



JUDICIAL COUNCIL OF CALIFORNIA

EXECUTIVE AND
PLANNING COMMITTEE

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EXECUTIVE AND PLANNING COMMITTEE

MINUTES OF OPEN MEETING

Thursday, April 15, 2021

12:10 to 1:00 p.m.

Videoconference

Advisory Body Members Present: Hon. Marsha G. Slough (Chair), Hon. Samuel K. Feng (Vice-chair), Hon. Marla O. Anderson, Hon. Stacy Boulware Eurie, Ms. Nancy CS Eberhardt, Hon. Joyce D. Hinrichs, Mr. Patrick M. Kelly, Hon. Dalila C. Lyons, Hon. Ann C. Moorman, and Hon. David M. Rubin

Advisory Body Members Absent: Hon. Harry E. Hull, Jr.

Invited Speakers Present: Hon. Kyle Brodie, Chair, Judicial Council Technology Committee; Hon. Tara Desautels and Mr. David Yamasaki, Executive Co-Sponsors, Data Analytics Workstream, Information Technology Advisory Committee

Committee Staff Present: Ms. Amber Barnett and Mr. Cliff Alumno

Staff Present: Ms. Kate Albertus, Ms. Michelle Allan, Mr. James Barolo, Ms. Deirdre Benedict, Ms. Luz Bobino, Ms. Deborah Brown, Ms. Tina Carroll, Ms. Sherry Celio, Ms. Roma Cheadle, Mr. Blaine Corren, Ms. Angela Cowen, Mr. Douglas Denton, Mr. Patrick Farrales, Mr. Michael Giden, Mr. Jason Haas, Mr. John Henzl, Ms. Bonnie Hough, Mr. Cyrus Ip, Mr. Sal Lempert, Mr. Eric Long, Ms. Rob Lower, Ms. Pella McCormick, Ms. Fran Mueller, Ms. Brandy Olivera, Mr. Rob Oyung, Ms. Elyse Pulley, Ms. Anne Ronan, Ms. Leah Rose-Goodwin, Ms. Gabrielle Selden, Ms. Laura Speed, Mr. Zlatko Theodorovic, Ms. Millicent Tidwell, Ms. Oksana Tuk, Mr. Don Will, Mr. Catrayel Wood, and Ms. Josely Yangco-Frona

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 12:10 p.m., and Mr. Alumno took roll call.

Approval of Minutes

The committee reviewed the draft minutes of the March 11, 2021, videoconference

Action: *The committee unanimously approved the minutes of the March 11, 2021, videoconference.*

DISCUSSION AND ACTION ITEM

Item 1

Agenda Setting for the May 21, 2021, Judicial Council Meeting (Action Required)

The committee reviewed available draft reports for the Judicial Council meeting in May.

Action: *With one abstention (Judge Moorman abstained from voting on consent agenda item 21-093), the committee set the agenda for the May Judicial Council meeting by approving reports for placement on the business meeting agenda. Additionally, if the council approves discussion item 21-097, Justice Slough and Judge Brodie agreed to have their committees jointly assess possible next steps toward implementation of the policy concepts outlined in the report.*

Item 2

Modification to Subordinate Judicial Officer Position for Pretrial Pilot Program: Superior Court of Sonoma County (Action Required)

The committee reviewed a request from the Superior Court of Sonoma County to extend for 90 days one limited term subordinate judicial officer position serving in support of the court's Pretrial Pilot Program beyond its current end date of June 30, 2021.

Action: *The committee unanimously confirmed the court's request to extend for 90 days one limited term subordinate judicial officer position.*

Item 3

Other Business: Advisory Body and Education Curriculum Committee Nominations

The chair concluded the meeting by reminding the committee of the two meetings in May to review advisory body and education curriculum committee nominations and develop recommendations to the Chief Justice.

A D J O U R N M E N T

With the business concluded, the meeting was adjourned at 12:50 p.m.

Approved by the committee on [insert date].



JUDICIAL COUNCIL OF CALIFORNIA

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MEMORANDUM

Date

April 21, 2021

Action Requested

Action Required

To

Members of the Executive and Planning
Committee

Deadline

N/A

From

Pella McCormick, Acting Director
Facilities Services

Contact

Pella McCormick, Acting Director
Facilities Services
916-643-7024 phone
Pella.McCormick@jud.ca.gov

Subject

Establishment of Real Estate Policies
Subcommittee

Executive Summary

Facilities Services staff recommends that the Executive and Planning Committee establish a Real Estate Policies Subcommittee. The text of the proposed charge defining the scope and purpose of the Real Estate Policies Subcommittee is attached to this memo.

Recommendation

Facilities Services staff recommends that the Executive and Planning Committee establish a Real Estate Policies Subcommittee made up of Judicial Council members to make recommendations to the Executive and Planning Committee on policies, procedures, and guidelines governing various real estate matters involving court facilities throughout the state.

Staff also recommends the committee authorize the Executive and Planning Committee chair to appoint the members of the Real Estate Policies Subcommittee from membership of the Judicial Council.

The text of the proposed charge defining the scope and purpose of the Real Estate Policies Subcommittee is attached to this memo.

