

Exhibit A

FILED

MAY 18 2026

Clerk of Courts
Cuyahoga County, Ohio

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

In re: Facilities for the Suitable	:	Case No. SD-26-000001
and Efficient Operation of the	:	
Cuyahoga County Court of	:	Administrative Judge Michael P.
Common Pleas, General	:	Shaughnessy
Division	:	
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	:	
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ADMINISTRATIVE ORDER AND JUDGMENT ENTRY

In my capacity as the elected Administrative Judge of the Cuyahoga County Court of Common Pleas, General Division (“General Division” or “Court”), I issue this Administrative Order and Judgment Entry on behalf of the 34 Judges of the Court pursuant to Super. R. 4.01(A) and (K).

The General Division predominantly operates within the Courts Tower of the Cuyahoga County Justice Center Complex (“Justice Center”)—a multi-entity governmental compound located in downtown Cleveland at 1200 Ontario Street. The Justice Center is comprised of five components: The first four are part of the original 1976 construction—the Courts Tower; the Cleveland Metropolitan Police Headquarters (“CMPH,” also known as “Tower II”); the Cuyahoga County Jail (“Jail I”); and a four-story Atrium connecting these spaces. In 1995, a fifth structure expanded the original Jail (“Jail II”).

In addition to housing the Cuyahoga County Prosecutor, the Cuyahoga County Sheriff’s Department, the City of Cleveland Prosecutor’s Office, the Cleveland Municipal Court, the Cleveland Housing Court, and the Cleveland and Cuyahoga County Clerks of

Court, the 26-story Courts Tower hosts the majority of the General Division's operations. The Court additionally utilizes courtroom and office space within the Old Courthouse, the Courthouse Square Annex, and Tower II (since 2018).

The General Division is both the largest and busiest court in the State: In 2025, it incurred 35,306 incoming cases, averaging 1,038 incoming cases for each of its 34 judges. Franklin and Hamilton County are the next largest Ohio general division common pleas courts; by contrast, their 2025 incoming caseloads totaled 20,066 and 15,574 for their 17 and 16 judges, respectively. The General Division employs nearly 500 staff members, and the Courts Tower portion of the Justice Center additionally accommodates tens of thousands of visitors each year.

For the reasons outlined in this Order, the Court hereby declares that the County's investment of capital funds into the Court's facilities has been grossly inadequate, amounting to a chronic failure to provide suitable facilities as required by R.C. 307.01. The state of the Court's facilities regularly and substantially interfere with the judges' proper and efficient discharge of their judicial duties. The historical failures of complete, timely, and recommended maintenance, renovations, and repairs to the Court's facilities risks inevitable and preventable operational disruptions that will obstruct the Court's provision of consistent, uninterrupted services to the public. For the reasons provided below, the Court directs the County to take immediate remedial action to meet its statutory duties to provide a suitable courthouse and protect the full and fair administration of justice.

History of Facilities Concerns Within the General Division

The Justice Center has a history of facilities challenges that date back to the timeframe shortly after its dedication in September 1976: In January 1977, a pump failed, flooding three floors of the Courts Tower. Later that same year, lightning struck the Courts Tower, causing damage to the granite façade. Essentially from the very beginning of the facility's history, the Court has experienced regular challenges with flooding, elevator failures, and other chronic construction and maintenance issues. (*See, e.g.*, Exhibit 1 – Photos of only some of the flooding issues to affect the Court over its tenure in the Justice Center—from 1982, 2017, 2025, and 2026.)

To address overcrowding, the County invested \$68M to build a jail annex (Jail II) next to the original structure (Jail I) in 1995; it invested another \$13M renovation in both Jail I and Jail II in 1999.

On May 28, 2013, Cuyahoga County Council unanimously passed Resolution R2013-0097 to commission a comprehensive \$1.3M evaluation of the facility by consultants it selected—Osborn Engineering, K2M Design, and Rosser International—who prepared a capital plan to sustain facilities for the Court and others “to enable it to function properly over the next decades.” (Exhibit 2 – R2013-0097.) The consultants began preparing the Facilities Assessment in early 2013, which culminated in a 655-page Report on February 20, 2014. (Exhibit 3 - “2014 Report” or “2014 Assessment”).

February 2014 Facilities Assessment Report

The County's appointed architects, engineers, and construction professionals reached the conclusion within the February 2014 Report that “[a]lthough routine maintenance and renovation projects have been performed over the years, the overall

physical components of the Justice Center Complex are or will soon reach the end of their life.” (Ex. 3 - p. 1-3.) It likewise concluded the conveyance infrastructure (*e.g.*, passenger elevators serving the judges, low- and high- rise passenger elevators, service elevators, garage elevators, and escalators) only had roughly 20-25 years of service life remaining. (*Id.*, p. 4-44.)

The Report began with a detailed accounting of the specific areas the facility was in dire need of repairs and maintenance—to say nothing of the work required to renovate the existing Justice Center to sustain its lifespan for the next 25+ years (*i.e.*, through approximately 2040); however, it noted that this required adhering to an extensive schedule of time-bound repair and renovation projects it categorized by time sensitivity, placing the most critical operational and safety concerns within Year 1 (2015), followed by Years 2-4 (2016-2018), 5-8 (2019-2022), and 9-12 (2023-2027), and then an “aggressive preventive maintenance program with renewal of shorter useful life span elements such as interior finishes and service systems” for Years 13-20 (2028 - 2035). (Ex. 3, pp. 1-16 - 1-20.)

Regarding the Courts Tower portion of the Justice Center in particular, the Report provided:

The Courts Tower....is in fair to poor condition because of the age of the infrastructure....[T]he building services, interior finishes, and building shell will require extensive capital investment over the next 12 years. Immediate requirements include improvements to the building façade to maintain water tightness, renovation of building services and interior finishes, and improvements to the parking garage structure.

(Ex. 3, p. 1-10.)

The Report calculated the “Rough Order of Magnitude Cost” (ROM) needed to bring the facility into an acceptably renovated condition using like-kind materials—*i.e.*, not identifying any upgrades or making any expansions or adjustments to meet any of the Court’s programming needs that had developed between the courthouse’s 1976 construction and the 2014 Report. (Ex. 3, p. 1-3.)

The Report dovetailed its specific recommendations into a 12-year Capital Improvement Program (CIP), providing a strongly recommended timetable to link these necessary capital projects with the County’s annual budget, emphasizing the critical operational and safety necessity of acting urgently on the timeline’s earliest phases in particular.¹ The Report divided all recommendations into a five-part time-bound plan with an assumed start date of January 2015: Year 1 items that were “essential to deferred maintenance, life safety, and/or useful life expiration.” This was followed by projects to be completed within Years 2-4 (2016-2018), 5-8 (2019-2022), and 9-12 (2023-2027); and followed by “maintaining an aggressive preventive maintenance program with renewal of shorter useful life span elements such as interior finishes and service systems” for Years 13-20 (2028 – 2035). (Ex. 3, pp. 1-16 - 1-20.)

¹ ORC Chapter 5705 (The Uniform Tax Levy Law), sets the baseline for how local governments must handle “permanent improvements,” which R.C. 5705.01(E) defines as any property, asset, or improvement with an estimated life or usefulness of five years or more. Additionally, the Cuyahoga County Charter, Article II, Section 2.03 (10) requires the County Executive to prepare and submit to the Council the capital improvements scheduled for, or proposed to be undertaken within that biennium, along with the estimated cost of each improvement and the proposed or established method of financing; a summary of the detailed contents for the current biennium; and the capital improvements projected for the five years next succeeding the current biennium. Pursuant to Article II, Section 3.09(5), County Council is tasked with adopting and amending the County’s annual tax budget, biennial operating budget, and biennial capital improvements program and to make appropriations for the County.

The Report provided that various physical components of the Justice Center were either at or rapidly approaching the end of their predictable life cycles, and this degradation was accelerated by extensive use. (Ex. 3, p. 1-3.) It therefore relayed the necessity of adhering to the proposed schedule to prevent imminent equipment failure, to address immediate life safety needs, and to ensure urgent facility stabilization. (Ex. 3, pp. 1-17 - 1-20.)

