



Judicial Council of California · Administrative Office of the Courts

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: July 27, 2012

Title	Agenda Item Type
Court Facilities: Modifications Budget and Proposed Funding Recommendation for Fiscal Year 2012–2013	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
None	July 27, 2012
Recommended by	Date of Report
Court Facilities Working Group	July 20, 2012
Hon. Brad R. Hill, Chair	Contact
Trial Court Facility Modification Working Group	Pat McGrath, Facility Operations Manager
Hon. David Edwin Power, Chair	Office of Court Construction and Management, 916-643-8051
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Executive Summary

The Trial Court Facility Modification Working Group (TCFMWG) and the Court Facilities Working Group recommend an allocation of the \$50 million appropriated by the Legislature for court facilities modifications in the Fiscal Year (FY) 2012–2013 budget.

Recommendation

The Trial Court Facility Modification Working Group and the Court Facilities Working Group recommend that, effective July 27, 2012, the Judicial Council:

1. Approve allocations of the \$50 million authorized by the Legislature for statewide court facility modifications and planning in fiscal year (FY) 2012–2013, as follows:
 - \$4.0 million for statewide facility modification planning;
 - \$5.0 million for priority 1 requests;
 - \$8.7 million for planned facility modifications; and

- \$32.3 million for priorities 2–6 facility modifications.
2. Approve the list of planned facility modifications (see Attachment 1), in which modifications are ranked according to the Judicial Council’s *Trial Court Facility Modification Policy*.¹

Previous Council Action

The Judicial Council allocated the fiscal year 2010–2011 budget of \$50 million at the October 19, 2010 meeting. On August 26, 2011, the TCFMWG submitted a report entitled, Annual Report of the Trial Court Facility Modification Working Group for Fiscal Year 2010-2011, which detailed the projects completed and the courts that benefited from this funding.

The Judicial Council allocated the fiscal year 2011-2012 budget of \$30 million at the August 26, 2011 meeting. With the fiscal year closing at the end of June, the report detailing the projects completed and the courts that benefited from this funding is in development and will be presented to the Judicial Council by the end of this year.

Rationale for Recommendation

The TCFMWG and the Court Facilities Working Group (working groups) recommend that the council allocate the budget as detailed below. The allocation strategy is designed to address planned facility modification projects that have been identified as critical needs for the trial courts but due to lack of funding in FY 2011–2012 were not able to be funded appropriately. Additionally, the current budget, while an increase over FY 2011–2012, is not sufficient to meet ongoing and increasing needs within the branch’s approximately 500 buildings across the state. The strategy proposed here will allow the TCFMWG to address immediate needs as they arise within a portfolio when available funding does not meet the overall need of the trial courts and the existing infrastructure continues to degrade.

Allocating this funding to other uses or functions will result in the increased failure of critical building support systems. These failures will result in operational impact to the trial courts, including the closure of courtrooms and potentially whole facilities.

The TCFMWG makes every effort to focus on the criticality of the projects, not their location or history. While it is possible that over a short period of time, one court may receive more funding on a square foot basis than another, this is the result of the facility needs. Over the longer term, these highs and lows will balance out.

Funding Sources and Budget

The Facility Modification Program is funded from two sources:

- State Court Facilities Construction Fund (SCFCF — SB 1732)
- Immediate and Critical Needs Account (ICNA — SB 1407)

¹ This proposal is consistent with the revised policy for prioritizing facility modifications included in the companion proposal from the CFWG and TCFMWG.

The total legislative appropriations for facility modifications in FY 2012–2013, \$50 million, consists of \$25 million in SCFCF funds and \$25 million in ICNA funds.

Recommendation #1 — Budget Allocations

Budget for statewide facility modification planning. The working groups recommend allocating \$4.0 million for this category. It is targeted for the costs associated with facility assessments and facility modification planning. This allocation includes the costs of contracts, equipment, and materials to set up operations; development of building-specific facility management plans and procedures; development of hazardous material plans; and continuation of facility condition assessments. These tasks are required to identify deferred maintenance requirements, plan future requirements, and ensure proper maintenance, thereby reducing the need for future facility modifications. Most of the needed costs will be used for consultant labor expenses. The proposed allocation of \$4.0 million is an increase of approximately \$500,000 over the previous year's allocation and is based on the increase in AOC-managed facilities that has occurred during the last fiscal year with the completion of the transition of approximately 3 million square feet of space in Los Angeles County from county management to the AOC.

Budget for priority 1 requests. A reserve of \$5.0 million is recommended for allocation to immediate or potential emergency needs (priority 1) that may develop in facilities. The allocation reflects an increase of \$1.0 million from FY 2011–2012, and is based on the increase in AOC-managed facilities as detailed above.

Budget for planned facility modifications. The working groups recommend the approval of \$8.7 million as the budget for planned modifications. Specific project details are provided in the list of planned facility modifications (see Attachment 1). These requests have been reviewed and approved by the TCFMWG for execution. In some cases the first phase of each project was funded during FY 2011–2012, but in an effort to conserve the highly limited budget during that fiscal year, the projects were not approved for full funding. The TCFMWG has limited this list to priority 2 work, which is of this highest priority to the AOC and the courts at this time.

Budget for priorities 2–6 facility modifications. The working groups recommend the allocation of the remainder of the budget, \$32.3 million, to this category. The TCFMWG will review all facility modifications and fund those with the highest priority according to the council-approved policy. The TCFMWG budgets the funds from this category proportionally over the course of the year, ensuring that funds are available for the highest priorities throughout the year.

