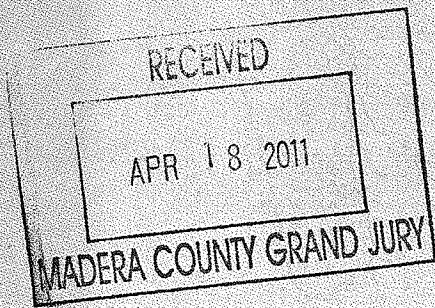
Sincerely,



Nick Turner

Regional Manager, Facility Management Unit
Office of Court Construction and Management
Administrative Office of the Courts

cc: Bonnie Thomas, Court Executive Officer, Superior Court of Madera County
Steven Crooks, Attorney, Office of General Counsel, Administrative Office of the Courts



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APR 18 2011
JURY DIVISION
SUPERVISOR

April 6, 2011

Presiding Judge
Madera County Superior Court
209 West Yosemite Avenue
Madera, CA 93637

Madera County Grand Jury
P.O. Box 534
Madera, CA 93639

RE: Response to the 2010-11 Madera County Grand Jury Final Report on
Handicapped Access to Government Facilities

Dear Presiding Judge and Members of the Grand Jury:

The City of Madera is familiar with the access issues addressed in the Grand Jury's report on access to government facilities, specifically the Madera County Courthouse. These issues have been brought to the attention of the Madera ADA Advisory Council (MADAAC) on multiple occasions. MADAAC has worked with City staff to identify alternative locations for accessible parking spaces that may be closer to the building entrance on Yosemite Avenue, but no feasible option within the City's control is available at this time.

As identified in the report, accessible parking spaces on G Street in close proximity to the courthouse main entrance would be more convenient for citizens than using the County garage. However, any accessible space must meet certain minimum criteria, including necessary striping, loading areas with specific slopes, access isle paths, etc. In order to provide accessible parking stalls on G Street, substantial improvements would be required, including removal of the curb, gutter and potentially the sidewalk to allow enough room to build accessible stalls to standard. This would intern cause additional access issues (removal of the sidewalk) and has been estimated to cost approximately \$20,000 for the first space plus \$3,000-\$5,000 for each additional space for what would be a temporary solution as the courthouse will be moving.

The report also includes the fact that during construction of the Madera County Government Center, G Street was temporarily converted to a one-way street with diagonal parking. While converting G Street to a permanent one-way street may

seem like an easy solution, the traffic studies and environmental impact reports prepared for both the construction of the government center and the future widening of Fourth Street projects have all included G Street as providing for two-way traffic. Conversion would require additional studies which may or may not support the change, re-striping of G Street, potential changes to left turn pockets in medians on either Fourth Street or Yosemite Avenue, and modifications to existing project designs well under way for the Fourth Street widening project. All these costs combined could easily approach or exceed \$50,000, once again for a solution that will be temporary at best.

While the City recognizes the importance of providing accessible parking that is convenient for citizens, it should be noted that accessibility was provided up until the point that the Courts determined they could not provide access directly from the County garage. This change in access to the courthouse was the action of a property owner. As such, this action, in the City's interpretation, should also have addressed accessibility concerns at the same time and made any changes necessary to ensure continued ADA accessibility/compliance. Typically, property owner changes do not initiate a response on the part of a public agency to rectify the shortcomings in the changes made; the responsibility lies with the property owner. Additionally, should the existing courthouse be reused by the County for another government purpose, the security concerns that led to the current accessibility concerns will likely be resolved.

The City thanks the Grand Jury for the opportunity to respond to the report as submitted.

Respectfully,



Robert L. Poythress
Mayor