The detailed recommendations and cost projections within the 2014 Report estimated it would cost approximately \$236.4M (or \$19.7M during each of the plan's 12 years) to renovate the entire Justice Center; however, it concluded the Courts Tower's needs would consume more than 40% of these overall renovation costs (or \$95.6M) to bring it "up to standards." (Exhibit 3, p. 1-20.) This expense was principally due to the need to the Courts Tower's building services and HVAC being "well past their expected service life, and do not appear adequate in capacity or configuration to meet the ventilation and comfort needs for the current usage." (Ex. 3, pp. K-4 – K-5.) The work recommended to renovate both Jail Towers I and II, combined, were the next most expensive, projected to consume 27% (or \$68.3M) of the overall Justice Center's renovation cost. *Id.*

The Report noted that the County's most commonly utilized approach to date had been one of "Reactive Maintenance," "wait[ing] until something fails" to address it. While the Report indicated this was acceptable in some instances, there were other areas where the County's experts advised them to switch to "Preventive Maintenance" (providing service on a time-based schedule, particularly on elements nearing the end of their warranty periods, building envelope, and motorized equipment), and "Predictive

Maintenance” (providing service on the actual condition of the structure, to be employed on new elements installed in the building moving forward) to avoid equipment failing that would be both more costly *and* interrupt the use of the building. (Ex. 3, pp. 4-40 - 4-41 and Appendix E.)

The Assessment projected, after investing \$236M across this 12-year plan, the Justice Center’s value would be about \$475M—*i.e.*, requiring the expenditure of approximately half of the complex’s total value to sustain it into use for an additional 25+ years. Alternatively, the Report proposed considering the alternative of constructing or renovating another facility, which the County could do for approximately \$575M (\$360M in base construction and \$215M in “soft costs”). (Ex. 3, p. 5-83.)

The 2014 Report did not provide an alternative timeline for the County to engage in “triage-only” expenditures if it opted to build or renovate another facility *in lieu* of renovating some or all of the existing Justice Center components to remain sufficient for the next 25+ years (through approximately 2040). However, it identified the most urgent facilities issues to address in a variety of categories—a “Top Issues List” of urgent repair needs, life safety issues, and deferred maintenance required immediately (in FY2014) to “prolong the useful life of the Justice Center and maintain acceptable conditions for occupant use.” (Ex. 3, p. 1-3; Ex. 3, Appendix K.)

This triage-style list was based “on urgent repair need, without consideration of budget constraints,” and addressed core life safety, security, and maintenance issues that could not wait, given their potential to cause the building to rapidly degrade (*e.g.*, replacing the failing windows on the fourth floor only, rather than the entire building, as an immediate, budget-conscious step). *Id.*

In 2014, the County’s consultants recommended investing the following amounts of capital expenditure funds into the Justice Center during specific timespans to address the deferred maintenance, component replacements, and—if the County remained in the facility for the duration of the 12-year timeline (instead of vacating sooner to pursue a new building instead), remodeling and renovations:

	Courts Tower*	Atrium*	CMPH Tower II*	Jail I / Jail II (Combined)	Total Investment by Year:
2015	\$5,005,626	\$881,245	\$461,391	\$4,667,118	\$11,015,380
2016-2018	\$28,088,090	\$1,453,784	\$49,941,354	\$19,671,454	\$99,154,682
2019-2022	\$29,960,658	\$370,991	\$210,853	\$28,847,531	\$59,390,033
2023-2026	\$32,606,863	\$10,634,945	\$2,620,112	\$20,981,013	\$66,842,933
Total Investment by Building:	\$95,661,237	\$13,340,965	\$53,233,710	\$74,167,116	\$236,403,028

(All areas where the Court has operations and members of the public accessing the space to utilize its services are marked with an asterisk; its occupancy within Tower II began in 2018)

(Ex. 3, pp. 5-78 – 5-82.) Without including specific pricing recommendations, the 2014 Report noted the multiple areas where the facility lacked a cohesive technology infrastructure, with different stakeholders relying on disparate systems that did not communicate with each other—recommending a streamlined, cohesive alternative. (Ex. 3, pp. E-11 – E12.) Additionally, the Report recommended investing \$416,000 in accessibility modifications to the Site, in addition to those already recommended within the individual buildings (Ex. 3, p. 5-82.), creating a total overall projected cost of **\$236,819,028** to maintain, repair, and renovate the facility by 2026 to facilitate its use for another 25+ years thereafter—or, alternatively, to build or renovate new facilities, in addition to the time-bound maintenance and repair costs the facility required through that timeframe.

December 2014 – In keeping with its consultants’ advice to begin investing, the County issued \$138M in bonds to be used, in part, to address the extensive facilities concerns it was told to begin funding in 2015.

The 2014 Report noted the County had four years of funding for the Capital Improvement Plan at that time, which was “less than what [was] needed to complete all recommended capital projects.” It therefore noted “[t]he County and City should consider bonding the costs over a number of years greater than the duration of the work to be performed,” and consider whether the 12-year renovation or a triage-during-new-construction plan was the better use of their long-term resources while implementing a preventive and predictive maintenance program over the short-term. (Ex. 3, pp. 1-20 and 5-83.) In keeping with this recommendation, the County issued \$137,890,000 in Various Purpose Sales Tax Bonds on December 17, 2014 for the purpose of paying or reimbursing the costs of various County Buildings, including the Justice Center.² (Exhibit 4 – 2018 Annual Audit Report (Excerpts).)

August 2016 – January 2017 – K2M Conducts and Summarizes Results of Two Visioning Workshops

On August 5, 2016, and October 6, 2016, the County’s Design consultant, K2M, along with CGL conducted “Visioning” Workshops with stakeholders. On January 19, 2017, the County’s project manager for the Justice Center, Attorney Jeffrey Applebaum, presented the findings of those evaluations to judges from the Court of Appeals; Cleveland Municipal Court; and Common Pleas General, Domestic Relations, and Probate Divisions. (Exhibit 5 – January 19, 2017 K2M Presentation.) The County’s consultants

² The other buildings included the County’s Administrative Headquarters, the Juvenile Justice Center, the Medical Examiner’s Office, the Office of Emergency Management, the Jane Edna Hunter Building, and certain other related improvements and facilities operated by the County.

relayed that the findings of the 2014 study had concluded “Renovation is a very poor option!” and noted the Court’s operations were inefficiently dispersed in multiple places, which would create ongoing inefficiencies, regardless of whether the Court was renovated. *Id.* They also related the Court’s facilities in the Justice Center were very expensive to operate; and the Court’s facilities in the Justice Center had a remaining useful life of less than 25 years, even after completing major renovations. *Id.* As a result, the consultants relayed a plan to explore the creation of a new facility. *Id.*

During the final presentation from these Visioning Workshops, K2M outlined a series of facilities goals to improve access to justice; integrate technology; enhance operations; and overcome the courts’ existing challenges in parking, security, design, and site/maintenance issues. *Id.*

January 2019 – Stakeholders Form a Justice Center Project Executive Steering Committee

In January 2019, the stakeholders with a vested interest in the outcome of a Justice Center Complex renovation or replacement project signed a Memorandum of Understanding (“MOU”) regarding the creation of a Justice Center Project Executive Steering Committee (“Steering Committee”) that included County Executive Armond Budish; the Mayor of Cleveland; the Presidents of County and City Councils; the County and Municipal Clerks of Court; the County Sheriff, Prosecutor, and Public Defender; and the Administrative Judges of the Common Pleas General Division, the Common Pleas Probate Division, the Common Pleas Domestic Relations Division, and the Cleveland Municipal Court. That MOU, signed in January 2019, provided that the Justice Center was “an aging facility that is in need of extensive rehabilitation, replacement, or a combination of the two.” (Exhibit 6, 2019-01-02 MOU of Steering Committee)

The Steering Committee agreed to conduct meetings “for the purpose of advising and providing determinations to [the County’s Owner’s Representative for the Project] concerning...the planning, programming and, ultimately, the design and construction of either (1) a new County Justice Center (which may consist of a new County Courthouse, Municipal Courthouse, Jail and related facilities) or (2) renovation of such facilities, or (3) a combination of the foregoing two options.” *Id.*

Further, the MOU provided that “the County Executive, the Mayor of the City of Cleveland, and the Presidents of the City and County Council shall propose and introduce legislation, on behalf of the Executive [Steering] Committee, that is materially consistent with and implements the determinations made by the Executive Committee pursuant to the terms of this MOU...[with] modifications or alterations...submitted to the Executive Committee for its consideration.” *Id.*

Additionally, the MOU provided that all material determinations of the County’s Owner’s Representative for the Project “shall require a ‘super majority’ affirmative vote of 80% of the Executive Committee members for acceptance,” which included approval/rejection of preliminary program and goals, and final program; determination of whether the Justice Center would be rehabilitated, built with new construction, or a hybrid; determination of site selection criteria and a final site selection; recommendation of whether to co-locate the jail and courthouse; approval of the project’s schematic design, design development, project scope, and any changes that materially impacted prior design approval. *Id.*

March 2019 – November 2022 – The Justice Center Steering Committee recommended planning for the Court and Jail until the County Executive terminated the Committee in October, 2022. Since that time, the Committee has not been invited to provide input in public forums regarding these facilities.