The AOC Office of Court Construction and Management continues to perform facility assessments for the recently transitioned facilities in Los Angeles County. The results of these assessments will likely identify millions of dollars of need for priority 2 facility modifications; therefore, adequate funding must be held in reserve to address this potential need.

Recommendation #2 — List of Planned Facility Modifications

Planned facility modifications. The working groups recommend that the facility modifications listed in Attachment 1 be approved as the planned facility modifications for FY 2012–2013. All facility modifications on the list are ranked as priority 2 and are necessary to preclude deterioration and/or loss of functionality of equipment that could result in higher cost or court closure. As indicated on the list, the total amount estimated to be spent on these priority 2 items from the Facility Modification Program Budget is \$8,671,738.

Due to the phased nature of various projects within this proposal, should the list of planned facility modifications not be approved, work on those projects would stop once currently approved funding is expended. This could create negative cost impacts to the branch due to projects not being packaged and implemented in the most cost-effective manner. Additionally, and more importantly, these projects directly support court operations, and should they not be completed, the imminent infrastructure failure that they are designed to prevent will result in negative court impact, including potential court closures.

Comments, Alternatives Considered, and Policy Implications

The working groups considered various dollar allocations for the different budget categories. The amounts recommended are based on historical data and a very conservative funding plan to allow sufficient funds for critical needs identified by the courts over the course of the year. This allocation strategy will allow the TCFMWG to have the flexibility to fund the most critical needs throughout the year.

The TCFMWG considered a number of other facility modifications for inclusion in the attached list. Those that were not approved for the list required either the clarification of the project scope of work or the estimated cost. Still other facility modifications considered were determined to be of lower priority and able to wait until future funding is available without creating a significant risk to court operations.

The proposal was posted for court comment on Serranus for a two-week period in July 2012. A notice to review the report was included in two issues of *Court News Update* and e-mailed to all presiding judges and court executive officers. One comment was received. The Facilities Director of the Superior Court of Fresno County raised concerns that the amount of funding recommended to be allocated for planning was too high and also questioned the use of consultants rather than AOC staff for work related to the investigation, planning and design of facility modifications. With respect to the use of consultants, he questioned the value of using consultants who are not intimately familiar with the court facilities and operations, which may defray the value of their intended service. The response provided directly to the commentator was that the AOC is not staffed sufficiently to provide this service and that the consultant pool includes the existing service providers who understand the needs of the facilities and the courts. Other consultants are used but in a selective manner based on system specialization or certification requirements identified within the various facility modification projects. Additionally, any funding in this budget category that is not used before the end of the fiscal year

is reallocated by the TCFMWG to fund approved facility modifications. This answer addressed and resolved his concerns.

Implementation Requirements, Costs, and Operational Impacts

The FY 2012–2013 facility modifications budget will be allocated as the council approves, including as determined by the TCFMWG, under the council-approved policy. There is no cost to the trial courts associated with this proposal.

Attachments

1. List of planned facility modifications



ADMINISTRATIVE OFFICE
OF THE COURTS
OFFICE OF COURT CONSTRUCTION
AND MANAGEMENT

Planned Facility Modifications Ready for Funding Consideration

Trial Court Facility Modification
20012/2013

FM - NUMBER	LOCATION	FACILITY NAME	BUILDING ID	Priority	SHORT TITLE	PRELIMINARY ESTIMATE	Facility Modification Program Budget share of preliminary estimate	Facility Modification Program Budget % of Cost
1 FM-0034868	Los Angeles	Clara Shortridge Foltz Criminal Justice Center	19-11	2	Elevators & Hoists - Phase 2 - Total renovation of 21 existing elevators that have a long history of failures and public and court staff entrapments. Work to include electrical infrastructure, Asbestos abatement and ADA & fire code compliance	\$4,030,240	\$3,256,837	80.81
2 FM-0040545	Fresno	Fresno County Courthouse.	10-A1	2	HVAC/Electrical/Interior - Phase 2 - Modify main server room HVAC, electrical distribution, and footprint to ensure continuity of court operations - Existing system is failing, has failed in the past, and is grossly undersized/over capacity - Phase 1 for design work to validate project scope and total project value	\$450,000	\$450,000	100.00
3 FM-0044237	San Francisco	Hall of Justice Edmundo D. Edelman Children's Court	38-81	2	Elevator - Phase 2 - Refurbish Court Exclusive Elevators (4) - 50+ yr old, 350 daily in-custody transfers per car, in immediate need of refurbishment due to increased high numbers of entrapments, failures, and no connection to building fire system as required	\$450,000	\$450,000	100.00
4 FM-0044214	Los Angeles	Children's Court	19-Q1	2	HVAC - replace BAS and Refrigerant Monitoring systems - BAS (Building Automation System) has failed and does not function as designed. The Refrigerant Monitoring System is not functioning and does not comply with AQMD requirements.	\$2,350,000	1,644,765	69.99
5 FM-0043862	Ventura	Hall of Justice Edmundo D. Edelman Children's Court	56-A1	2	COUNTY MANAGED - HVAC - Supply Fan #2/#3 Cooling Coils - Replace - Equipment is 30 years old and is beyond repair, leakage & corrosion. Court exclusive space	\$420,486	\$420,486	100.00
6 FM-0046999	Los Angeles	Children's Court	19-Q1	2	Exterior Shell: Resurface EIFS covered walls of the entire building, the EIFS wall covering is cracked, delimiting and deteriorating which could cause rain water to leak into the wall structures and do damage of significant magnitude.	\$3,500,000	2,449,650	69.99
					Total	\$8,671,738		