

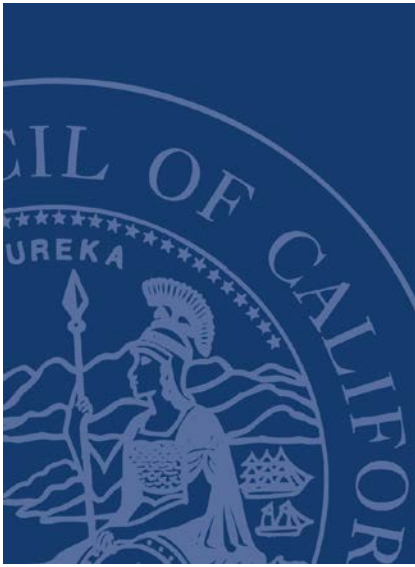
Meeting Binder for Court Facilities Advisory Committee

JULY 16, 2015



JUDICIAL COUNCIL
OF CALIFORNIA

OPERATIONS AND PROGRAMS DIVISION
CAPITAL PROGRAM



Meeting Binder

Court Facilities Advisory Committee (Teleconference)

July 16, 2015

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JUDICIAL COUNCIL
OF CALIFORNIA

COURT FACILITIES
ADVISORY COMMITTEE

www.courts.ca.gov/cfac.htm
cfac@jud.ca.gov

COURT FACILITIES ADVISORY COMMITTEE
OPEN MEETING AGENDA

Open to the Public (Cal. Rules of Court, rule 10.75(c)(1))

THIS MEETING IS BEING RECORDED

Date: July 16, 2015
Time: 12:00–1:00 PM
Location: Conference Call
Public Call-In Number (877) 820-7831 and enter Passcode: 7004216

Meeting materials will be posted on the advisory body web page on the California Courts website at least three business days before the meeting.

In accordance with California Rules of Court, rule 10.75(k)(1), written comments pertaining to any agenda item of a regularly noticed open meeting—which is conducted by conference call—can be submitted up to one complete business day before the meeting. For this specific meeting, comments should be e-mailed to cfac@jud.ca.gov or mailed or delivered to 455 Golden Gate Avenue, San Francisco, CA 94102, attention: Chris Magnusson. Only written comments received by 5:00 PM on July 15, 2015, will be provided to advisory body members.

Agenda items are numbered for identification purposes only and will not necessarily be considered in the indicated order.

I. OPEN MEETING (CAL. RULES OF COURT, RULE 10.75(C)(1))

Call to Order, Roll Call, and Opening Remarks

Approval of Minutes

Approve minutes of the Court Facilities Advisory Committee meeting held on May 15, 2015.

II. DISCUSSION AND ACTION ITEMS (ITEMS 1–3)

Item 1

Proposed Senate Bill 1407 Project Funding Requests and Draft *Judicial Branch AB 1473 Five-Year Infrastructure Plan* for Fiscal Year 2016–2017 (Action Required)

Review the list of proposed SB 1407 capital project funding requests and the draft *Judicial Branch AB 1473 Five-Year Infrastructure Plan* for FY 2016–2017 to meet the state Department of Finance’s September 2015 deadline.

Presenter: Ms. Angela Guzman, Financial Manager, Capital Program

Item 2

Judicial Council Policy on Art Acquisition for Court Facilities (Action Required)

Review the proposed policy on Judicial Council acquisition of art.

Presenter: Mr. William J. Guerin, Director, Capital Program
Ms. Debora Morrison, Senior Attorney, Legal Services

Item 3

Naming Request for the Merced – New Los Banos Courthouse (Action Required)

Review the request to name the new courthouse under construction in the City of Los Banos.

Presenter: Mr. Chris Magnusson, Senior Facilities Planner, Capital Program

III. ADJOURNMENT

Adjourn



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COURT FACILITIES
ADVISORY COMMITTEE

COURT FACILITIES ADVISORY COMMITTEE

MINUTES OF OPEN MEETING

May 15, 2015

12:00 PM –12:15 PM

Conference Call

Advisory Body Members Present: Hon. Brad R. Hill, Chair
Hon. Patricia M. Lucas, Vice-Chair
Mr. Anthony P. Capozzi
Hon. Keith D. Davis
Hon. Samuel K. Feng
Ms. Melissa Fowler-Bradley
Hon. William F. Highberger
Hon. Steven E. Jahr (Ret.)
Hon. Jeffrey W. Johnson
Hon. Laura J. Masunaga
Hon. Gary R. Orozco
Hon. David Edwin Power
Mr. Larry Spikes
Mr. Kevin Stinson
Mr. Val Toppenberg
Hon. Robert J. Trentacosta

Advisory Body Members Absent: Hon. Donald Cole Byrd
Mr. Stephan Castellanos, FAIA
Hon. Robert. D. Foiles
Mr. Stephen Nash
Ms. Linda Romero Soles
Mr. Thomas J. Warwick, Jr.

Others Present: The following Judicial Council staff/others were present:
Ms. Pearl Freeman, Capital Program
Mr. William J. Guerin, Capital Program
Ms. Angela Guzman, Capital Program
Mr. Clifford Ham, Capital Program
Ms. Donna Ignacio, Capital Program
Ms. Jessica Kmetovic, Skidmore, Owings & Merrill LLP
Ms. Kristine Metzker, Capital Program
Ms. Leslie G. Miessner, Legal Services
Mr. Bruce Newman, Capital Program
Ms. Kelly Quinn, Capital Program
Ms. Laura Sainz, Real Estate & Facilities Management
Mr. Steven Sobel, Skidmore, Owings & Merrill LLP

OPEN MEETING

Call to Order, Roll Call, and Approval of Meeting Minutes

The chair called the meeting to order at 12:00 PM, and roll was taken. The advisory committee voted unanimously (with the exceptions of Hon. David Edwin Power and Hon. William F. Highberger as an Ex-Officio, non-voting members and of the members who were absent as shown above) to approve the meeting minutes from its meetings held on March 24, 2015, and April 21, 2015.

DISCUSSION AND ACTION ITEMS

Item 1

Catalog of Courtroom Layouts for California Trial Courts

Hon. Brad R. Hill, chair, stated that the extensive effort to respond to the feedback from the presiding judges and court executive officers resulted in a set of very positive meetings with their respective advisory committees in March 2015. He stated the use of the proposed *Catalog of Courtroom Layouts for California Trial Courts* (the *Catalog*) will result in cost savings. He thanked Hon. Jeffrey W. Johnson, chair of the Courtroom Standards Workgroup (the Workgroup), the Workgroup's members, and council staff for establishing the *Catalog's* initial framework. He thanked the presiding judges and court executive officers for their input at their meetings and their involvement providing comments and suggestions as it progressed. And, he thanked the advisory committee members for their oversight.

Action: The advisory committee—with the exceptions of Hon. David Edwin Power and Hon. William F. Highberger as an Ex-Officio, non-voting members and of the members who were absent as shown above—voted unanimously on the following motions:

1. Recommend the Judicial Council adopt the *Catalog of Courtroom Layouts for California Trial Courts* (the *Catalog*) for application in the design of all fully or partially state-funded new courthouses to be used by the trial courts.
2. Delegate to the advisory committee's chair, vice-chair, and chair of its Courthouse Cost Reduction Subcommittee the responsibility to finalize the report to the Judicial Council on the *Catalog*.

Item 2

Water Conservation Policy for Capital-Outlay Projects

Hon. Brad R. Hill, chair, stated that the Governor has indicated to each branch of government develop short- and long-term approaches for addressing the state's severe drought. He indicated that the advisory committee would not be addressing approaches related to existing court facilities, which would be addressed by another policy and through a different committee. He stated that the advisory committee has been asked to address courthouse capital projects, to ensure their planning be responsible in relation to water conservation.

Action: The advisory committee—with the exceptions of Hon. David Edwin Power and Hon. William F. Highberger as an Ex-Officio, non-voting members and of the members who were absent as shown above—voted unanimously on the following motion:

1. Approve the *Draft Water Conservation Policy for California Judicial Branch Capital Projects* and move it forward to the Judicial Council for consideration.

A D J O U R N M E N T

There being no further business, the meeting was adjourned at 12:15 PM.

Approved by the advisory body on _____.

Senate Bill 1407 Capital-Outlay Projects
FY 2016–2017 Funding Requests

DRAFT DOCUMENT

Project	Phase	Amount ¹	Approval to Proceed to Bid	Preliminary Plans Approval	Fund Source
El Dorado - New Placerville	W	\$ 4,918,000		10/1/2016	3138- ICNA
Imperial - New El Centro	C	\$ 39,714,000	4/29/2016		0668-Bond Funded
Mendocino - New Ukiah (Re-appropriation)	W	\$ 6,068,000		8/22/2016	3138- ICNA
Riverside - New Indio	C	\$ 44,463,000	7/18/2016		0668-Bond Funded/3138-ICNA
Riverside - New Mid-County Civil	W	\$ 5,666,000		3/14/2017	3138- ICNA
Shasta - New Redding	C	\$ 136,705,000	11/1/2016		0668-Bond Funded
Stanislaus - New Modesto (Re-appropriation)	W	\$ 15,252,000		11/11/2016	3138- ICNA
Tuolumne - New Sonora	C	\$ 55,955,000	10/1/2016		0668-Bond Funded
Total		\$ 308,741,000			

¹ Please note that construction costs are subject to revision pending final construction cost index (construction inflationary index) adjustments.