The Steering Committee met in public meetings on or about March 14, 2019; May 7, 2019; August 7, 2019; September 17, 2019; October 21, 2019; November 21, 2019; December 18, 2019; January 23, 2020; October 1, 2020; November 12, 2020; February 11, 2021; March 25, 2021; April 15, 2021; June 10, 2021; September 23, 2021; January 20, 2022; February 10, 2022; April 5, 2022; April 21, 2022; August 25, 2022; and October 4, 2022.

On November 21, 2019, the County's consultants, Project Management Consultants LLC and DLR Group, memorialized their preliminary findings about the extensive facilities challenges they identified in the current Justice Center that created spatial, operational, architectural, and logistical obstacles to the Court functioning efficiently in its current space:

- Spatial Deficits – The consultants described massive space shortfalls projected throughout the Court. The Committee had formally determined it must have sufficient space to accommodate 52 judges and 52 courtrooms (one per judge), and no more than 42 and no fewer than 38 Magistrates. Likewise, the consultants found staff support spaces were undersized, creating a space deficit of almost 47,000 square feet. Beyond all this, the Court has significantly inadequate space for parking.
- Spatial Fragmentation: The Common Pleas Court's operations are spread across four buildings and scattered across multiple floors—as are their justice partners—creating a series of operational and functional inefficiencies.
- ADA Non-Compliance: None of the courtrooms are ADA compliant; yet upgrading the courtrooms to meet accessibility standards accounted for 20,000 of the judicial component of the Court's 33,000 square foot space deficit. (The remaining 14,000 square foot deficit arose from administrative space needs.)

- Security and Holding Deficits: The current facility fails modern courthouse security standards, which require strict separation between the public, in-custody defendants, and judges/staff. The secure holding spaces between pairs of courtrooms are inadequate in size and capacity to meet contemporary requirements to hold defendants apart of one another.
- Energy Inefficiency: The building's envelop is highly inefficient, with failed sealants and single-pane windows causing 17% of the building's energy consumption for heating and cooling.
- Elevator Delays: Long wait times are a persistent hindrance to operations, requiring a modern "destination-dispatch" elevator system to improve traffic flow.

(Exhibit 7, 2019-11-21 Executive Steering Committee Presentation.)

The Committee only met twice more before the pandemic began, which suspended committee meetings until Fall 2020. The Committee unanimously concluded on November 12, 2020 that the Jail could not realistically be renovated within its existing Justice Center location, and they should initiate site exploration/selection to build a new Jail at a different location; prepare and issue the RFQ for the jail architect; and commence work thereafter. (Exhibit 8 – DLR Jail Programming Process Summary, pp. 28.) The Committee likewise determined it should continue the initial planning phases for the Court to proceed with choosing the most appropriate option for meeting its current and future needs—which it narrowed to the two options of building a new courthouse within the downtown core or renovating/expanding the existing Justice Center. (Ex. 8, pp. 18, 28.)

In its Jail Program Summary Report that followed shortly thereafter, DLR indicated it had updated the evaluation of the Justice Center facilities that occurred in the 2014 Assessment; starting with that data, it created a Facility Condition Index (FCI) that provided a benchmark to compare the estimated repair costs of the Justice Center

buildings, rating them as follows (all areas housing Court operations are marked with an asterisk):

- Jail II – Fair to Good (downgraded from “good” in 2014)
- Atrium* – Fair (downgraded from “good” in 2014)
- Jail I – Poor to Fair (2014 report said “requiring extensive capital outlay”)
- Courts Tower* – Poor (downgraded from “fair to poor” in 2014)
- CMPH/Tower II* – Critical (downgraded from “poor” in 2014)

(Ex. 8, p. 3; Ex. 3, pp. 1-10 – 1-12.) Notably, DLR likewise provided context for the Justice Center’s diminution: it collected data on the maintenance expenditures the County had invested in the Justice Center since the 2014 Assessment, finding the County had made “limited investment...in pure maintenance.” (Ex. 8, p. 3.) Further, it noted that, Public Works’ annual budget for building maintenance was typically in the \$20M range, *county-wide*; worse, its actual annual allocations were only \$5-7M—concluding the County was investing insufficient money to address the Justice Center’s identified deficiencies. *Id.* DLR’s updated review of the Justice Center concluded “that if anything, conditions had further deteriorated at all facilities [since 2014].”

That notwithstanding, progress over the next 2 years remained slow as to the Court. The Cleveland Metropolitan Bar Association issued a public statement on October 3, 2022, stating:

It is beyond debate that building the next generation justice system is one of the most important issues facing Cuyahoga County today.

In 2018, following years of discussions about structural and procedural deficiencies inside the County’s Justice Center and Jail, Executive Budish and then-Common Pleas Administrative Judge John J. Russo signed a memorandum of understanding calling for the creation of a 12-person Justice Center Executive Steering Committee that was charged with determining whether our Justice complex should be renovated or replaced.

Nearly 5 years later, the Steering Committee has failed to develop a comprehensive plan for what should be done with **both** the Jail and the Justice Center....Notably, both candidates [vying for Cuyahoga County Executive] limited their [planning] statements to the jail, without addressing the Justice Center which houses the Cuyahoga County Court of Common Pleas and other court-related offices. Our community has borne witness to five years of extensive effort by 12 of our highest-ranking public officials...More than two million dollars has been spent on reports and recommendations from nationally respected, highly qualified professionals including those with expertise in jail and court operations.

Hundreds if not thousands of stakeholders have been interviewed. Construction costs have continued to skyrocket meaning our County will likely be facing at least a 30% cost increase compared to 2019 (at least \$150 million more) as a result of delayed decision-making. To the future County Executive, we cannot afford further delay....

Once and for all, we challenge the Steering Committee to pull together to act in concert for the benefit of all of Cuyahoga County. Put an end to the protracted conversations and use the mountain of information at your disposal to finally map out a definitive plan for **both** the Jail and the Justice Center.

In short: act now.

(Exhibit 9 – 2022-10-03 CMBA Public Statement.)

October 2022 – The County proceeded with the Jail selection site and other plans without the involvement of the Steering Committee, despite its members’ request to the Project Manager and County Executive to resume Committee meetings.

On October 5, 2022—the day after the Steering Committee voted against approving building a new Jail on a parcel located at 2700 Transport Road—the Cleveland Clerk of Courts, the Public Defender, the County Prosecutor, and the Administrative Judges of the General Division, Domestic Relations Division, and Municipal Court sent a letter to Managing Director of Project Management Consultants LLC, Jeffrey Applebaum, asking him to schedule another Steering Committee meeting as soon as possible to continue the Committee’s work. (Exhibit 10 02022-10-05 LT Applebaum from Steering Committee.) They did not receive a response for more than two years; meanwhile, the County

proceeded with plans for the Jail site, design, and contracts without the Committee's involvement:

December 6, 2022 – Establishment of a Capital Projects Fund

On December 6, 2022, County Council passed O2022-0007, creating Cuyahoga County Code (CCC) Chapter 703, establishing the Justice Center Capital Projects Fund ("Fund"). The Ordinance cited its authorization within ORC 5705.13(C), which allows local taxing authorities to establish capital projects funds to accumulate resources for the acquisition, construction, or improvement of its fixed assets—one or more of which may be established and/or exist simultaneously.

