



**CITY OF LODI
COUNCIL COMMUNICATION**

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AGENDATITLE: Authorize Mayor Johnson to Send Public Comment Letter to the San Joaquin County Superior Court on the Planned Tracy and Lodi Court Closures

MEETING DATE: July 26, 2011 Special Meeting

PREPARED BY: City Attorney's Office

RECOMMENDED ACTION: Authorize Mayor Johnson to send public comment letter to the San Joaquin County Superior Court on the planned Tracy and Lodi Court closures.

BACKGROUND INFORMATION: The San Joaquin County Superior Court issued a Public Notice of its intent to close one of Lodi's branch courts, close Tracy entirely, eliminate all small claims courts, and move traffic and criminal trials to Stockton. The Courts are taking public comment through Tuesday August 2, 2011. The Notice and a draft comment letter for Council approval are attached.

FISCAL IMPACT: Unknown.


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City Attorney


Konradt Bartlam, City Manager

CITY COUNCIL

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July 26, 2011

VIA EMAIL

Stephanie Bohrer
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Re: Public Comment on Planned Tracy and Lodi Court Closures

Honorable Judges of the San Joaquin County Superior Court:

Thank you for the opportunity to comment on the planned court closures in Tracy and Lodi. The Lodi City Council is unfortunately very familiar with the economic conditions that compel governmental bodies of all types to make service reductions to close unprecedented budget gaps. Moreover, the City Council is grateful that this Court plans to retain one of its ~~two~~ Lodi courtrooms in operation. However, the planned closure of Department L-2 presents several significant obstacles for Lodi. First, the Council is very concerned that the Court's proposal to eliminate its Small Claims courts will eliminate all San Joaquin County citizens' access to affordable justice. Moreover, the removal of all criminal and traffic court matters from the Lodi courts will place a significant burden on the Lodi Police Department and the City Attorney's Office to appear at criminal traffic, code enforcement, and other hearings in Stockton.

As this Court well knows, its Small Claims Courts are the only affordable forum within the reach of a significant number of San Joaquin County's residents. According to the **US** Census, nearly sixteen percent (16%) of the County lives below the poverty threshold. Indeed, it is the rare middle class citizen that can afford the hourly rates charged by San Joaquin County lawyers. Closing the Small Claims Courts effectively denies access to justice for a broad swath of the County's citizens. While mindful of the budget cuts that force this Court to make difficult choices, the Lodi City Council encourages this Court to explore other avenues to achieve necessary cost savings. From the informal conversations Lodi staff has had with Court staff, it is our understanding that the Court has yet to lay off a single employee and indeed does not plan to eliminate any positions as a result of these closures. As such it appears that the only savings to be achieved are in utility, security and facility maintenance costs. Indeed, if the Court plans to absorb the judges, clerks and other staff in its downtown Stockton facility, and keep them occupied, it is fairly certain that the Court will not capture more than half of the operational costs for

the Lodi Court. In the Council's experience employee costs dwarf operations costs. For that reason, Council prioritized salary concessions from all of its employees over facility closures. We have eliminated over 55 positions totaling 9 percent (9%) of our workforce through early retirements, layoffs and attrition in the last three years, and negotiated eleven percent (11%) across the board employee concessions. The Lodi City Council strongly urges the Court to explore further salary and benefit concessions, as well as staffing reductions, before eliminating courtrooms that serve the citizens of San Joaquin County.

The City Council is also concerned about the effect of transferring criminal and traffic trials to Stockton in light of Lodi's own embattled budget. In our last budget year, Lodi Police Officers responded to over 1,100 subpoenas in criminal and traffic matters filed with the Lodi Court. The move to Stockton will add an additional four hours of officer time to each of those subpoenas when counting travel time and dead time that will no longer be avoidable (because most hearings do not start when they are scheduled the Lodi Court allows officers to respond when actually needed so they are able to remain on patrol until hearings actually start). If the responding officer is on duty, the City will be filling their positions with off-duty officers at an overtime pay rate of time and a half. It goes without saying that 44,000 additional police overtime hours would have a catastrophic effect on Lodi's already beleaguered budget. The Lodi City Council deeply appreciates the budget crisis this Court faces, and understands that the Court cannot give our budget crisis primacy over its own. However, we request That City and Court Staff meet to explore options to retain the second Lodi Courtroom.

This Council certainly understands that staff reductions will slow case resolution; but contrary to the ancient axiom, firmly believes that justice delayed is preferable to justice forever denied.

Sincerely,

BOB JOHNSON
Mayor