Judicial Branch
AB 1473 Five-Year
Infrastructure Plan
Fiscal Year 2016–2017

SUPREME COURT OF CALIFORNIA
CALIFORNIA COURTS OF APPEAL
SUPERIOR COURTS OF CALIFORNIA

ADOPTED BY THE JUDICIAL COUNCIL:
AUGUST 20 OR 21, 2015

SUBMITTED TO THE
STATE DEPARTMENT OF FINANCE:
SEPTEMBER 2, 2015



JUDICIAL COUNCIL
OF CALIFORNIA

Judicial Branch
AB 1473
Five-Year Infrastructure Plan
Fiscal Year 20165–20176

Supreme Court of California
California Courts of Appeal
Superior Courts of California

| Adopted by the Judicial Council on August 20 OR 21, 20154
Including Subsequent Technical Revisions
| Submitted to the State Department of Finance on ~~January-September 25~~,
2015

Purpose and Acknowledgments

This report has been prepared by the Capital Program office of the Judicial Council of California. At the direction of the Judicial Council, it is updated annually for submission to the state Department of Finance along with funding requests for courthouse capital-outlay projects.

Judicial Council Staff
Executive Office and Capital Program office

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Administrative Director

Ms. Kristine Metzker
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~~Chief Operating Officer~~

Ms. ~~Gisele Corrie~~ Angela Guzman
~~Senior~~ Financial Manager

Mr. William J. Guerin
Director

Mr. Chris H. Magnusson
Senior Facilities Planner

Ms. Kelly Quinn
Assistant Director for Business and Planning

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- August 201~~5~~⁴ Judicial Council Report: Senate Bill 1407 Project Funding Requests and *Judicial Branch AB 1473 Five-Year Infrastructure Plan* for fiscal year 201~~6~~⁵–201~~7~~⁶
- ~~10~~¹ *Indefinitely Delayed SB 1407 Trial Court Capital-Outlay Projects: Sorted by Alphabetical Order*, August 20 OR 21, 201~~5~~⁴
- *Trial Court Capital-Outlay Plan*, August 20 OR 21, 201~~5~~⁴: Sorted by Total Score and by Court (January 201~~5~~⁴ dollars)

I. Introduction

For the first 100 years of statehood, county court facilities stood—figuratively and often quite literally as well—at the center of civic life, monuments to the democratic ideals of early Californians. The courthouse remains, now as then, a tangible symbol of the rule of law. It is a central point of contact between Californians and their government and is a key component in the administration of justice. The primary constitutional duty of the courts is to provide an accessible, fair, and impartial forum for the resolution of disputes. Court facilities are public resources that need to be managed in the most effective way to serve the public.

California’s court system is the largest in the world, with over 8.5 million filings annually, 10 million Californians called to jury service, and service to a population of more than 38 million people. As the primary point of contact between the public and the judicial branch, court facilities—housing more than 2,000 judicial officers and 19,000 branch employees statewide—play a central role in access to and delivery of justice. Today, however, California’s court buildings are in a state of significant disrepair, and they require substantial improvements to ensure the safety and security of court users, greater court efficiency, and equal access for all.

Assembly Bill 1473 (Hertzberg; Stats. 1999, ch. 606), codified at Government Code sections 13100–13104, requires the Governor to submit annually to the Legislature (1) a proposed five-year plan addressing the infrastructure needs of state executive branch agencies, schools, and postsecondary institutions; and (2) a proposal for funding the needed infrastructure. Because the Judicial Council of California is not an executive branch agency, its projects are not technically required to be included in the Governor’s five-year infrastructure plan under AB 1473. However, because Government Code section 13103 empowers the Governor to order *any entity* of state government to assist in preparation of the infrastructure plan, the Judicial Council on a voluntary basis has historically submitted an annual infrastructure plan to the state Department of Finance (DOF) to facilitate executive branch approval of judicial branch capital project funding requests. This annual infrastructure plan—the *Judicial Branch AB 1473 Five-Year Infrastructure Plan*—conveys the judicial branch’s funding needs for capital-outlay projects only, including new courthouse construction and major renovations to existing courthouses, because funding for improvements to existing facility infrastructure is not considered part of the judicial branch’s planned capital outlay.¹ The Judicial Council is the authority responsible for adopting annual updates to this five-year plan and for directing its staff to submit this five-year plan to the DOF.²

¹ At the direction of the Judicial Council, all modifications to existing facilities are addressed through the trial court facility modifications program and in accordance with the *Trial Court Facility Modifications Policy* available at www.courts.ca.gov/documents/jc-20141212_tcfmp-update.pdf and www.courts.ca.gov/documents/jc-20120727-itemG.pdf.

² Staff to the Judicial Council assists the council in meeting its responsibilities by, among other things, annually submitting to the DOF an updated *Judicial Branch AB 1473 Five-Year Infrastructure Plan*, which includes capital-outlay plans for the superior courts and the Courts of Appeal, including the Supreme Court of California. The *Judicial Branch AB 1473 Five-Year Infrastructure Plan* provides the executive and legislative branches with a context for annual courthouse capital project funding requests.

The state's court facilities require a renewed and continuing investment to ensure that they serve the public safely, efficiently, and effectively and that they provide equal access to the law and the judicial system. The *Judicial Branch AB 1473 Five-Year Infrastructure Plan* for fiscal year (FY) 2006–2007 established a program for improvement of the court facilities of the State of California. Since the approval of that document by the Judicial Council on June 1, 2005, its staff has made significant progress toward accomplishing various aspects of this program. This *Judicial Branch AB 1473 Five-Year Infrastructure Plan* for FY 201~~65~~–201~~76~~ represents an update to its predecessor, documenting a multibillion-dollar program for improvement of the state's court facilities.

The passage of Senate Bill 1407 (Perata; Stats. 2008, ch. 311) established special revenues to support up to \$5 billion in lease-revenue bonds for trial court facility improvements and enabled the branch to make great strides toward improving the trial courts across the state. However, since 2009, \$1.~~75~~ billion in Senate Bill 1732 (Stats. 2002, ch. 1082) and SB 1407 funds have been loaned, redirected to offset trial court funding cuts, or swept to offset the ongoing state General Fund deficit.³ Consequently, the judicial branch no longer has sufficient funding to do everything the Judicial Council had directed since SB 1407 was enacted.

In FY 2011–2012 alone, over \$540 million was loaned, redirected, or swept from SB 1407 funds—requiring the cancellation of two SB 1407 projects, the delay of others' moving into their next phases, and the reduced budgets of all active projects. In FY 2012–2013, the Judicial Council indefinitely delayed seven projects for the Superior Courts of Kern, Los Angeles, Monterey, Placer, and Plumas Counties resulting from the enactment of the 2012 Budget Act (FY 2012–2013)—which redirected over \$240 million in SB 1407 funds, of which \$50 million became an ongoing, annual redirection to offset trial court General Fund reductions.

In January 2013, the Judicial Council took additional steps due to enactment of the Governor's Budget for FY 2013–2014 that included payment for the New Long Beach Courthouse (Governor George Deukmejian Courthouse) from SB 1407 funds rather than the General Fund, the deferred repayment of a \$90 million loan (to the state General Fund) from SB 1407 construction funds, and the redirection of \$200 million in SB 1407 funds to trial court operations. As a result, the Judicial Council determined that four more projects—in Fresno, Los Angeles, Nevada, and Sacramento—were indefinitely delayed.⁴

³ This total capital-outlay deficit continues to increase each year by \$50 million because of ongoing redirection of facilities funds to trial court operations.

⁴ In January 2013, the Judicial Council determined that the Sacramento–New Sacramento Criminal Courthouse project move forward with its site acquisition, to seek necessary funding and acquisition approvals for its preferred site; however, work on its pre-design and design was suspended and indefinitely delayed. Site acquisition was completed and approved by the State Public Works Board on July 18, 2014, and on July 29, 2014, the council determined it would sponsor legislation to appropriate funds for the project's preliminary plans and working drawings phases. In September 2014, one-time funds for those phases of the project were authorized through Assembly Bill 1476 (Committee on Budget; Stats. 2014, ch. 663), and its status is no longer indefinitely delayed because it is currently in design.

When the 2014 Budget Act (FY 2014–2015) was enacted in June 2014, a one-time General Fund augmentation of \$40 million was included to reduce—from \$50 million to \$10 million—the required annual amount of SB 1407 funds redirected to support trial court operations. However, funding established for courthouse construction by SB 1732 and SB 1407—even without redirection of funds—remains inadequate to meet all infrastructure needs. The unmet funding requirement for courthouse construction is expressed and summarized in table 5 of this five-year plan, which presents the total Trial Court Capital-Outlay Plan budget of \$X.X billion in January 2015⁴ dollars.⁵

A. Legislative Framework: Structural Changes to the Responsibility for the Court System

The Lockyer-Isenberg Trial Court Funding Act of 1997 shifted responsibility for funding trial court operations from the counties to the state and established the Task Force on Court Facilities (Task Force) to identify facility needs and possible funding alternatives. It was the overarching recommendation of the Task Force that responsibility for trial court facilities funding and operation be shifted from the counties to the state. The Task Force recommended that the judicial branch, which is wholly responsible for all court functions, should also be responsible for the facilities in which it operates.

In 2002, the Trial Court Facilities Act (Sen. Bill 1732; and subsequent modifying language) was enacted. The act provides for the shift of responsibility for trial court facilities—including operations, maintenance, facility modifications, and capital-outlay projects—from county to state governance, under the direction of the Judicial Council. The act was the final step in restructuring the courts into an integrated judicial branch and built on three earlier pieces of legislation intended to unify the courts: the Trial Court Funding Act (1997), which provided for state funding of the court system; Proposition 220 (1998), which allowed for the voluntary unification of the state’s superior and municipal courts into a single trial court in each county; and the Trial Court Employment Protection and Governance Act (2000), which at the time made the courts independent employers of the more than 20,000 trial court workers. It is within the context of these changes to the funding and organization of the California court system as well as the mandate of the Trial Court Facilities Act that this five-year infrastructure plan for the California court system has been developed.