The Fund was specifically earmarked to "be used solely to fund acquisition for, construction of, and improvements to a County corrections center and courthouse." (CCC 703.02.) The legislation transferred \$53.6M in ARPA dollars into the Fund, and authorized Council to approve additional appropriations or transfers into the fund as needed. (CCC 703.03.) The legislation terminated the fund on the earliest of (1) 10 years from the legislation's creation (*i.e.*, December 12, 2032); (2) the accumulation of \$250M in the fund; or (3) the repeal of CCC Chapter 703. (CCC 703.04.) (Exhibit 11 - O2022-0007)

June 6, 2023 – The County retains K2M to assess triage needs at the Justice Center

In a Public Works, Procurement & Contracting Committee Meeting on May 31, 2023, the Department of Public Works Facility Design and Maintenance Administrator Matt Rymer and Planning and Programming Administrator Nichole English answered questions from County Council regarding a contract the Department and County Executive proposed funding for \$1.2M with K2M Design, Inc. (Exhibit 12, 2023-05-31 Public Works, Procurement & Contracting Committee Meeting.) They proposed engaging K2M for the next four years to provide as-needed architectural and design services for the Justice Center’s imminent facilities planning. Rymer and English explained the purpose behind this proposed contract in this Council Committee Meeting:

In answering a question from Council Representative Tuma about whether this contract related to the condition of the *existing* Justice Center (not a new facility), Facilities Administrator Matt Rymer confirmed this, explaining:

While planning for the Justice facility’s future will continue, the current [Justice Center] facility needs certain investments over probably the next five year time horizon, just as an assumption. So we maintain a number of architectural engineering consultant task order contracts like this. We felt it important that we had one dedicated to the Justice Center existing facility so that we can maintain a focus on only the investments that are needed, with a backdrop of understanding the planning as it moves forward so that we're recommending to you only those assessments, those investments, that are needed to continue operations and meet the needs of the current facility for the life that we have it for.

Id. When asked what type of work would actually be performed or was expected to be done there, Rymer explained:

We had taken a look near the change of [County] administration at the type of work that might be envisioned if we looked at a five-year planning horizon. Some of the documented work that we know that we will have to address are water intrusion repairs to the main Atrium glass roof structure; high voltage switchgear reconfiguration and repairs to our 47 year old switchgear—these are all consistent with previous briefings I’ve given to

various Council committees in the past year....There are various roof sections...in the Justice Center complex that occupy different cutouts of the of the architectural structure and those need replacement or repair due to active leaks. We have a documented Tower Two...Elevator Banks [that] need to be modernized likely. As again briefed in other forums, we have sanitary sewer risers and lateral lines that are 47 year old cast iron that are failing and we need to do conduct targeted replacements and repairs to those. [Yesterday], the Board of Control...approved...a \$469,000 contract for granite repairs to the Courts Tower and Jail I façade. And that's the exact kind of project that this contract will provide Design Services for—the things that need to happen now to maintain compliance, maintain public safety and maintain operations.

Id.

The following week, Council unanimously passed this legislation (R2023-0149) on June 6, 2023 to award a \$1.2M contract to K2M Design—the same entity that had conducted the 2014 Assessment—to perform engineering and architectural tasks over the next four years as needed. (Exhibit 13, 2023-06-06 – R2023-0149) Council Member Tuma relayed the purpose of this legislation to Council in that meeting, explaining “of course, we’re in the process of looking for a new [Justice Center] facility but, in the meantime we have to maintain and continue to keep it safe.” (Ex. 12.)

July 25, 2023 – The County issued a RFP to evaluate facilities options for the Court

On July 25, 2023, the County Department of Public Works issued a Request For Proposals for a consolidated courthouse facility that contemplated either a renovation/expansion or new construction option. The County engaged CBRE Group to manage the RFP process and site evaluation.

September 26, 2023 – \$38.7M jail site purchase

On September 26, 2023, Cuyahoga County Council passed R2023-0182—legislation sponsored by the County Executive and Department of Public Works—to purchase 72.1 acres in Garfield Heights “for the construction of a new Cuyahoga County

Central Services Campus,” to be funded by the Justice Center Capital Projects Fund. This legislation related exclusively to the purchase of a site to construct a new jail—it was not contemplated to include the courthouse. (Exhibit 14 – 2023-09-26 – R2023-0182.) Contrary to the language of the MOU, the purchase was not proposed or passed with the input of the Steering Committee, which had not convened since October 2022.

December 2023 – 0.25% sales and use tax expansion to 2067

On December 14, 2023, Cuyahoga County Council passed O2023-0012 and O2023-0013, which extended the duration of a 0.25% sales and use tax that was due to expire on September 30, 2027, enlarging it for another 40 years until October 1, 2067. (Exhibit 15 – 2023-12-14 – O2023-0012; Exhibit 16 – 2023-12-14 – O2023-0013.) This legislation authorized the County to issue long-term bonds that would mature after the tax’s original expiration date to pay for the new jail, which it estimated at \$750M (which was an increase from the \$525 - 550M budget it initially estimated in Fall 2020).

The proceeds from these ordinances would not begin until 2027; had no subsequent legislation followed, the proceeds of these sales and use tax ordinances would have been directed into the General Fund next year—they were not immediately tethered to or deposited into the Justice Center Capital Projects Fund until the next year: On September 10, 2024, Council passed O2024-0004, completely repealing and replacing CCC Chapter 703 with substitute language. (Exhibit 17 – 2024-09-10 – O2024-0004.) It made several substantive changes, including, but not limited to, changing the purpose of the Justice Center Capital Projects Fund to be used for the construction of and improvements to a County corrections center *or* courthouse. (The previous legislation had authorized the funds to be used for a corrections center *and* courthouse.) The legislation

likewise limited the events that would terminate the Fund; placed it under Home Rule; provided the Fund a guaranteed funding stream that would begin on December 1, 2027; and permitted the Fund to be used for capital projects costing >\$100,000, which had an estimated useful life of >5 years, and applicable to a broader collection of purchases (*e.g.*, land acquisition, reconstruction, rehabilitation, facilities), but not routine maintenance.

October – December 2024 – the County Executive terminated the MOU and rejected the Steering Committee’s request to resume meetings

More than two years had passed since six members of the Steering Committee formally asked Project Manager Applebaum to schedule the next Steering Committee so it could continue advising on the Justice Center projects (Ex. 10), and there had not been a meeting since. Therefore, the four judicial members of the committee—the Administrative Judges of the Common Pleas General Division, Probate Division, and Domestic Relations Division, and of the Municipal Court, sent a letter to County Executive Ronayne, again asking him to resume meetings of the Steering Committee. (Exhibit 18 – LT Ronayne from Steering Committee Judges) They noted “[s]ince you have been the County Executive, planning for the Jail and the Justice Center have moved forward in a manner which is less transparent than what was achieved through the Steering Committee. Discussions regarding the proposed jail site in Garfield Heights continue to raise questions both about the structure of the facility, and the intent of the County to include other municipality services at that location. We are not alone in our concerns, as County Council seems to also be receiving limited information as to the decisions being made.” *Id.* Finally, they reminded him that the MOU that created the Steering Committee had not included a termination clause; the expectation had been that the Committee would end when the Committee’s work was completed. They therefore asked that he

satisfy the requirements of the Revised Code and promote transparency and community trust in the process by resuming the Committee’s public meetings. *Id.*

On November 15, 2024, County Executive Ronayne responded, declining to continue meetings of the Steering Committee, noting that he would be “calling for the creation of [a] committee...under R.C. 153.36,” which he said “should be created as soon as possible so that it will be in position to provide approval at an appropriate time...” (Exhibit 19 – 2024-11-15 LF Ronayne.) On November 18, 2024, County Council Representative Martin Sweeney sent the Judicial Steering Committee members a letter, noting that, “Regardless of legal requirements outlined in O.R.C. 153.36, the process of building a new jail and courthouse should be done in a collaborative and transparent manner.” (Exhibit 20 – 2024-11-18 LF Sweeney.)

December 11, 2024 – K2M finalizes a 10-Year Capital Improvement Plan for the Court

On December 11, 2024, K2M Design, Inc. completed a 10-Year Capital Improvement Plan (“CIP”) for the Justice Center’s Atrium, Courts Tower, Tower II, Jail I, Jail II, Site, Old Courthouse, and Courthouse Square Annex (“2024 Assessment”), pursuant to their May 20, 2023 appointment by Council. (Exhibit 21 – K2M 10-Year Capital Improvement Plan; *see also* Ex. 13.)

