



## Judicial Council of California · Administrative Office of the Courts

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: December 14, 2012

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**Title**

Court Facilities: Trial Court Facility  
Modifications Working Group Charge

**Agenda Item Type**

Action Required

**Rules, Forms, Standards, or Statutes Affected**

None

**Effective Date**

December 14, 2012

**Recommended by**

Administrative Office of the Courts  
Curt Soderlund, Chief Administrative Officer

**Date of Report**

November 20, 2012

Trial Court Facility Modifications  
Working Group  
Hon. David Edwin Power, Chair

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## Executive Summary

The Trial Court Facility Modifications Working Group (TCFMWG) and the Administrative Office of the Courts recommend that the Judicial Council approve the proposed charge for the TCFMWG. The working group has functioned for over five years without a charge based on the Judicial Council's policies on Facility Modifications. The proposed charge formalizes the previous responsibilities and includes expanded responsibilities related to operations and maintenance of court facilities.

## Recommendation

The Administrative Office of the Courts, with the endorsement of the Trial Court Facility Modifications Working Group, recommends that the Judicial Council, effective December 14, 2012, approve the Trial Court Facility Modifications Working Group charge.

## **Previous Council Action**

On December 2, 2005, the Judicial Council adopted *Prioritization Methodology for Modifications to Court Facilities (Methodology)*, a policy for prioritizing, budgeting, funding, and implementing trial court facility modifications. This policy established the TCFMWG. The group has operated since then without a formal charge from the Judicial Council. The *Methodology* was updated and superseded on July 27, 2012, by the Judicial Council with the *Trial Court Facility Modifications Policy*. The new policy retained most of the provisions of the *Methodology*, including the TCFMWG.

At the August 31, 2012, meeting, the Judicial Council expanded the role of the TCFMWG to include maintenance of existing court facilities, to be overseen by the Court Facilities Working Group.

## **Rationale for Recommendation**

The proposed charge documents this expansion and formalizes the responsibilities of the TCFMWG. The TCFMWG has operated since 2005 without a formal charge from the Judicial Council. It has had oversight of the Facility Modification Program, but neither it nor any other Judicial Council advisory group had oversight responsibilities for the maintenance of court facilities. This charge places that responsibility with the TCFMWG. This oversight will help to enhance the effectiveness and efficiency of the overall facility program.

The new responsibilities include providing oversight of facility management by the AOC Office of Real Estate and Facilities Management. The recent splitting of the former Office of Court Construction and Management into two offices, one for the capital construction program (Judicial Branch Capital Program Office) and the other for the management of existing facilities (the Office of Real Estate and Facilities Management), provides a clear demarcation for TCFMWG oversight of the latter office. This will include operations and maintenance of existing facilities, facility modifications, non-capital-related real estate transactions, energy management, and environmental management and sustainability. This broad oversight of the entire existing facility management program under one working group will ensure the various aspects of the program work in harmony and provide the most effective overall program.

The charge also tasks the TCFMWG with providing recommendations and advice directly to the Chief Justice, Judicial Council, and the Administrative Director of the Courts. This is a change from the practice of the past few years where the TCFMWG provided its recommendations through the Court Facilities Working Group and not directly to the Judicial Council. This change aligns with the restructuring of the AOC and the creation of the separate Office of Real Estate and Facilities Management, and Judicial Branch Capital Program Office. This will allow the TCFMWG to focus on the existing building program and the Court Facilities Working Group to focus on the new building program. This focus will allow the two groups to more effectively fulfill their oversight responsibilities. The only potential negative factor would be the possibility that the two groups may make conflicting recommendations related to funding, staff support, etc.

This, however, may actually be beneficial to the Judicial Council as it will allow for a full review of options versus a single position that may not fully reflect the range of available options.

### **Comments, Alternatives Considered, and Policy Implications**

This proposal was not circulated for comment, but it was discussed in detail with the chairs of the TCFMWG and the Court Facilities Working Group. Both Justice Hill and Judge Power, chairs of those two groups, are in agreement with the recommendations.

### **Implementation Requirements, Costs, and Operational Impacts**

Implementation of this charge will incur no substantial additional cost. There may be some small cost related to additional staff and member time supporting the expanded role of the TCFMWG. This will include dissemination and presentation of various data, most of which already exists.

### **Attachments**

1. Trial Court Facility Modifications Working Group charge

## **TRIAL COURT FACILITY MODIFICATIONS WORKING GROUP**

### Working Group Charge

The purpose of the Trial Court Facility Modifications Working Group (working group) is to provide ongoing oversight of the judicial branch program that manages renovations, facilities operations, maintenance, and real estate for trial courts throughout the state. The working group will oversee the work of the Administrative Office of the Courts (AOC) in its management of court facilities statewide.

The working group will be a standing committee of the Judicial Council of California (Judicial Council),<sup>1</sup> charged with the following responsibilities concerning courthouse facilities:

- Provide ongoing oversight of policy issues, business practices, and budget monitoring and control for all facility-related issues in existing branch facilities. This includes all areas for which the Office of Real Estate and Facilities Management is responsible, including operations and maintenance, facility modifications, non-capital-related real estate transactions, energy management, and environmental management and sustainability.
- Authorize funding of Facility Modifications in accordance with the Judicial Council's policy.
- Provide recommendations to the Judicial Council on funding-related issues, including funding requirements for both operations and maintenance, and Facility Modifications.
- Support the Court Facilities Working Group in the development of the Capital Program, including providing input to design standards, prioritization of capital projects, and methods to reduce construction cost without impacting long-term operations and maintenance cost.
- Advise on issues related to the working group's charge as requested by the Chief Justice, the Judicial Council, or the Administrative Director of the Courts. These may include issues related to funding, AOC staffing support, development and oversight of contracts, and policies and procedures related to the trial court facilities.
- Provide quarterly and annual reports on the Facility Modification Program in accordance with the Judicial Council's policy.

### **Working Group Membership**

The working group membership will be composed of judges and court executive officers appointed in accordance with the Judicial Council's *Trial Court Facility Modifications Policy*.

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<sup>1</sup> In the past this group has been overseen by the Court Facilities Working Group. It is the intention, with this formal charge, to separate the responsibilities of the two groups so that neither oversees the other: the Court Facilities Working Group will be focused on the facilities capital program and the Trial Court Facility Modifications Working Group will be focused on facilities modifications, maintenance, and operations.

**Creation, Oversight, and Staffing**

The Chief Justice created the working group as a Judicial Council advisory body under the authority set forth in California Rules of Court, rule 10.30(g). The Judicial Council's Executive and Planning Committee (E&P Committee) oversees the working group, as assigned by the Chief Justice and as provided in rule 10.30(d).

The Manager of Facility Operations, Facilities Management Unit, Office of Real Estate and Facilities Management shall be lead AOC staff to the working group. AOC staff will support the group as outlined in rule 10.34(e)(2) and the Judicial Council's *Trial Court Facility Modifications Policy*.