B. Judicial Council of California

The judicial branch is one of the three branches of California state government, along with the executive and legislative branches. The Judicial Council of California, chaired by the Chief Justice, is the governing body that provides policy guidelines to this branch of government and all the California courts.

⁵ The capital-outlay plan’s budget is presented in current dollars, defined for this plan as January 2015⁴ dollars.

Structural changes in the judicial branch that began in the late 1990s, such as unification of the superior and municipal courts and state funding of the court system, have significantly increased the Judicial Council's roles and responsibilities. In August 2012, the Judicial Council voted unanimously to restructure its staff, and a new organizational structure was implemented on October 1, 2012. Today, the Judicial Council has a staff of approximately XXX led by an Executive Office that oversees Governmental Affairs in Sacramento and three divisions with staff in San Francisco, Sacramento, and Burbank.

Staff to the Judicial Council is housed in four main facilities, in addition to field offices in commercial leased space and space in existing court facilities. The field offices support facilities management of various local courts. The headquarters is located in San Francisco, in the state-owned Hiram W. Johnson State Office Building of the Ronald M. George State Office Complex. In Sacramento, the staff office and the office of Governmental Affairs are located in commercial leased space, as is the office in Burbank. In section V.A. of this report, detailed descriptions have been provided of the Judicial Council staff's three divisions and the offices that they comprise, its four main facilities, and its field offices.

To fulfill the responsibilities of the Trial Court Facilities Act, the Judicial Council, in August 2003, established an office to manage trial court transfers (all of which were successfully completed by December 2009); to strategically plan for capital outlay, design, and construction of court facilities; and to facilitate real estate management of facilities for its staff and the Supreme Court, Courts of Appeal, and superior courts statewide. The office responsible for planning and executing the capital-outlay program is called Capital Program.⁶

C. Trial and Appellate Courts

Trial courts are the primary point of contact between California's residents and the judicial system. These courts, which are funded by the state and operated by local court officers and employees, determine the facts of a particular case and initially decide the applicable law. California's trial courts are used by millions of visitors: victims, witnesses, attorneys, police and sheriff personnel, jurors, and defendants both in custody and out of custody.

The Courts of Appeal review trial court interpretation and application of the law and devote themselves exclusively to the law—its application and development. The appellate courts function more simply than the trial courts, without the participation of the litigating parties, witnesses, and juries. Lawyers generally are the only individuals present in court sessions, and hearings typically take no more than a few days per month, focusing on oral argument supplementing the written briefs and records. The Supreme Court, the highest California court, has jurisdiction in proceedings for extraordinary relief. It may elect to review cases previously

⁶ As part of Judicial Council staff restructuring in fall 2012, the Judicial Council's Office of Court Construction and Management, which was established to implement the Trial Court Facilities Act of 2002, was divided into two new offices: the Judicial Branch Capital Program Office and the Office of Real Estate and Facilities Management. Effective July 29, 2014, the council renamed these offices Capital Program and Real Estate and Facilities Management, respectively.

decided by the Courts of Appeal and, by law, must review all those cases in which a judgment of death has been pronounced by a trial court.

California's appellate court facilities are currently the responsibility of the state. The responsibility for trial or superior court facilities was transferred from the counties to the state under the mandate of the Trial Court Facilities Act of 2002. This undertaking and its timeline are summarized in section D. below.

D. Completed Transfers of Trial Court Facilities

Under the Trial Court Facilities Act, negotiations for transfer of responsibility of all trial court facilities from the counties to the state began July 1, 2004, and continued through June 30, 2007. During that time period, approximately 120 trial court facilities were addressed under transfer agreements. On April 23, 2008, Assembly Bill 1491 (Jones; Stats. 2008, ch. 9) was enacted to extend the facility transfers deadline to December 31, 2009. On December 29, 2009, the last trial court facility transfer was completed, resulting in over 500 facilities transferred and under the responsibility of the state. The facility transfer process—involving the participation of all 58 counties—was the foundation for creating a single, comprehensive infrastructure program for courthouses statewide.

E. Court Facilities Advisory Committee—Advisory Committee to the Judicial Council

In July 2011, Chief Justice Tani G. Cantil-Sakauye established the Court Facilities Advisory Committee (formerly, the Court Facilities Working Group) as a standing advisory committee to the Judicial Council to provide ongoing oversight of the judicial branch capital construction program for trial and appellate courts throughout the state. The committee oversees the work of Judicial Council staff in its effort to implement the judicial branch's statewide capital improvement program and makes recommendations to the Judicial Council for action.

Committee members are drawn from the trial and appellate courts throughout the state—including justices, judges, and court executives—in addition to private attorneys, design and facilities professionals, and a local government administrator. In evaluating courthouse projects as well as facility policies, this committee solicits input from the affected courts and from the public. To date, the full committee has met 164 times.

Since April 2012, the committee met five times specifically to review how one-time and ongoing enacted or proposed redirection of SB 1407 funds would affect the ability of the judicial branch to move all SB 1407 projects forward as planned and to develop recommendations to the Judicial Council. These meetings—in April, July, September, and December of 2012, and in February of 2013—resulted in action by the Judicial Council at its meetings in April and October of 2012 and in January and February of 2013. During this period, the SB 1407 courthouse construction program and its overall schedule were modified each time the Judicial Council took action.⁷

⁷ Complete details of the Judicial Council's actions are in the Judicial Council reports in Appendix A of the *Judicial Branch AB 1473 Five-Year Infrastructure Plan: Fiscal Year 2013–2014*.

In October 2011, the committee formed its Courthouse Cost Reduction Subcommittee with the purpose of proposing further cost reductions to the SB 1407 courthouse construction program. In October 2012, the Judicial Council directed that the subcommittee oversee and have direct implementation authority to mandate project cost reductions for all capital-outlay projects in design (preliminary plans and working drawings) managed by the judicial branch. The subcommittee's primary goal is to reduce expenditure of public funds on the judicial branch's capital-outlay projects without compromising safety, security, and functionality for the public and the courts. To date, this subcommittee has managed to reduce the budgets of the 28 SB 1407 projects it has reviewed by approximately \$380 million.⁸

F. California's Court Facilities

The Judicial Council's real property portfolio includes all property leased or owned for the benefit of its staff, the Supreme Court, the Courts of Appeal, the Habeas Corpus Resource Center, the Commission on Judicial Performance, and all superior courts. The real estate portfolio currently comprises approximately 360 active expense and revenue leases and 400 owned properties,⁹ totaling approximately 14 million usable square feet (USF)¹⁰ exclusively occupied by Judicial Council staff, the courts, and other judicial branch entities. On the whole, the building area under Judicial Council responsibility and management has gradually increased to what is now approximately 20 million square feet of facility space.¹¹

The Supreme Court occupies just over 100,000 USF of space between two facilities: the Earl Warren Building of the Ronald M. George State Office Complex in San Francisco and the Ronald Reagan State Building in Los Angeles. The other appellate courts, occupying a total of just over 500,000 square feet of space in 10 facilities, serve six regional districts: the first appellate district, in San Francisco; the second appellate district, in Los Angeles and Ventura; the third appellate district, in Sacramento; the fourth appellate district, in San Diego, Riverside, and Santa Ana; the fifth appellate district, in Fresno; and the six appellate district, in San Jose.

⁸ Judicial Council mandates on reducing costs of SB 1407 projects are listed in the April and October 2012 reports contained in Appendix A of the *Judicial Branch AB 1473 Five-Year Infrastructure Plan: Fiscal Year 2013–2014*.

⁹ These properties are owned either by the judicial branch or by counties but their management has transferred to the Judicial Council under the provisions of SB 1732. The owned property portfolio includes buildings, parking lots and structures, and new courthouse sites.

¹⁰ *Usable square feet* (USF) is defined by the Task Force as component gross area or square feet, which represents all net areas assigned to a given component, as well as related internal circulation, interior partitions and columns, chases serving the space, and other areas incidental to the component's spatial organization or construction, plus the corridors connecting the components. It expresses the amount of "usable" area for a specific use. Component gross area excludes the area required for public circulation and lobbies, mechanical and electrical spaces and distribution shafts, stairs, elevators, and other common building elements.

¹¹ The square footage under responsibility includes all court-exclusive areas in the transferred facilities, including their percentages of common space, and the gross square footage of any building for which the Judicial Council is the managing party (i.e., responsible for the entirety of the building's operations and maintenance). Also included under responsibility is rentable square footage for any leased facility.

California's trial court facilities—totaling the approximately 500 that transferred to the state by December 29, 2009—vary considerably in size, age, and condition. The largest trial court facility is the Stanley Mosk Courthouse in downtown Los Angeles, with 100 courtrooms. Some rural and mountainous areas are served by one- or two-courtroom facilities. Although a few court facilities are new or quite old and historic, the inventory is generally aging, with approximately 70 percent of all court facilities in California built before 1980. In most cases, these older facilities serve neither the public nor the court well, owing to physical conditions and designs rendered obsolete by modern court operations and caseload demands. During the past decade, some counties invested in their court facilities but many could not, because of insufficient funding and competing priorities.

Although the facility transfer process has successfully concluded, California's trial court facilities remain in a state of significant disrepair. Based on Task Force on Court Facilities data, approximately 90 percent of California's trial court facilities require significant renovation, repair, or maintenance. Over 80 percent were constructed before the 1988 seismic codes took effect, 23 court facilities are in temporary buildings or trailers, and 25 percent lack space to assemble jurors.¹² These facilities are in extremely poor condition, lack any type of security, are functionally insufficient to support court operations, and are sometimes inaccessible.

Court facilities serving California's trial courts were initially built and maintained by each of California's 58 county governments. Historically, court facility needs were assessed at the county level, and both funding and approval for construction, maintenance, and renovation projects had been the responsibility of each county's board of supervisors, until such time as facility transfers were executed. As a result, the trial courts were often "subject to the vagaries of local fiscal health and relationships,"¹³ and significant inequities grew between courts in terms of facilities operations and maintenance.