This 2024 Assessment differed from the original 2014 Assessment in one significant way: It began from the presumption the Jail’s operations would be fully relocated to the new Garfield Heights location by 2029 and that the old Jail facility in the Justice Center would be demolished. Because there had not yet been a determination about where the Court’s operations would be permanently established (nor has that decision been made as of this date), the 2024 Assessment provided recommendations for

only two discrete possibilities for the Court’s facilities: (1) it estimated the costs and timeline of the “work needed if the court were to vacate the premises by 2029”; and (2) it projected the additional costs and timeline of the additional work needed beyond that point if the Court “remain[ed] in the current location for 10 or more years.” That is, unlike the 2014 Assessment, the County was not pursuing cost projections for a full renovation in place. As Public Works explained to Council when retaining K2M, it regarded their role as advising the County on only those investments the County needed to make to the Justice Center while it was still determining its long-term plan for the Court. As Mr. Rymer advised Council, they were seeking K2M’s guidance about what work the Justice Center required “to continue the Court’s operations and meet the needs of the current facility for the life the County maintains it.” (Ex. 12.)

With this directive, K2M crafted a Capital Improvement Plan that assigned a priority to every project and a specific year in which each project should be performed, dividing each item into Years 1 (2025)-through-Year 10 (2034)—and often dividing larger projects into multiple years, such that the County could avoid investing the complete cost of a particular repair, replacement, or renovation if it vacated the Justice Center before the end-point of each project’s timeline. (Ex. 21.) Likewise, the projects were divided into significantly granular categories—not only broken down by building and category (*e.g.*, HVAC, plumbing, electrical), but also by individual projects within those sub-categories, such that the County could discontinue making capital investments into its facilities at the earliest possible opportunity if the Court vacated different areas of the Justice Center in phases. However, neither scenario envisioned a full-scale renovation of the Justice

Center that would sustain the operations for 25-or-more years, as the 2014 Assessment had proposed as an option. *Id.*

The 2024 Assessment described its objectives as “scheduling renovations and modifications at the appropriate time in the asset’s life cycle,” noting its conclusions classified projects on the basis of those that were “capital projects, not operational or maintenance requirements.” K2M generated its plan “through a comprehensive process that involved extensive analysis, public works input, and strategic forecasting based on a variety of source materials,” including, but not limited to, input from the County; Public Works-supplied documentation of all the Justice Center projects that had been performed since the 2014 Assessment; the 2014 Assessment itself; a 2015 assessment of the Old Courthouse; visual assessments of the current infrastructure and condition of the facilities that identified critical needs; an evaluation of the complex that anticipated the Court would remain in the Justice Center for at least some time following the jail’s relocation; and a study prepared by Public Works of phased planning for the Justice Center’s capital needs. It expressly noted that it incorporated all known work that had already been performed at the Justice Center into the CIP (*i.e.*, it made recommendations for prospective work required to sustain the facilities, taking into account the work that had already been performed between 2014 and 2024). *Id.*, pp. 3, 4.

Excluding the projects K2M recommended for Jail I and Jail II, and only calculating the costs required for the areas of the Justice Center that the Court occupies (Courts Tower, Atrium, Tower II, Courthouse Square Annex, Old Courthouse, Site), the 2024 Assessment recommended the investment of the following repairs, replacements,

and renovations, contingent upon the Court remaining in the Justice Center throughout each year’s timeframe³:

Year Number	Date	Investment Required	Cumulative Total For Each Year Remaining in the Justice Center
1	2025	\$47,088,024	\$47,088,024
2	2026	\$81,883,717	\$128,971,741
3	2027	\$120,467,442	\$249,439,183
4	2028	\$88,545,283	\$337,984,466
5	2029	\$69,107,993	\$407,092,459
6	2030	\$77,543,940	\$484,636,399
7	2031	\$56,536,679	\$541,173,078
8	2032	\$59,102,832	\$600,275,910
9	2033	\$60,019,041	\$660,294,951
10	2034	\$59,709,898	\$720,004,849

That is, K2M indicated in 2024 that the Court’s facilities would require a total investment of \$407,092,460 from 2025-2029 if the Court remained in the Justice Center through

³ K2M likewise noted its calculations were based upon the fair market value of probable construction costs, as determined by discussions with members of the construction community to inform specific costs, variances, and allowances—noting it lacked control over the costs of labor, materials, equipment, contractors’ methods of determining bid prices, competitive bidding, and market/negotiating conditions. It likewise disclaimed the ability to forecast other factors affecting actual costs, including unforeseen conditions in the project, the market, and community that could affect overall price. Since the time of its estimates, the costs of materials and labor are likely to be higher than when K2M compiled these estimates in December 2024. In addition to accounting for inflation, the fact the County will be simultaneously building a jail—the largest County project in its history—at the same time a new Browns stadium is about to break ground—will undoubtedly increase the cost and reduce the availability of available labor.

2029; and it would require an additional investment of \$312,912,390 (\$720,004,849 total) from 2030-2034 if it stayed in the Justice Center through 2034 or beyond.

March 2025: CBRE presented the responses from its 2023 RFP to identify future facilities for the Court; the only options that have not been rejected involve performing the basic maintenance-level repairs advised in K2M's 2024 Assessment, and the more costly building-in-place option.

On March 12, 2025, the County's RFP consultant, CBRE, presented the options to the Court's Judges that the County Executive and Public Works Department had analyzed from responses to their 2023 Request for Proposals for the Court's facilities. These represented all the options the County had evaluated for the Court's facilities to date and since—most of which have since been deemed unavailable or unworkable:

- A “Baseline Scenario” of implementing a 30-year repair and maintenance plan to the existing areas of the Justice Center the Court already occupies—*i.e.*, this is essentially the K2M maintenance plan. This would be implemented on an ongoing timeline with a \$678,669,600 capital investment; \$17,897,400 in Year 1; and \$43,845,900 average per year.
- The County and CBRE likewise presented the DLR “Self-Redevelop Justice Block” plan, which proposed a more complete renovation of the existing Justice Center in place, to be conducted in house. (That is, the plan envisioned more than the 2024 plan's concept of doing what was required to sustain the facility's viability for the next 10 or more years, and provided the longer-term renovation originally contemplated in the 2014 Assessment.) That proposal required a \$1,587,879 capital investment; \$17,897,400 in Year 1; and \$75,050,000 average per year over 11 years. The County has not eliminated this plan, but has indicated it would explore ways of evaluating whether the proposal could be scaled down while still aligning with the Court's needs at a lower price point.
- CBRE presented plans by DBL to develop the current justice block to build a new Court on the existing jail site, requiring an 11-Year timeline with a \$319,398,400 capital investment—\$72,175,900 in the first year, and an average of \$107,976,600 per year. However, this plan was deemed unworkable because the proposal it did not align with the Court's space requirements or operational needs.

- CBRE and the County likewise evaluated plans to renovate two existing buildings in Cleveland into a new courthouse; and build one new facility. The Court has evaluated each of these proposals, which each proposed plans falling below the basic operational requirements the Court would require to perform its functions, rendering them each unworkable for a series of reasons. They required capital investments of \$136,088,100, \$338,714,600, and \$155,415,700, respectively—\$50,459,900, \$83,092,100, and \$80,133,800 in the first year, respectively; and these plans required annual investments averaging \$54,515,500, \$90,290,200, and \$105,700,000 per year, respectively.

September 16, 2025 – The County relayed plans for the new jail, with a budget of \$890,266,460

On September 16, 2025, the County’s Public Safety and Justice Affairs Committee presented a plan, designs, and drawings for the new jail it intends to build on the property it purchased in the Fall 2023. The project had a total development budget of \$890,266,460 (which had increased from estimates of \$750M in December 2023 and \$525 - 550M in Fall 2020). (Exhibit 22 – 2025-09-16 – Public Safety & Justice Affairs Committee Meeting -

March 24, 2026 – the County Executive sponsored legislation to revise the Capital Improvement Fund in a manner that demonstrated the County had no intention to renovate the Justice Center on the timeline or scale it has consistently represented—which representatives of the County subsequently confirmed. The County likewise indicated it had not reserved adequate funding to complete a fraction of the repairs and maintenance its consultants have consistently relayed are necessary to ensure its existing facilities remain viable until a renovation or new courthouse is feasible.