Relevant Previous Action

Following the transfer of the more than 500 court facilities to the judicial branch under the Trial Court Facilities Act of 2002, the Judicial Council faced a myriad of requests from courts for short-term uses of court facilities by third parties and related issues regarding matters such as insurance liability, licensing, fees, and approvals. The Court Facilities Use Working Group (CFUWG)¹ was formed in May 2009 to address these concerns. With input from pertinent stakeholders, the CFUWG ultimately drafted and issued in August 2010 both an *Interim Policy for Third Party Use of Court Facilities* and a *Court of Appeal Interim Policy for Third Party Use of Court Facilities* (the Interim Policies) as well as corresponding frequently asked questions, an application, and a form of license agreement. The CFUWG intended a permanent, council-approved policy to replace the Interim Policies in 2011; however, that did not occur.

Thereafter, the Executive and Planning Committee formed the Facilities Policies Working Group (FPWG)² in October 2014 to provide direction to the council on various facilities matters such as third-party uses; dispositions (e.g., sales, exchanges, etc.) and leasing of vacant court facilities; and managing parking facilities. The FPWG worked on, among other items, revising the Interim Policies to bring before the council. That effort included circulating a revised draft to the Court Executives Advisory Committee, but no further progress or effective follow-up occurred.

Analysis/Rationale

Under rule 10.11(c) of the California Rules of Court, the Executive and Planning Committee “oversees the council’s policies and procedures regarding court facilities, including development of policies, procedures, and guidelines for facilities; site selection; and capital appropriations.”

The Judicial Council has now gained over 10 years of experience managing the judicial branch’s portfolio of more than 500 trial and appellate court facilities and staff offices, including, in consultation with courts, the review and processing of third-party requests to use court facilities. There are currently nearly 250 agreements for third-party users of court facilities (not counting unlicensed users) and over 100 event licenses were issued in 2019. Based on this extensive experience, Facilities Services management has determined that the policies, procedures, and guidelines governing staff’s wide variety of real estate activities could benefit from updates and further development. Facilities Services therefore recommends that the Executive and Planning Committee form a Real Estate Policies Subcommittee to carry on and complete prior working groups’ efforts on policies and procedures to guide courts and Judicial Council staff on these and other related topics.

¹ The CFUWG’s membership consisted of three judges, three court executive officers, one associate justice, the Clerk of the Supreme Court, and four Judicial Council staff.

² The FPWG’s membership was drawn from the Judicial Council and consisted of two associate justices (including the Executive and Planning Committee chair), six judges, and one court executive officer.

Under the proposed charge, the Real Estate Policies Subcommittee would focus on reviewing, revising, and developing, as appropriate, policies, procedures, and guidelines for, but not limited to:

- Third-party use of court facilities, including both short-term event licensing and longer, full-time arrangements;
- Disposition of closed and vacant court facilities by way of sale, exchange, or otherwise; and
- New and continued leasing of facilities for court and staff use.

A leading factor in recommending the formation of the Real Estate Policies Subcommittee is that the issues in question do not fall squarely in either of the two advisory committees that otherwise address facilities matters: the Trial Court Facility Modification Advisory Committee (TCFMAC) and the Court Facilities Advisory Committee (CFAC). The TCFMAC's main focus is making recommendations on "facilities modifications, maintenance, and operations; environmental services; and utility management" while the CFAC's focus primarily concerns "the judicial branch capital program for the trial and appellate courts." (Cal. Rules of Court, rules 10.62 and 10.65.) Hence, neither is currently engaged in or situated to address real estate-specific matters of the judicial branch. Moreover, rule 10.11(c) vests the Executive and Planning Committee with explicit authority for facilities policies and procedures.

Facilities Services recommends that membership for the Real Estate Policies Subcommittee be drawn from members of the council as selected by the chair of the Executive and Planning Committee. Given the expansive nature of real estate issues and their potential impact throughout the judicial branch, the membership of the Real Estate Policies Subcommittee should include a wide range of interested parties to ensure the consideration of relevant perspectives and experience.

Establishing the Real Estate Policies Subcommittee will help achieve more consistent, cost-effective, and efficient management of the judicial branch's real estate portfolio throughout the state.

Fiscal and Operational Impacts

There are no associated costs with the creation of the Real Estate Policies Subcommittee. As policies are recommended by the Real Estate Policies Subcommittee, fiscal and operational impacts will need to be assessed.

Attachments and Links

1. Draft Charge to Real Estate Policies Subcommittee

Charge to Real Estate Policies Subcommittee

The Real Estate Policies Subcommittee is charged with making recommendations to the Executive and Planning Committee on policies, procedures, and guidelines governing various real estate matters involving court facilities throughout the state.

The Real Estate Policies Subcommittee will consider and make recommendations regarding the following:

- Third-party use of court facilities including, but not limited to, short-term event licensing and longer, full-time arrangements;
- Disposition (e.g., sale, exchange, etc.) of closed or vacant court facilities;
- New and continued leasing of facilities by the Judicial Council for court and staff use; and
- Other real estate policies, procedures, or guidelines consistent with the purpose and intent of this charge.

The chair of the Executive and Planning Committee will select Real Estate Policies Subcommittee members from sitting Judicial Council members.

The Real Estate Policies Subcommittee will submit recommendations to the Executive and Planning Committee as it completes proposals, but in any event no later than May 30, 2023.