In addition to local priorities, other reasons for historic inequality in county funding were related to limited funding, including Proposition 13's limits on property taxes; severe recessions in the late 1980s and early 1990s; and the shift from the counties to the state of funding that supports school districts.¹⁴ As a result, many California trial court facilities became deficient for court operations, suffering from deferred maintenance and lacking adequate security, compliance with life and health safety or seismic codes, and accessibility for people with disabilities.¹⁵ Several courts with high caseload growth still occupy leased offices or modular buildings to meet the need for additional courtrooms and public service areas, which results in unconsolidated court

¹² State of California, Task Force on Court Facilities, *Final Report of the Task Force on Court Facilities* (Oct. 1, 2001).

¹³ Ronald M. George, Chief Justice of California, State of the Judiciary, address to a joint session of the California Legislature (Sacramento, Mar. 2003).

¹⁴ Capital Center for Government Law and Policy, University of the Pacific McGeorge School of Law, *Proposition 13 at Twenty-Five* (May 2004).

¹⁵ State of California, Task Force on Court Facilities, *supra*.

operations that are inefficient to operate and inadequate in meeting the full, functional needs of the public and the superior court.

G. Map of California Court Jurisdictions

Figure 1 presents a map showing the geographical jurisdiction of each of the six appellate court districts and each of the 58 superior courts.

Figure 1: State of California Superior and Appellate Court Jurisdictions



II. Summary of Fiscal Year 201~~65~~-201~~76~~ Funding Requests and Capital-Outlay Needs for SB 1407 Trial Court Projects

To further Judicial Council goals of modernization of management and branchwide infrastructure for service excellence, the Judicial Council is requesting funding authorization in FY 201~~65~~-201~~76~~ (201~~65~~ Budget Act) for initial and subsequent phases of all ~~12~~-eight trial court capital-outlay projects shown below in table 1. Their funding is from SB 1407.

(PLEASE NOTE: The information in the table below is placeholder at this time and subject to change.)

Table 1: Funding Requests for Court Capital Projects for FY 201~~65~~-201~~76~~

<u>Project</u>	<u>\$ (in millions)</u>	<u>Phases¹</u>	<u>Funding Source²</u>
El Dorado, New Placerville Courthouse.....	\$ 4.918	W	ICNA
Imperial, New El Centro Courthouse	39.714	C	PBCF (ICNA)
Mendocino, New Ukiah Courthouse ³	6.068	W	ICNA
Riverside, New Indio Juvenile and Family Courthouse	44.463	C	PBCF (ICNA) <u>ICNA</u>
Riverside, New Mid-County Civil Courthouse	5.666	W	ICNA
Shasta, New Redding Courthouse	136.705	C	PBCF (ICNA)
Stanislaus, New Modesto Courthouse ³	15.252	W	ICNA
Tuolumne, New Sonora Courthouse.....	55.955	C	PBCF (ICNA)
Trial Court Capital Projects Total	\$ 308.741		

Table Footnotes:

- ~~A = Land Acquisition; P = Preliminary Plans~~; W = Working Drawings; C = Construction.
- ICNA = Immediate and Critical Needs Account (SB 1407 [Perata]); PBCF (ICNA) = Public Building Construction Fund (to be repaid from the ICNA).
- Funding for this project has been requested as a reappropriation of previously authorized funds as shown.

Judicial Council staff submitted an initial *Capital-Outlay Concept Paper* to the state Department of Finance in August 2009 for all trial court capital-outlay projects to be funded by SB 1407 during the five-year plan period. Presented below in table 2 is the updated need for the remaining fiscal years of the SB 1407 trial court capital projects program, including all funded projects as well as the ~~101~~ unfunded SB 1407 projects indefinitely delayed by the Judicial Council because of funding redirections and General Fund loans. Note that funding for any additional projects is likely to be secured after FY 202~~10~~–202~~21~~, so their funding requirements have not been estimated in table 2. The estimated annual funding requirements to implement the entire SB 1407 program are presented in table 8, section IV.F., of this five-year plan.

(PLEASE NOTE: The information in the table below is placeholder at this time and subject to change.)

**Table 2: Updated Capital-Outlay Needs for All Funded and Unfunded SB 1407 Trial Court Projects—
Fiscal Years 201~~76~~–201~~87~~ through 202~~10~~–202~~21~~**

<u>Project</u>	<u>Initial FY Request</u>	<u>Estimated FY Total \$ (in millions)</u>
SB 1407 Capital Projects	FY 2017–2018	<u>624.0</u>
SB 1407 Capital Projects	FY 2018–2019	<u>80.0</u>
SB 1407 Capital Projects	FY 2019–2020	<u>20.0</u>
SB 1407 Capital Projects	FY 2020–2021	<u>53.0</u>
<u>SB 1407 Capital Projects</u>	<u>FY 2021–2022</u>	<u>1,068.0</u>

The map in figure 2 highlights the California counties that have one or more trial court projects fully funded through either SB 1732 or SB 1407 revenues. This map—highlighting 36 of the 58 counties—represents the judicial branch’s most urgently needed trial court capital projects for which funding is available after substantial one-time and ongoing redirection of construction funds from 2009 to 2012.

With the exception of the Sacramento–New Sacramento Criminal Courthouse project, which completed site acquisition in July 2014 and ~~can~~has ~~proceeded~~ed with design (preliminary plans and working drawings) in FY 2014–2015 using one-time funds, ~~once Judicial Council-sponsored legislation is enacted,~~ figure 2 does not account for the seven SB 1407 projects that were indefinitely delayed by the Judicial Council in October 2012 and the four that were indefinitely delayed in January 2013.

Figure 2: 36 Superior Courts Benefiting from State-Funded Trial Court Projects



III. Appellate Courts Five-Year Infrastructure Plan

The five-year plan for the appellate courts of California does not include any projects submitted for funding consideration in FY 201~~65~~–201~~75~~76.

Five appellate court projects have recently been completed. Each project is summarized below in section III.E., and in table 4, with a more complete description provided under its respective appellate court district in section III.F., Summary, Inventory, and Evaluation of Existing Appellate Court Facilities.

A. Purpose of and Services Provided by the Supreme Court

The Supreme Court of California has discretion to review decisions of the Courts of Appeal, the Public Utilities Commission, the State Bar of California, and the Commission on Judicial Performance. It is required to review all death penalty judgments from the superior courts. In addition, the court has original jurisdiction in proceedings for “extraordinary relief,” such as petitions seeking writs of certiorari, mandate, prohibition, and habeas corpus.

The Supreme Court consists of a Chief Justice and six associate justices, each serving 12-year terms as mandated by the California Constitution. The justices are appointed by the Governor and confirmed by the Commission on Judicial Appointments. The court is located in the Earl Warren Building of the Ronald M. George State Office Complex in San Francisco, with additional chambers in Sacramento and Los Angeles. The court hears oral argument four times a year in San Francisco, four times a year in Los Angeles, and twice a year in Sacramento. Occasionally, special oral argument sessions are held elsewhere.

Except for death penalty cases, which are guaranteed an automatic appeal, the Supreme Court has discretion to decide whether it will review any case. Consequently, the court’s space requirements do not change dramatically over time. When a majority of the justices agree to hear a case, the Chief Justice will order the matter set for oral argument. After oral argument, the justices confer and issue a written decision within the statutory time of 90 days.

B. Summary of Existing Supreme Court Facilities

The Supreme Court headquarters are in the Earl Warren Building of the Ronald M. George State Office Complex on San Francisco’s Civic Center Plaza. The court also maintains small office suites in the Ronald Reagan State Building in Los Angeles and the Stanley Mosk Library and Courts Building in Sacramento, which is included in this report as part of the inventory for the Court of Appeal, Third Appellate District.

1. Supreme Court of California – San Francisco and Los Angeles

Existing Facility:	<i>Supreme Court of California – San Francisco</i> <i>350 McAllister Street, San Francisco – 1st, 4th, 5th & 6th Floors</i> <i>455 Golden Gate Avenue, San Francisco – 6th Floor</i>		
	<ul style="list-style-type: none">• 98,155 USF• State-owned historic Earl Warren Building (1923) – part of the Ronald M. George State Office Complex• Justices – 7		
Current Status:	The Earl Warren Building of the Ronald M. George State Office Complex is the headquarters of the California Supreme Court, which occupies the 1st, 4th, 5th, and 6th floors of this building. The court shares the building with the Court of Appeal, First Appellate District, which occupies part of the 1st, 2nd, and 3rd floors. A total restoration including a seismic retrofit of this building was completed in 1998.		
Needs:	Required Space.....	98,155	USF
	Current Space	98,155	USF
	Net Current Need	0	USF
Proposal:	This facility adequately meets the needs of this court.		

2. Supreme Court of California – San Francisco and Los Angeles, *continued*

Existing Facility:	<i>Supreme Court of California – Los Angeles</i> <i>300 South Spring Street, Los Angeles – 2nd, 3rd & 4th Floors</i>		
	<ul style="list-style-type: none"> • 7,598 USF • State-owned Ronald Reagan State Building (1990) 		
Current Status:	The Supreme Court shares a courtroom with the Court of Appeal, Second Appellate District, to hold oral argument four times a year. On December 31, 2009, and due to budgetary restrictions, the Supreme Court Clerk’s Office in this building was closed, and the available space—approximately 1,981 USF formerly occupied by three staff persons—was subsequently occupied by the Court of Appeal, Second Appellate District. On the third and fourth floors of the building, the Supreme Court occupies judicial chambers and associated staff spaces.		
Needs:	Required Space	7,598	USF
	Current Space.....	7,598	USF
	Net Current Need	0	USF
Proposal:	This facility adequately meets the needs of this court.		