County Executive Ronayne and the Fiscal Director co-sponsored draft legislation to revise the Capital Improvement Fund via O2006-0001, which first went to Council for a first reading on March 24, 2026. This legislation would revise the Fund to remove the requirement to maintain a minimum account balance; it would adjust the Fund’s

permissible uses to include any capital expenses for a County corrections center or courthouse; maintenance and operating expenses for the jail (only); any expenses that directly relate to public safety and justice services; and any other lawful purpose the Council directs and deems appropriate. In addition to expanding how the funds can be used and not requiring that any be saved for the Court's facilities, the legislation would no longer require the money that had been expressly earmarked for the Fund to be deposited into the account; instead, it could be used for any other general fund expenditure. (Exhibit 23 – 2026-03-24 – O2026-00001.)

Likewise, the County presented plans to Council in a Committee of the Whole Meeting on March 24, 2026 to borrow \$984,538,000 to pay for the new jail—which was now estimated to cost \$910M (instead of \$890M from September 2025; \$750M from December 2023; and \$525 - 550M from Fall 2020). It expressed the plan to issue the bonds to pay for this jail project, with none of these funds allocated toward building or renovating a new Justice Center, nor performing any of the critical repairs, replacements, and renovations to the existing Justice Center that imminently require urgent attention. (Exhibit 24 – 2026-03-24 – Committee of the Whole Meeting - <https://www.youtube.com/live/KeSHi3Zic2Y?si=WCAzBBa8WxBGxE7K>.)

Put together, the effect of these plans removed any obligation under the legislation to ensure capital improvement funds would be available to address the Justice Center's critical and still-unaddressed facilities deficits. The Court therefore engaged in discussions with the County Executive and Council to express concerns about the County's inability to invest in the Court's need for suitable facilities over the long-term that do not regularly compromise its operations—but, even more critically, the Court

emphasized the importance of the County immediately investing adequate resources over the short-term to cure the years of deferred maintenance and repairs that place the Court at significant risk of experiencing an imminent crisis-level operational disruption.

The County has since confirmed it neither had the funding allocated nor the bonding capability to pursue any of the build-or-renovate options it has discussed with and presented to the Court as viable options in the foreseeable future (*e.g.*, DBL plan, DLR plan). The Court's review of the County's financial plans suggested it was likewise unlikely to invest significant capital in the Court's facilities before 2035, which the County likewise conceded—it confirmed it lacked the funding and bonding capability to pursue the funds that K2M, CBRE, and Project Management Consultants LLC recommended imminently investing in the Justice Center for repairs and maintenance, regardless of the County's longer-term plans.

2015 – 2026: Despite borrowing funds for the express purpose of addressing the Justice Center's failing facilities, the County ultimately ignored its consultants' advice—investing less than 3% of what they indicated was necessary to avoid facilities failures. Today, it has neither reserved funding nor made plans to ensure the Court will not face a catastrophic shutdown as the result of its facility's failing infrastructure—and its financial commitments to other projects will not make it feasible for them to do so for at least another 5-10 years.

As noted earlier, the County issued \$137,890,000 in bonds in December 2014 to invest in capital improvements within the Justice Center and a handful of other County Buildings. It had both the explicit recommendations of its experts about the necessity of investing significant funds into the Justice Center in the 2014 Assessment—and it pursued and obtained a funding stream to carry out those recommendations. However, from the completion of the February 2014 Assessment through the completion of the December 2024 Assessment, the County had performed only \$2,231,617 of the \$95,661,236 in

Courts Tower repairs and renovations that the 2014 Assessment advised the County to begin in 2015⁴—and approximately \$41,803,170 of the \$236,403,027 it had recommended throughout the entire Justice Center⁵—averaging approximately \$3,800,288 per year over the 11-year period of 2015-2025 instead of the \$19M/year recommended in the 2014 Assessment from 2015 through 2026.

The County has consistently estimated significant costs in the Justice Center's Capital Improvement Plan each year—often budgeting significant portions of those funds to be allocated toward the Justice Center—before ultimately declining to invest spending toward those projects in the actual budget year. The County has discretion to re-prioritize its capital projects after approving that budget and diverting budgeted funds into other projects—which it has consistently done, to the detriment of the Justice Center generally and the Courts Tower specifically. For instance, in its 2024-2025 Biennial Budget, it allocated \$12,126,887 in capital improvements into the non-jail portions of the Justice Center in 2024, but it actually invested \$256,551. Reviewing the figures that are calculated as the facilities actual needs in the Capital Improvement Plan creates an even greater juxtaposition: In the 2026-2030 Capital Improvement Plan, the Justice Center Projects excluding the Jail, Old Courthouse, and Courthouse Square comprise \$27,729,871 (72.8%) of the 2026 estimated needs; \$55,493,426 (61.3%) of the 2027 estimates;

⁴ The County performed an additional \$334,374 in projects to the Justice Center—providing open office reconfigurations due to COVID-19 with CARES Act funds; however, these did not relate to the ongoing facilities deficits in the Justice Center at issue in this Order.

⁵ This figure excludes both the COVID-19 office reconfigurations and repairs to the Justice Center following damage to the building's exterior, windows, and security infrastructure following riots on May 30, 2020.

\$137,098,620 (82.3%) of the 2028 estimates; \$74,431,183 (75.5%) of the 2029 estimates; and \$52,635,212 (65.1%) of the 2030 estimates—and yet the County has consistently invested significantly less than what its experts have indicated was needed. The following comparison between what the 2014 Assessment recommended versus what the County ultimately invested from 2015 through March 31, 2025 is telling⁶:

	Courts Tower*	Atrium*	CMPH / Tower II*	Jail I / Jail II (Combined)	Total Investment by Year:
2015—					
Recommended vs	\$5,005,626	\$881,245	\$461,391	\$4,667,118	\$11,015,380
Actual vs	\$0	\$0	\$0	\$270,888	\$270,888
Difference	[-\$5,005,626]	[-\$881,245]	[-\$471,391]	[-\$4,396,230]	[-\$10,744,492]
2016-2018—					
Recommended vs	\$28,088,090	\$1,453,784	\$49,941,354	\$19,671,454	\$99,154,682
Actual vs	\$171,889	\$0	\$15,540,175	\$2,789,799	\$15,712,064
Difference vs	[-\$27,916,201]	[-\$1,453,784]	[-\$34,401,179]	[-\$16,881,655]	[-\$83,442,618]
2019-2022—					
Recommended vs	\$29,960,658	\$370,991	\$210,853	\$28,847,531	\$59,390,033
Actual vs	\$1,816,187	\$448,274	\$1,322,395	\$14,135,699	\$17,722,555
Difference	[-\$28,144,471]	[+\$77,283]	[+\$1,111,542]	[-\$14,711,832]	[-\$41,667,478]
2023-2026—					
Recommended vs	\$32,606,863	\$10,634,945	\$2,620,112	\$20,981,013	\$66,842,933
Actual vs	\$243,543	\$0	\$0	\$17,552	\$261,095
Difference	[-\$32,363,320]	[-\$10,634,945]	[-\$2,620,112]	[-\$20,963,461]	[-\$66,581,838]
Total Investment by Building—					
Recommended vs	\$95,661,237	\$13,340,965	\$53,233,710	\$74,167,116	\$236,403,028
Actual vs	\$2,231,619	\$448,274	\$16,862,570	\$17,213,938	\$33,966,602
Difference	[-\$93,429,618]	[-\$12,892,691]	[-\$36,371,140]	[-\$56,953,178]	[-\$202,436,426]

Between 2015 and 2025, the County invested \$2,231,619 in the maintenance and repairs the 2014 and 2024 Assessments recommended. In addition to being a fraction of the \$95.6M that the Assessments recommended, it was less than the cost of the two \$1.2M

⁶ The 2015-2025 figures do not line up perfectly with the 2014 Assessment because Public Works performed several projects between 2015 and 2024 that it attributed to “all” or “multiple” facilities, such that they could not be categorized in the same manner as the projections. However, these amounted to \$2,102,298 in perimeter security, fire damper, thermal contract, and access control improvements in 2015 (taking the \$10.8M shortfall down to \$8.7M); \$1,867,739 in fire protection, generator repairs, façade repairs in 2016-2018 (taking the \$83.4M shortfall down to \$81.5M); and \$256,551 in carpet, elevator, and roof repairs in 2024 (taking the \$66.6M shortfall down to \$66.3).

consultant contracts the County entered in 2014 and 2024 to identify the building's maintenance, repair, and renovation needs in the first place.

Particularly in light of this diminished amount of investment in sustaining the Court's facilities, the Justice Center has fallen into substantially greater levels of disrepair since the 2014 Assessment, exhibiting numerous and significant signs of the infrastructure components outliving their useful life. Many of the renovations and repairs recommended in 2014 have not occurred at all and remain just as urgent now as they were then—and many have become far greater concerns. Additional facilities issues beyond those identified in the 2014 and 2024 Assessments have developed since the Reports' completion.

The *known* deficiencies of the Court's facilities are largely detailed in the 2014 and 2024 Assessments, as well as in additional issues the Court has identified. These include, but are not limited to:

- From the beginning, the building has been prone to flooding. (Ex. 1, pp. 1-5.) It consistently has extensive unaddressed leaks the County has failed to address; on rainy days, the atrium requires setting up a number of large dumpster-sized receptacles to collect rainwater, which are soon filled with garbage from passersby mistaking them for garbage cans. (Ex. 1, pp. 68-72.) Water has leaked into the food service areas of the Atrium, requiring staff to cover electronics with tarps and ensure food they are serving has not been infected with water leaking from the roof. The light fixtures in the atrium consistently frequently fail to operate. (Ex. 1, p. 73.) Rainwater leaks until it stains the walls and stairwells. (Ex. 1, p. 74.)
- The Court has critically unsafe conditions in its water system, including testing that demonstrates the presence of Legionella bacteria in the pipes—*i.e.*, the bacteria that causes various infections including Legionnaire's disease and Pontiac Fever. This water goes through the pipes of the sinks the public uses to wash their hands and through the drinking water fountains, which are not filtered. The Court has provided palates of water for its staff to drink because they are concerned about drinking from the fountains. (Ex. 1, pp. 55-56.)
- The façade of the building has large areas of untreated granite that the County's

engineers have characterized as presenting risks of falling from the building and injuring passersby below. (Ex. 1, p. 80.)

- The windows that have been deemed in need of replacement have only been sealed, with a number bearing large cracks; one large window has been boarded up entirely with plywood. (Ex. 1, pp. 61-65.)
- The Court's facilities are likewise overdue to replace significant plumbing (*e.g.*, domestic and sanitary waste piping, water tanks), electrical (*e.g.*, generator, high voltage access system), and automatic temperature control. Breaker boxes and access panels are not secured and pose safety risks and vulnerability to tampering. (Ex. 1, pp.6-7.)
- The building has not been brought into compliance with contemporary fire codes or the ADA, creating both accessibility and safety issues in the event of a variety of emergencies—particularly a fire. Various accessibility equipment is lacking that provides visitors with mobility challenges from leaving the building during an emergency, using the restroom, using the water fountains, and navigating the courtrooms. The jury rooms and public seating areas are likewise unaccommodating to people in wheelchairs. The lack of office space requires cubicles in hallways that preclude wheelchair access. (Ex. 1, pp. 35-36, 45-54, 57-59, 66-67.)
- The elevators in all Court-utilized spaces and escalator in the Atrium are well past their useful life and in need of modernization to address frequent mechanical malfunctions, causing judges, attorneys, and witnesses to become trapped for significant timeframes. (Ex. 1, p. 86.)
- The Court's wireless Internet is unreliable and weak, requiring fiber optic modernization, both for the administrative efficiency of the Court and to ensure the due process entitlements of parties.
- The failing HVAC leads to volatile and unsuitable temperatures throughout the courtrooms, offices, and common areas of the court; it can become extremely cold in some areas and extremely hot in others, with temperatures recorded between the 40s and 106 degrees. (Ex. 1, pp.37-43.)
 - Employees and officers of the Court have employed standing fans, portable air conditioner units, and space heaters to overcome these concerns, to no avail—and at the added safety concern of running these ancillary devices.
 - The Prosecutor's Office (in the same Courts Tower) was running similar air conditioners that malfunctioned and leaked into their server room, causing the loss of their electronic data for enough time to require continuances on a number of matters.

- The temperature problems have created significantly disruptive conditions to the Court’s administrative operations, both in terms of employees’ inability to complete the functions of their role due to the temperature extremes—and from power failures created by the number of portable devices being run to make the climate habitable.
- Employees in the forensic psychiatry clinic have been required to interview defendants in business attire despite sitting in offices exceeding 100 degrees; defendants have asked to leave the clinic and return to the jail due to the inhabitable temperatures within these offices. The heat from below the clinic’s floor is so hot that it melted the carpet adhesive and stained the carpet. (Ex. 1, pp. 21, 40.)
- The temperature problems in the court likewise create significant due process concerns within the Court’s judicial proceedings. The noise created by the HVAC has left judges unable to hear the events transpiring within their courtrooms and similarly difficult for participants in court proceedings to hear the judges. At least one judge has report these problems, even after installing multiple sound systems in her courtroom to enable participants to hear and be heard. Judges have complained that jurors have become drowsy or fallen asleep during proceedings when their courtrooms are too warm, and that extreme temperatures jeopardize jurors’ attention and focus in trial proceedings—all placing litigants’ due process entitlements in considerable jeopardy.
- Employees whose desks sit below HVAC vents report having sizeable chunks of black debris fall onto their desks, littering their papers, desk, clothes—and requiring them to cover drinks on their desks to avoid contamination.
- The Court has outstanding security concerns in their facilities, many of which have been shared with the County in confidential forums; those and others will be memorialized in more detail at their request. Additionally, the Court purchased security screening equipment that cannot be installed to conform with contemporary screening protocols. (Ex. 1, p. 77.)
- The Court has frequent difficulties managing rodent and insect infestations that remain recurrent and problematic despite the use of traps and protocols to avoid their return. (Ex. 1, pp. 19.)
- Vinyl carpets described in the 2014 Assessment as “well past their useful life” 12 years ago continue to need replacement. The remaining carpet has been in the building since the 1990s, and it is stained, faded, ripped/frayed, and causes tripping hazards. There are some areas of carpet that have become so faded and stained that it’s not clear what the original color of the carpet was; many have been in place since the 1990s. (Ex. 1, pp.8-11, 18-24, 40)

- The building contains a variety of areas with unpainted, crumbling, and dilapidated walls and floors, missing baseboards, peeling wallpaper, ceiling water damage and ceilings that are crumbling and dropping debris on people walking below and causing tripping hazards. (Ex. 1, pp.8-18, 31-33.)
- The building’s original 1976 wooden acoustic panels cover the walls of all public-facing spaces (*e.g.*, courtrooms, hallways, common areas), which are both dated and ineffective; they preclude the ability to post contemporary and simple signage throughout the building, which is largely addressed with standing signposts and taped-up temporary signage. There is limited or no natural light in many of the areas throughout the building. In addition to lacking ADA accessibility, public bathrooms are significantly dated. The dated, poorly lit, analog entry signage is inadequate to enable guests to find their desired location. And the interior spaces are significantly dated—in many instances bearing the original fixtures, furniture, and décor from 1976. The Court utilizes a makeshift jury sequestering area separated by tarps that have remained in place for a significant timeframe without a more professional alternative. Jury deliberation rooms, jury deliberation bathrooms, and attorney conference areas are small, dated, and present size/accessibility challenges. (Ex. 1, pp. 34, 44-54, 57-59, 65, 75-76, 78-79, 91-84.)
- Significant areas of the building are not regularly or adequately cleaned and maintained—floors are not vacuumed or cleaned; areas are left with significant dust, debris, and visible trash on the floor; and windows are seldom, if ever cleaned—inside or outside the building. Dust accumulates on the vents surrounding the perimeter of the building.
- The parking garage requires structural repairs and has large areas of crumbling, failing concrete and significant water leaks; large chunks of concrete have fallen from the ceiling and posts of the garage, risking injury to passersby and damage to vehicles. The garage frequently has significant leaks. (Ex. 1, pp. 87-97.)
- Changes in recent years to the available parking near 1200 Ontario Avenue have created significant deficiencies in the parking that is available for Court officials and employees, participants in and observers to matters before the Court, including members of the public reporting for jury service, and other visitors—creating safety, efficiency, and operational concerns.