C. Purpose of and Services Provided by the Courts of Appeal

The Courts of Appeal must respond to all appeals to decisions made by the trial courts and will need additional justices over time to meet an increased caseload.

The Courts of Appeal decide questions of law, such as whether the superior court judge applied the law correctly in a case. The court makes its decision based on review of the record of the original trial, not by hearing testimony or retrying cases. Consequently, appellate courts are not high-traffic facilities. Each of the nine appellate court facilities requires only one courtroom to accommodate a panel of justices. Appellate court facilities do not require holding cells or space for jurors. Courts of Appeal handle large volumes of paper, including multiple copies of briefs and trial court records that vary in size based on case complexity.

D. Planning for Future Appellate Court Facilities

A comprehensive evaluation of all appellate court facilities in California was completed by the Task Force on Court Facilities. As part of the study, the Task Force developed facility guidelines for appellate courts, identified current space needs, projected future needs, inspected and evaluated all appellate court facilities, and developed capital planning options for each. This five-year plan summarizes the Task Force findings, which recommended replacing leased facilities with state-owned facilities designed specifically for the Courts of Appeal. Given the

state budget climate, money from the state General Fund has not been authorized for replacing the leased facilities with state-owned facilities in Ventura, San Diego, and San Jose.

Table 3 below presents the current number of authorized justices for the appellate courts.

Table 3: Summary of Current Number of Authorized Justices for the Appellate Courts

<u>District – Court Location</u>	<u>Current Authorized Justices¹</u>
First – San Francisco	20
Second – Los Angeles, Ventura	32
Third – Sacramento	11
Fourth – San Diego, Riverside, Santa Ana	25
Fifth – Fresno	10
Sixth – San Jose.....	<u>7</u>
Total	105

Table Footnote:

1. Current authorized justices are derived from the latest version of the court statistics report, *201~~5~~4 Court Statistics Report, Statewide Caseload Trends: 200~~4~~3–200~~5~~4 Through 201~~3~~2–201~~4~~3*.

E. Summary of Appellate Court Projects

As presented in table 4, five appellate court projects have been completed. The new Fifth Appellate District Courthouse in Fresno was completed in August 2007. For both the Fourth Appellate District, Division One, in San Diego and the Sixth Appellate District in San Jose, projects to expand the courts into adjacent space in their current leased facilities were completed— San Jose’s in November 2008 and San Diego’s in July 2009. The new Fourth Appellate District, Division Three, courthouse in Orange County was completed in August 2009. And a renovation of the Third Appellate District Courthouse in Sacramento was completed in April 2013.

Space requirements for appellate court facilities are based on the *Appellate Court Facilities Guidelines*. These guidelines were developed by the Task Force and were adopted by the Judicial Council, effective July 1, 2002.

Table 4: Summary of Appellate Court Facilities and Capital-Outlay Projects

<u>Appellate District</u>	<u>Division</u>	<u>City</u>	<u>State-Owned</u>	<u>Existing Commercial Lease</u>	<u>Capital-Outlay Project Approved or Planned</u>
First	1–5	San Francisco	×		—
Second	1–5, 7 & 8	Los Angeles	×		—
Second	6	Ventura		×	—
Third	—	Sacramento	×		Completed in April 2013
Fourth	1	San Diego		×	Completed in July 2009 ¹
Fourth	2	Riverside	×		—
			(lease to own)		
Fourth	3	Santa Ana	×		Completed in August 2009
Fifth	—	Fresno	×		Completed in August 2007
Sixth	—	San Jose		×	Completed in November 2008 ¹

Table Footnote:

1. This project was funded to expand court leased space in lieu of constructing a new courthouse.

F. Summary, Inventory, and Evaluation of Existing Appellate Court Facilities

Each of the Courts of Appeal in California is described below. Three courts are currently located in leased space. The Court of Appeal, Fourth Appellate District, in Riverside is located in a lease-to-own facility and, as such, is treated as a state-owned building.

1. First Appellate District – San Francisco

Existing Facility:	<i>San Francisco – Divisions 1–5</i> <i>350 McAllister Street, San Francisco – 1st, 2nd & 3rd Floors</i> <i>455 Golden Gate Avenue, San Francisco – 4th Floor</i>	
	<ul style="list-style-type: none">• 82,716 USF• Ronald M. George State Office Complex: State-owned historic Earl Warren Building (1923) and adjoining new state-owned high rise, Hiram W. Johnson State Office Building (1998)	
Current Status:	The existing facility now adequately meets the needs of the court, requiring no additional area or modifications at this time.	
Needs:	Required Space	82,716 USF
	Current Space	82,716 USF
	Net Current Need	0 USF
Proposal:	This facility adequately meets the needs of this court.	

2. Second Appellate District – Los Angeles and Ventura

Existing Facility:	<i>Los Angeles – Divisions 1–5, 7 & 8</i> <i>300 South Spring Street, Los Angeles – 2nd, 3rd & 4th Floors</i>	
	<ul style="list-style-type: none">• 119,137 USF• State-owned Ronald Reagan State Building (1990)	
Current Status:	The appellate district gained the available space in the building (approximately 1,981 USF) that was formerly occupied by the Supreme Court Clerk’s Office, which was closed on December 31, 2009. The existing facility adequately meets the needs of the court, requiring no additional area or modifications at this time.	
Needs:	Required Space	119,137 USF
	Current Space	119,137 USF
	Net Current Need	0 USF
Proposal:	This facility adequately meets the needs of this court.	

2. Second Appellate District – Los Angeles and Ventura, *continued*

Existing Facility:	<i>Ventura – Division 6</i> <i>200 East Santa Clara Street, Ventura</i>	
	<ul style="list-style-type: none"> • 23,329 USF (excludes 800 USF for storage) • Commercial leased standalone building 	
Current Status:	The existing facility now adequately meets the needs of the court, requiring no additional area or modifications at this time.	
Needs:	Required Space	23,329 USF
	Current Space	23,329 USF
	Net Need	0 USF
Proposal:	This facility adequately meets the needs of this court.	

3. Third Appellate District – Sacramento

Existing Facility:	<i>Sacramento</i> <i>914 Capitol Mall, Sacramento – 1st, 2nd, 4th & 5th Floors</i>	
	<ul style="list-style-type: none"> • 55,821 USF • State-owned historic Stanley Mosk Library and Courts Building (1929) 	
Current Status:	A renovation to the courthouse was completed in April 2013. This renovation resolved security, accessibility, and numerous preexisting deficiencies as well as providing additional space (approximately 15,827 USF) to consolidate all operations previously housed in the state-owned Library and Courts Annex Building (900 N Street). This facility adequately meets the needs of the court, requiring no additional area or modifications at this time.	
Needs:	Required Space	55,821 USF
	Current Space	55,821 USF
	Net Current Need	0 USF
Proposal:	This renovated courthouse adequately meets the court’s facility needs.	

4. Fourth Appellate District – San Diego, Riverside, and Santa Ana

Existing Facility:	<i>San Diego – Division 1</i> <i>750 B Street, Suite 300, San Diego – 2nd, 3rd, 4th & 5th Floors</i>	
	<ul style="list-style-type: none"> • 50,349 USF • Commercial leased Symphony Towers high rise 	
Current Status:	The court is located on four floors in a commercial building in downtown San Diego. A new state-owned court facility—to replace this leased facility—was proposed for funding in FY 2008–2009, but this project was not included in the January Governor’s Budget. However, in July 2009 Judicial Council staff completed a project to accommodate the court’s expansion into adjacent space in this facility on the second, third, fourth, and fifth floors.	
Needs:	Required Space	50,349 USF
	Current Space	50,349 USF
	Net Current Need	0 USF
Proposal:	This facility adequately meets the needs of this court.	

Existing Facility:	<i>Riverside – Division 2</i> <i>3389 Twelfth Street, Riverside</i>	
	<ul style="list-style-type: none"> • 35,034 USF • Lease-to-own standalone building (1998) leased from the County of Riverside 	
Current Status:	The existing facility adequately meets the needs of the court, requiring no additional area or modifications at this time. However, future expansion of this facility will be necessary, due to projected caseload growth and the need for space to accommodate projected new justices.	
Needs:	Required Space	51,034 USF
	Current Space	35,034 USF
	Net Need	16,000 USF
Proposal:	To secure a site large enough for future expansion, a funding request for acquisition of the county-owned parcel adjacent to the existing facility was proposed in FY 2008–2009. However, this project was not included in the Governor’s January Budget.	

4. Fourth Appellate District – San Diego, Riverside, and Santa Ana, *continued*

Existing Facility:	<i>Santa Ana – Division 3</i> <i>601 West Santa Ana Boulevard, Santa Ana</i> <ul style="list-style-type: none">• 52,000 USF• State-owned Fourth Appellate District courthouse (2009)
Current Status:	A new courthouse was constructed in August 2009, replacing two former leased facilities. This facility adequately meets the needs of the court, requiring no additional area or modifications at this time.
Needs:	Required Space 52,000 USF Current Space 52,000 USF Net Need 0 USF
Proposal:	This new courthouse adequately meets the court’s facility needs.

5. Fifth Appellate District – Fresno

Existing Facility:	<i>Fresno</i> <i>2424 Ventura Street, Fresno</i> <ul style="list-style-type: none">• 51,000 USF• State-owned Fifth Appellate District courthouse (2007)
Current Status:	A new courthouse was constructed in August 2007, replacing two former leased facilities. This facility adequately meets the needs of the court, requiring no additional area or modifications at this time.
Needs:	Required Space 51,000 USF Current Space 51,000 USF Net Need 0 USF
Proposal:	This facility adequately meets the needs of this court.

6. Sixth Appellate District – San Jose

Existing Facility:	<i>San Jose</i> <i>333 West Santa Clara Street, San Jose – 10th & 11th Floors</i> <ul style="list-style-type: none">• 39,000 USF• Commercial leased space in high-rise building
Current Status:	The court has been located in this high-rise commercial building since 1988. A new state-owned court facility—to replace this leased facility—was proposed for funding in FY 2008–2009, but this project was not included in the Governor’s January Budget. However in November 2008, Judicial Council staff completed a project to accommodate the court’s expansion into adjacent space in this facility.
Needs:	Required Space 39,000 USF Current Space 39,000 USF Net Need 0 USF
Proposal:	This facility adequately meets the needs of this court.

IV. Trial Court Five-Year Infrastructure Plan

The five-year plan for the trial courts is presented here in the context of a multiyear planning process with interim steps that have been directed by policy adopted by the Judicial Council. Although some funding for court capital projects has been proposed by the Governor, this Trial Court Capital-Outlay Plan presents the funding requirements (in current dollars) for all proposed court capital improvement projects.

A. Summary of Trial Court Capital Planning Process

Since 1998, the Judicial Council has been engaged in a process of planning for capital improvements to California's court facilities. This planning work has been undertaken in the context of the transition toward state responsibility for court facilities. The planning initiatives, beginning with the creation of the Task Force, have gradually moved from a statewide overview to county-level master planning and to project-specific planning efforts.

In 2012, the judicial branch continued to face difficult planning decisions—for example, how to move forward with the SB 1407 program given the diversion of \$240 million from SB 1407 funds. In 2013, this situation continued in the 2013 Governor's Budget (FY 2013–2014), which included deferred repayment of a \$90 million loan (to the state General Fund) from SB 1407 construction funds and the redirection of \$200 million in SB 1407 funds to trial court operations. The Court Facilities Advisory Committee, appointed by Chief Justice Cantil-Sakauye and described above in section I.E., examined this problem throughout 2012, as well as in early 2013, to develop a series of recommendations to the Judicial Council. The committee's recommendations were formally adopted by the Judicial Council on April 24 and October 26, 2012, and on January 17 and February 26, 2013.¹⁶

Below is a summary of the planning process undertaken to develop the Trial Court Capital-Outlay Plan—the prioritized list of trial court capital projects from which the Judicial Council selects projects to be funded by either SB 1732 or SB 1407 funding sources.

1. Task Force on Court Facilities. The capital planning process began with the passage of the Lockyer-Isenberg Trial Court Funding Act of 1997, which transferred responsibility for funding trial court operations from the counties to the state and established the Task Force on Court Facilities to identify facility needs and possible funding alternatives. Over two and a half years, the Task Force developed a set of findings and recommendations contained in its final report, dated October 1, 2001. The Task Force surveyed the superior court facilities to identify the functional and physical problems of each facility. Many of the Task Force's key findings are referred to in this document.

¹⁶ Complete details of the Judicial Council's actions are contained within the Judicial Council reports in Appendix A of the *Judicial Branch AB 1473 Five-Year Infrastructure Plan: Fiscal Year 2013–2014*.

The Task Force projected space requirements based on correcting current deficiencies and meeting future growth needs. A broad estimate of the cost to meet these needs was then developed, including the extent to which the existing facilities could be reused. The options developed were painted with a very broad brush, did not consider changes to how a court might deliver services at various locations, and were based on limited involvement of the local courts or the justice community.

2. Facility Master Plans for 58 Trial Courts. The Judicial Council undertook the next step in the capital planning process in June 2001 with the initiation of a two-and-a-half-year effort to develop a facility master plan for each of the 58 trial courts in California. By December 2003, the Judicial Council completed a facility master plan for each of the 58 courts. Each master plan was guided by a steering committee or project team composed of members of the local court, county administration, county justice partners, and staff to the Judicial Council. The planning horizon for the master plans is 20 years. The master plans confirmed the Task Force's findings related to the physical and functional condition of each court facility, refined the caseload projections for each court, considered how best to provide court services to the public, developed a judgeship and staffing projection for each court location, and examined development options for how best to meet goals related to court service, operational efficiency, local public policy, and cost-effectiveness.

The facility requirements for the superior courts were based on several guidelines or guiding principles:

- A methodology adopted by the Judicial Council to project and standardize statewide judicial needs based on a set of judicial workload standards was applied to census-based population demographics and historical caseload data to estimate future caseload by type, at five-year planning intervals. In turn, the data was used to project the needs of each court for future judgeships. Associated staffing requirements were extrapolated from the judgeship projections.
- *Trial Court Facilities Guidelines*, developed by the Task Force and later adopted by the Judicial Council in July 2002, were used as a basis for developing space requirements based on judgeship and staff projections.¹⁷ Application of these guidelines resulted in 8,500 to 10,000 USF per courtroom. The requisite increase to building gross square feet (BGSF) included circulation and building structure as well, which resulted in 11,900 to 14,000 BGSF when basement-level sallyports and secure holding were included. Analysis of the 58 facility master plans confirmed the high side of the Task Force's analysis, with the statewide average USF per courtroom calculated at 10,160 USF or 14,225 BGSF.

¹⁷ These guidelines were superseded by the *California Trial Court Facilities Standards*, which were adopted by the Judicial Council in April 2006.

- Local superior court public service objectives, including how best to serve the public, were examined in each master plan. The distribution of court facilities and the types of cases that are heard at each location vary from county to county. The master plan process determined which court services could be expanded to more locations or, conversely, which court facilities and services could be consolidated and how access to court services could be best provided in the county.

After space requirements were developed and existing building condition and capacity were confirmed by the master plan team, the team examined how best to meet the service delivery goals of the court. A master plan solution to the capital needs of each court—including the types and amounts of space required, the time frame in which construction or renovation projects should be initiated and completed, and the estimated cost of each project in 2002 dollars—is presented in each facility master plan. Capital projects include building new court facilities, renovating existing court facilities, and expanding existing facilities.

3. Prioritization of Trial Court Capital Projects Identified in Master Plans. The third step in the capital planning process was to prioritize individual projects identified in the 58 master plans and then consolidate these projects into a statewide plan. A procedure to accomplish this prioritization was adopted by the Judicial Council in August 2003.¹⁸ This prioritization methodology sought to prioritize these projects consistently and without bias. The methodology evaluated 201 capital projects identified in the master plans to be initiated in the second quarter of 2010 or earlier. The resulting Trial Court Five-Year Capital-Outlay Plan, a first in the state of California, was approved by the Judicial Council for submission to the state Department of Finance in February 2004.

Beginning in 2005, Judicial Council staff, guided by the advising bodies of the Court Facilities Transitional Task Force and the Interim Court Facilities Panel, reevaluated the prioritization methodology. As a result, the methodology was simplified and then adopted on August 25, 2006, by the Judicial Council. Through its application, a new list of trial court capital projects—the Trial Court Capital-Outlay Plan—was developed, presenting five project priority groups: Immediate, Critical, High, Medium, and Low. As a result of the passage of SB 1407 (Perata), which was enacted on September 26, 2008, and authorizes \$5 billion in lease-revenue bonds for trial court facility construction, the methodology was further revised and then adopted by the Judicial Council on October 24, 2008. The methodology and the Trial Court Capital-Outlay Plan are the framework for all trial court capital project funding requests.¹⁹

4. Trial Court Capital-Outlay Plan: Updated Budgets and Project Priority Groups.

The most recently updated capital-outlay plan was adopted by the Judicial Council on August 20

¹⁸ The *Five-Year Trial Court Capital-Outlay Plan: Prioritization Procedure and Forms* can be referenced as Appendix A of the *Judicial Branch AB 1473 Five-Year Infrastructure Plan Fiscal Year 2006–2007*.

¹⁹ The latest Trial Court Capital-Outlay Plan is contained in Appendix A of this five-year plan. The latest *Prioritization Methodology for Trial Court Capital-Outlay Projects* is contained in Appendix A of the *Judicial Branch AB 1473 Five-Year Infrastructure Plan: Fiscal Year 2010–2011*.

OR 212, 20154. The capital-outlay plan for FY 20165–20176 presents project budgets in January 20154 dollars, has a current total budget of \$X.X billion (in January 20154 dollars), and contains a total of 100 capital projects, all of which are without an identified funding source.²⁰ Table 5 below presents a summary of the complete capital-outlay plan, which is provided in Appendix A. Because of the (a) passage of almost more than a decade since the first iteration of the plan was submitted to the state Department of Finance, (b) ongoing population shifts in various regions of the state, and (c) consolidation and relocation of many trial court operations owing to budget reductions that superior courts were forced to make as a result of the state’s ongoing fiscal crisis, review of the remaining projects will be necessary to determine whether a change to the scope or location of various listed projects is needed. This process will be undertaken before actual funding is sought for specific projects. The current plan reflects the best available information as of the date of this submission.

(PLEASE NOTE: The information in the table below is placeholder at this time and subject to change.)

**Table 5: Summary of Trial Court Capital-Outlay Plan,
Project Priority Groups and Budget
(January 20154 Dollars)**

Project Priority Group	Number of Projects¹	Total Current Need Budget (in billions of 20154 dollars)²
Immediate Need	8	\$X.XX
Critical Need	16	\$X.XX
High Need	27	\$X.XX
Medium Need	31	\$X.XX
Low Need	18	\$X.XX
Total Number of Projects and Total Budget for Current Needs	100	\$X.XX
Total Statewide Budget for New Judgeships		\$X.XX
Total Trial Court Capital- Outlay Plan Budget		\$X.XX

²⁰ As has been standard, the plan does not include escalation to the projects’ construction midpoints. At the time a specific capital project funding request is prepared, its cost estimate will include escalation to the construction midpoint.