The Court has additional facilities deficiencies beyond those it has identified.

The County-facilitated 2014 and 2024 Assessments have focused exclusively upon the structural, operational, and functional use of the Justice Center as a commercial property and evaluating what the facility required to avoid lapsing into inoperable

conditions. However, the County has not conducted a detailed Court-focused space study or facilities evaluation to determine how the operational needs of the Court have changed and affected its facilities needs since moving into the 1976 Justice Center; however, as noted earlier, the County’s own Project Management Consultants LLC identified a series of space and layout deficits warranting change in its 2019 presentation to the Steering Committee that identify several of what comprise many more efficiency- and operational-based concerns. A more thorough study is necessary to identify and prioritize the facilities needs that remain essential for the Court’s proper and efficient performance of its operations.

The Court has significant concerns that the County has consistently failed to invest adequate resources into the Justice Center; it is on the precipice of borrowing \$1B to build a jail that will monopolize a significant portion of its revenue stream; and it has not reserved adequate funds to address the known facilities concerns at the Court that remain unaddressed—to say nothing of preparing for the completely predictable failures that are now likely because of the years of deferred and disregarded maintenance and repairs.

Analysis

Cuyahoga County is obligated by law to furnish “all things coupled with the administration of justice within the limits of their own county.” *Commissioners of Trumbull County v. Hutchins*, 11 Ohio 369, 371 (1842). This obligation includes the statutory mandate to “provide a suitable place for the holding of the courts.” *State ex rel. Hottle v. Board of County Commissioners of Highland County*, 52 Ohio St.2d 117, 119 (1977), citing R.C. 307.01. This mandate requires the County to provide, maintain, and care for a courthouse in a manner that keeps the facilities and the people within it safe

and healthy; to make timely repairs and provide needed maintenance to ensure the facilities remain safe and sanitary for their intended use; and it requires an obligation to ensure the facilities' space, maintenance, and condition enable the Court's proper and efficient operation. *Zangerle v. Court of Common Pleas*, 141 Ohio St. 70 (1943); 2015 Ohio Op. Att'y Gen. 027; R.C. 3781.06.

This Court possesses great inherent authority to secure and safeguard the free and untrammelled exercise of its judicial functions by ensuring the County provides and maintains facilities that it requires to properly and efficiently operate. *See, e.g., Zangerle v. Court of Common Pleas*, 141 Ohio St. 70 (1943), *State ex rel. Finley v. Pfeiffer*, 163 Ohio St. 149, 154-155 (1955). When the County fails to provide the necessary courthouse facilities, maintenance, repairs, furnishing, and décor the judiciary deems essential to the administration of justice, it has both inherent authority to order the County to procure those needs—and it may likewise order the County to satisfy its statutory duty to furnish a suitable courthouse and necessary furnishings. *See, e.g., In re: Furnishings and Equip. for the Judge, Courtroom and Personnel of Courtroom Two*, 6th Dist. No. WD-79-62, 1980 Ohio App. LEXIS 9800, *12-14 (May 28, 1980).

The County has repeatedly solicited expert advice about how to sustain and protect the Court's facilities—and even going so far as to issue bonds to obtain funds to comply with that advice—but then consistently invested that money toward other endeavors, to the detriment of the Court's operations. The Court experiences regular operational disruption from this pattern of inadequate capital investment, and it faces the strong likelihood of more significant, system-wide operational paralysis due to its aging infrastructure facing years of deferred and unaddressed maintenance and repair needs.

The County no doubt has reserves available to address catastrophes; however, a pandemic, fire, or tornado is a catastrophe: A system-wide shutdown caused by regularly failing to implement recommended maintenance and repairs amounts to an abuse of discretion and a failure to provide suitable facilities that provide for the efficient and proper performance of the Court's operations.

WHEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Cuyahoga County, through its Executive and Council, shall comply with the following Order of this Court:


1. Within 30 days:
 - a. The County must construct and provide to the Court a feasible timeline to complete all work the 2024 Assessment recommended, on the timeline it recommended, through 2034. (*See Ex. 21.*) The 2024 Assessment designated 2025 Year 1; however, because so little of the recommended work has begun at this time (*i.e.*, within the second quarter of Year 2 in the Report), the County may generate a plan that treats 2026 as Year 1 and completes the work by 2035.
 - b. The County must also prepare and provide detailed plans, drawings, representations, bills of material, specifications of work, and estimates of cost for Years 1 and 2 to the Executive, Council, and the members of the RC 153.36 committee to facilitate the satisfaction of this statutory prerequisite.
2. Within 60 days: The requirements of RC 153.36 must be completed and public bids must be generated and issued, where required. Because this may require more than one meeting in some instances, the County must promptly schedule meetings to ensure these requirements are efficiently completed within the ordered timeframes. For any work that must be publicly bid, the Court anticipates the timeframes it is ordering may feasibly remain in place; the County must make adequate plans to contemplate the time requirements to post bids in a manner that ensures compliance with this Order.
3. Within 90 days: All contracts must be finalized and submitted to the Prosecutor for approval to allow work to commence pursuant to RC 153.44. All funds needed for the Years 1-2 projects must be allocated within this biennium and all funds for these projects must be reserved for that purpose.

4. By August 1: The County shall appropriate funds into the Court's operating budget to retain the National Center for State Courts to complete a space and security study, as well as to identify recommendations to improve the cost-efficiency, timeline, and operational challenges arising from its facilities.
5. By December 1: In accordance with the 2014 Assessment's recommendations, internal staff or a third party shall evaluate the Court's facilities and update the baseline on a yearly basis. These annual reviews are intended to measure the value of capital investments made in the previous year and provide documentation for ongoing capital planning.
6. In subsequent years:
 - a. In addition to the annual updates, the County's consultants recommended the entire complex be fully re-assessed and re-baselined every 3-4 years. Given the dire state of the Court's facilities, the Court directs that a new Assessment be repeated by December 1, 2027 and in every three-year period by December 1 thereafter.
 - b. From now until the Court is either relocated into a new or reconstructed facility, the County is ordered to follow the same 30/60/90 requirements above in each of the remaining years of the K2M plan, except completing these steps by the end of the year so work may begin at the start of the next successive year/biennium.
7. In most instances—even where work requires public bidding, convening of committees under R.C. 153.36, and other added procedural steps—the Court expects the timeframes it has ordered to apply. The Court will entertain modest extensions of time only with timely requests prior to the expiration of the deadline and the demonstration of good cause.
8. The Court's ongoing maintenance and cleaning needs must be met on a regular basis. The Court will direct all areas that are not being properly maintained to the County to seek the contact information for an employee who will be responsible for ensuring these areas are consistently maintained.
9. Importantly, the Court anticipates that the County's adherence to the maintenance and repair requirements in the 2024 Assessment and its provision of thorough and timely maintenance and cleaning needs are likely to cure all the outstanding facilities deficits that are already known and identified in past assessments. However, particularly given the duration of time that proper maintenance and repairs were not timely performed, the work required to bring the facility within the realm of suitability may exceed what was recommended in the reports. Additionally, to the extent additional facilities issues are highlighted in the foregoing assessments ordered above, this Order remains subject to future amendments or subsequent orders regarding the suitability of

its facilities. Nothing about this Order alters the County's obligation to consistently provide suitable facilities that enable the proper and efficient functions of the Court's responsibilities.

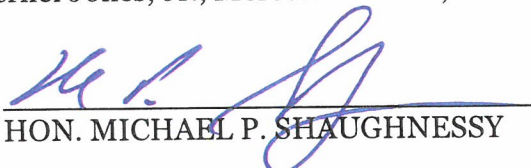
10. The Court will answer any questions or concerns about the directives in this Order or how to ensure compliance.

IT IS SO ORDERED.


HON. MICHAEL P. SHAUGHNESSY

To the Cuyahoga County Sheriff:

You are hereby directed to serve a certified copy of this Administrative Order upon Cuyahoga County Executive Chris Ronayne and Members of Cuyahoga County Council Dale Miller, Yvonne Conwell, Patrick Kelly, Martin Sweeney, Mark Casselberry, Michael Gallagher, Robert Schleper, Jr., Pernel Jones, Jr., Meredith Turner, Michael Houser, Sr., and Sunny Simon.


HON. MICHAEL P. SHAUGHNESSY