Table Footnotes:

1. Of the capital-outlay plan's 100 total trial court projects, 46 are new construction projects to replace obsolete existing court facilities, 34 are renovations to existing court facilities, and 20 are expansions of existing or future court facilities. All 100 projects are without an identified funding source.
2. The total cost of implementing the entire Trial Court Capital-Outlay Plan will be higher than the capital-outlay plan's total budget in January 201~~5~~⁴ dollars, due to escalation to the midpoint of construction, as well as to regional variations in actual land acquisition costs and other project development costs.

5. Judicial Projections as a Basis for Planning. A key input to the development of the size and scope of each capital-outlay project is the number of courtrooms. Project feasibility reports and studies—prepared to define project scopes and budgets, explore project development options, and confirm site requirements for new construction—typically include a description of the number of existing courtrooms and the number of judicial officers for the building or buildings being replaced by the proposed capital-outlay project.

The number of current and projected judicial position equivalents (JPEs) is used to determine the number of judicial officers and, consequently, the number of courtrooms for each project.²¹ Each trial court capital project's size and budget are generally derived from these factors. Although the facility master plans developed JPE projections, these projected-JPE figures are not used as a basis for planning the number of courtrooms in a facility. The California Judicial Needs Assessment Project—which is based on a combination of population and workload drivers—is used as a basis for the judicial branch to request funding for new judgeships. Proposed capital-outlay projects typically include courtrooms for existing JPEs and for JPEs planned to be assigned to the project from the next 100 new judgeships requested by the Judicial Council for funding authorization: 50 per AB 159 (Stats. 2007, ch. 722) and another 50 identified but still to be attached to legislation. To date, facility space for 56 new judgeships of the next 100 new judgeships has been budgeted in the trial court capital projects funded by the state General Fund, SB 1732, and SB 1407.

6. FY 201~~5~~⁴–201~~6~~⁵ Trial Court Capital-Outlay Projects Authorized for Funding. As shown below in table 6, initial and continuation funding was authorized in the 201~~5~~⁴ Budget Act (FY 201~~5~~⁴–201~~6~~⁵) for a total of 13 trial court capital-outlay projects. The funding for these projects is from SB 1407.

²¹ JPEs reflect authorized judicial positions adjusted for vacancies, assistance rendered by a court to other courts, and assistance received by a court from assigned judges, temporary judges, commissioners, and referees.

Table 6: Funding Authorized for Courthouse Capital-Outlay Projects for FY 2015~~4~~–2016~~5~~

Project	\$ (in millions)	Phases¹	Funding Source²
El Dorado, New Placerville Courthouse ³	\$ 4.780	A, P	ICNA
<u>Glenn, Renovate and Addition to Willows Courthouse³</u>	<u>34.793</u>	<u>C</u>	<u>PBCF (ICNA)/ICNA</u>
Inyo, New Inyo County Courthouse ³	1.930	A, P	ICNA
Lake, New Lakeport Courthouse	40.803	C	PBCF (ICNA)
Los Angeles, New Eastlake Juvenile Courthouse ³	13.772	A	ICNA
Mendocino, New Ukiah Courthouse ⁴	<u>14.084</u>	<u>A, P, W</u>	ICNA
Riverside, New Mid-County Civil Courthouse ³	4.673	A, P	ICNA
Santa Barbara, New Santa Barbara Criminal Courthouse	6.294	W, C	ICNA
Shasta, New Redding Courthouse	8.849	W, C	ICNA
Siskiyou, New Yreka Courthouse.....	56.936	C	PBCF (ICNA)
Sonoma, New Santa Rosa Criminal Courthouse	11.252	W	ICNA
Stanislaus, New Modesto Courthouse	15.252	W	ICNA
Tuolumne, New Sonoma Courthouse.....	4.066	W	ICNA
Trial Court Capital Projects Total	\$ <u>217.484</u>		

Table Footnotes:

1. A = Land Acquisition; P = Preliminary Plans; W = Working Drawings; C = Construction.
2. ICNA = Immediate and Critical Needs Account (SB 1407 [Perata]); PBCF (ICNA) = Public Building Construction Fund (to be repaid from the ICNA).
3. Funding for this project has been authorized as a reappropriation of previously authorized funds as shown.
- 2-4. This project’s authorization includes \$8.016 million reappropriated for land acquisition and preliminary plans and \$6.068 million new funds for working drawings.

B. Drivers of Need

Several drivers of need underlie the Trial Court Capital-Outlay Plan. They are described below.

1. Lack of Security, Severe Overcrowding, and Poor Physical Conditions. The conditions of California’s court facilities are both the primary driver of need for capital improvement and the basis for this five-year plan. These conditions include poor security; a significant shortfall in space; poor functional conditions, including those that result in unsafe facilities; and inadequate physical conditions.

The lack of investment to improve and to operate and maintain existing courthouses exacerbates all facility conditions and stresses limited available funding resources. When trial court capital-outlay projects are indefinitely delayed—because of funds loaned, redirected, or swept to offset the ongoing state General Fund deficit—an even greater strain is placed on existing resources for

funding facility modifications as well as operations and maintenance of existing facilities. Each capital-outlay project that is not completed requires ongoing funding resources for the operations of the existing, deficient court facility or facilities (most projects consolidate more than one facility) it would have replaced. Due to the current General Fund shortfall, to date the judicial branch has been unsuccessful in receiving approval of new General Fund resources to fund these costs, which increase over time.

The *Final Report of the Task Force on Court Facilities* provides compelling information about the need for improving existing court space and providing additional space for California's trial courts, as listed below.

- a. *Lack of Security.* A significant number of court facilities and courtrooms are not secure. Movement of in-custody defendants through public areas of court facilities presents a real risk to public safety, given that more than 2 million in-custody defendants are walked through California's courthouses each year.

Over half of all buildings were rated by the Task Force as either marginal or deficient for judicial/staff circulation, secure circulation, and building security. As many as 15 percent of all courtrooms have deficient in-custody defendant holding or access areas. The types of security problems identified by the Task Force include the following:

1. *No entrance screening for weapons.* Many courts, particularly those located in historic or small buildings, lack the physical capacity to accommodate the magnetometer, x-ray machine, and staff required to operate a weapons screening station. Other court facilities have multiple entrances, making weapons screening stations difficult to implement at a reasonable cost.
2. *Lack of holding cells.* Many court facilities lack on-site holding cells for in-custody defendants transferred from the jail for court appearances. As a result, some courts must hold in-custody defendants in rooms not designed for in-custody holding, monitored by several security staff. In other courts, in-custody defendants are brought to the court facility in small groups and held in the courtroom or hallway while being monitored by deputy sheriffs.
3. *Lack of hallway space and waiting areas.* Many courts lack sufficient hallway and waiting areas to allow for reasonable separation between defendants, victims, jurors, and the public. As a result, court security staff is needed to keep order in public areas outside the courtroom.
4. *Unsafe circulation areas.* Many court facilities lack adequate separate and secure circulation areas for moving inmates, judges, and staff. As a result, the security staff uses unsafe paths to transport in-custody inmates. The internal circulation patterns for a court facility in which in-custody cases are heard should include three separate and distinct zones for public, private, and secured circulation. The public circulation zone provides

access to each public area of the building. The private circulation zone provides to court staff, judicial officers, escorted jurors, and security personnel limited-access corridors between specific functions. The secured circulation zone for in-custody defendants should be completely separate from the public and staff circulation zones, providing access between the secured in-custody entrance (sally port), central holding and intake areas, attorney interview rooms, courtroom holding areas, and courtrooms. In a secure courthouse, the courtroom is the only place where in-custody defendants, the public, judges, and court staff would interact.

- b. *Severe Overcrowding.* Many courthouses are severely overcrowded—either fully or partially—which negatively affects how well the courts operate and how well the public is served. Currently, and in addition to operating out of permanent buildings, the superior courts operate out of 31 trailers or modular buildings, providing space for staff office functions as well as for public assembly through 19 courtrooms. These types of facilities—provided to address staff and public service space needs temporarily—have been operating for years beyond their intended use. Hence, most of these temporary facilities are in extremely poor condition and lack any type of security or planned functionality, including accessibility, to support court operations and service to the public in the long term.
- c. *Poor Physical Conditions.* The need for facility modifications in most existing courthouses in California is documented and substantial. As courthouse capital-outlay projects are indefinitely delayed due to the redirection of SB 1407 funds, the need increases for facility modifications to existing, deficient facilities—the very same facilities that would otherwise be replaced through the construction of capital-outlay projects. With limited funding, only the most urgently needed facility modifications can proceed, leaving unaddressed significant system replacements—to roofs and mechanical and electrical systems, for example—that often result in more costly repairs in future years.
 1. California’s court facilities are not fully accessible, and many buildings do not fully meet Americans with Disabilities Act (ADA) requirements. More than half of all court facilities require moderate renovation or replacement of ADA features, and one-third require major renovation or replacement of such features. These conditions lead to reduced access to the courts for many Californians.
 2. Many court facilities need substantial seismic improvements. Even though the Task Force made preliminary findings on the need for seismic improvements, the findings were generic and based only on structure type and age. In 2003, Judicial Council staff prepared more thorough seismic safety assessments of court buildings under the Trial Court Facilities Act, section 70327. About half of the court facilities statewide were exempted from evaluation.²² Of the 225 court buildings assessed, 162 have been assigned

²² The Trial Court Facilities Act requires seismic assessment as part of the transfer process but exempts certain buildings and allows other discretionary exemptions. The Judicial Council did not evaluate relatively new or recently upgraded buildings; leased, abandoned, modular, or storage facilities; some facilities used only part time as

unacceptable seismic safety ratings, as defined by the Trial Court Facilities Act of 2002. These unacceptable buildings contain about 65 percent of all court space in the state.

3. The infrastructure systems of many buildings are not up to modern health and life safety requirements. Major improvements are needed in fire protection, life safety, plumbing, electrical, communications, heating, ventilation, and air conditioning systems. The systems deficiencies adversely affect the safety of staff and the public and the efficiency of court operations.
4. California's courts are aging. Over 70 percent of the court area statewide is housed in buildings that are more than 20 years old. Approximately 24 percent of the court area statewide is in buildings more than 40 years old. The age of buildings and of their major systems is a fundamental reason for the need for substantial renovation of the state's court facilities.
5. Space shortfalls in court facilities for most counties range from 40 to 65 percent of required space if all space were reused, based on application of the *Trial Court Facilities Guidelines*. Staff areas are crowded, and many administrative and support spaces are inadequately sized. Many courtrooms are undersized. Three-fifths of all of California's courtrooms (i.e., more than 2,100 courtrooms in total) are smaller than the minimum Task Force guideline area of 1,500 USF.²³ One-third of all courtrooms are less than 1,200 USF in area. Undersized courtrooms result in unsafe conditions due to crowding in the well areas; inadequate waiting room for litigants, victims, and witnesses; inadequate jury boxes; and lack of accessibility for disabled persons.

The Task Force found significant area shortfalls in court administration, trial court support, in-custody holding/access, court security, family court services, and jury assembly areas. Crowding and unmet demand for space affect the courts' ability to serve the public. Crowding is a logical consequence of additional judicial officers, assigned judges, commissioners, hearing officers, and court staff employed to meet the workload of California's courts.

2. Current Need for Additional Judges. A secondary, but still important, underlying driver of need for major capital investment in the California trial court system is the need for space to accommodate additional judgeships currently required to adequately serve the public. Each new judgeship requires approximately 8,000 USF or 11,500 BGSF to provide adequate space for a courtroom and associated support space for both staff and courtroom functions, such as jury facilities, public meeting space, clerk and filing counters, and in-custody holding. If

courts; or facilities whose area was both less than 10,000 square feet and a minimal portion of the total building area.

²³ More than three-fifths of all of California's courtrooms are smaller than the minimum courtroom size of 1,600 USF as defined by the *California Trial Court Facilities Standards*. These standards were adopted by the Judicial Council in April 2006.

California does not prepare to provide space for new judges in consolidated, state-owned facilities, but rather leases commercial office space for conversion into court facilities, the state's court facilities will be even more scattered and disparate. In addition, leasing space for court facilities is relatively expensive because of the requirements for secure circulation and holding cells.

A 2004 report to the Judicial Council, *Update of Judicial Needs Study*—following up on the California Judicial Needs Assessment Project of 2001—identified a statewide need for 355 new judgeships in California's trial courts. The 2001 study was conducted by the National Center for State Courts, the nation's leader in state court research, consulting, and education. The study involved a two-month analysis of 337 judicial officers to determine the amounts of time required for case processing. Although the project identified a need for approximately 355 judgeships, the Judicial Council approved a request for only the most critically needed 150 judgeships over the next three years, in consideration of the state's ongoing fiscal crisis. The first 50 of these 150 new judgeships were approved for one month of funding in FY 2006–2007.

In February 2007, the Judicial Council approved an update to the California Judicial Needs Assessment, including an allocation of the next 100 proposed new judgeships. The total statewide need for new judgeships became adjusted from 355 to 361. The Judicial Council adopted another update in October 2008.²⁴ This update further adjusted the total statewide need from 361 to 327, taking into account a slight increase in assessed judicial need less 50 authorized and funded judicial positions through the passage of Senate Bill 56 (Dunn; Stats. 2006, ch. 390) and 50 newly authorized judicial positions through the passage of AB 159. At that time, the Judicial Council also memorialized a list of the last 50 of the 150 most critically needed new judgeships still requiring legislative authorization for planning purposes for future facilities and adopted a priority ranking for requesting future funding authorization for 100 new judgeships beyond them. In October 2010, and to adhere to the legislative reporting requirement, the Judicial Council reported in the *Need for New Judgeships in the Superior Courts: Report to the Legislature Under Government Code Section 69614(C)* that the total statewide need for new judgeships was adjusted from 327 to 330. In October 2012, and to adhere to the legislative reporting requirement, the Judicial Council reported in the *Need for New Judgeships in the Superior Courts: 2012 Update of the Judicial Needs Assessment* that the total statewide need for new judgeships was adjusted from 330 to 264. In December 2014, and to adhere to the legislative reporting requirement, the Judicial Council reported in the *Need for New Judgeships in the Superior Courts: 2014 Update of the Judicial Needs Assessment* that the total statewide need for new judgeships was adjusted from 264 to 270.

Although 27064 now represents the current statewide need for new judgeships, the Judicial Council recognizes statewide budget constraints and has requested only the next 100 new

²⁴ Government Code section 69614(c) requires the Judicial Council to report to the Legislature and the Governor on or before November 1 of every even-numbered year on the need for new judgeships in each superior court. This need is determined using the uniform criteria for allocation of judgeships described in Government Code section 69614(b).

judgeships for funding authorization: 50 per AB 159 and another 50 identified but still to be attached to legislation. Over the next 10 years, additional judgeships will be required to adequately serve the public.

Overall, the planning of facility growth for future court expansion has been limited in the trial court construction program. ~~About half~~ of the ~~31-25~~ active trial court capital projects—funded by the state General Fund, SB 1732, and SB 1407—address only current space needs of the superior courts, with ~~the balance providing~~ only a modest amount of space ~~included in the others~~ for ~~new judgeships 29~~ (i.e., ~~approximately 27~~ of the ~~next~~ 100 ~~next~~ new judgeships described above). Although no funding for new judgeships has been authorized by the Legislature since FY 2006–2007, planning for new judgeships in California’s judicial branch facilities is a prudent approach given the results of the judicial needs assessment.

3. Consolidation of Facilities. In addition to facility condition and the need for new judgeships, the Task Force and facility master plans identified opportunities to consolidate facilities to improve service to the public, avoid duplication of services, and improve efficient delivery of court services in the state. Opportunities for consolidation result from several conditions. Before the completion of the trial court facility transfer process in December 2009, some counties had historically lacked funds or the political will to provide consolidated facilities to meet additional court space requirements. Moreover and rather than expand or replace existing court facilities, some counties had leased commercial office space or acquired temporary modular buildings that were not always physically connected to existing court facilities. Opportunities for consolidation of court facilities resulted from trial court unification, and some courts that still operate several former municipal court facilities have recognized that consolidating a number of small facilities into one larger facility offers various service-delivery and operational benefits.

When the ~~31-25~~ active trial court capital projects funded by the state General Fund, SB 1732, and SB 1407 are completed, approximately ~~121+5~~ facilities will be consolidated into ~~31-25~~ new, renovated, or expanded courthouses.²⁵ Of the ~~12-18~~ already completed trial court capital projects, ~~34-45~~ facilities have been consolidated into ~~12-18~~ new or renovated courthouses.

4. Improved Access to the Courts / Access 3D. Expanding access to justice is a goal of the Judicial Council and is one of four criteria used to establish relative priority among trial court capital-outlay projects. The facility master plans completed in 2002–2003 identified a number of areas in the state where access to justice could be increased by construction of a new court facility or expansion of an existing court facility. And, more recently, the Chief Justice announced her Access 3D initiative to expand the public’s physical, remote, and equal access to the courts. Physical access includes providing safe, secure, accessible, and cost-effective courthouses.

²⁵ Since January 2013, the Judicial Council has determined that a total of ~~10+~~ SB 1407 projects are indefinitely delayed and no longer considered active. These trial court capital projects will be considered active again once their funding is fully restored.

C. Inventory of Trial Court Space

The key findings from the Task Force's inventory and evaluation process characterize the existing state of trial court facilities. Most of California's trial court facilities are housed in mixed-use buildings, and the courts and court-related agencies (such as the public defender, the district attorney, and probation) are the dominant uses in such buildings. The Task Force reported a 2001 inventory in California of 451 facilities, including over 2,100 courtrooms and 10 million USF. As of December 2009 and resulting from the completion of the trial court facility transfer process, the inventory now totals approximately 500 trial court facilities. Moreover, the building area under Judicial Council responsibility and management has increased to approximately 20 million USF, including the responsibility for more than 2,100 courtrooms.

The Task Force found the following functional and physical problems with California's trial court facilities:

- Only 45 percent of all usable court area is located in buildings rated functionally and physically adequate; 22 percent is located in buildings that have serious functional problems.
- Approximately 21 percent of all courtrooms were rated deficient for their current use, principally due to deficient holding, security, or in-custody access.
- Security-related deficiencies strongly affect the ability of courts to ensure the safety of court participants and the public. In many court facilities, the lack of adequate in-custody defendant holding and secure circulation requires sheriff personnel to move shackled defendants through public hallways, which is a labor-intensive and therefore costly practice.

D. Unmet Trial Court Facilities Needs

Additional space is required to meet current needs and space requirements for new judgeships. The unmet need for space in California's trial courts is presented below in table 7. Space requirements assume that approximately 8,000 USF or 11,500 BGSF is required for each new judgeship, although some new judgeships have been accommodated in existing court space, within new modular buildings, or within new leased space. Given the limited fiscal resources of the state, space required for new judgeships is presented as a range.

Table 7: Unmet Trial Court Facility Needs

	USF (in millions)	Assumptions
Total Current Space Needs	15.00	Task Force Final Report
<i>Plus</i> Space Required for Current Need for Additional Judges	0.80 to 2.1 64	100 to 270 64 Judges at 8,000 USF per Courtroom ¹
<i>Less</i> Total Current Space Occupied	14.00	Judicial Council Leases and Owned-Property Portfolio
Total Unmet Facility Needs	1.80 to 3.164 USF (2.52 to 4.4235 BGSF)	

Table Footnote:

1. This range is from the 100 new judgeships currently sought for funding (50 in Assem. Bill 159 and 50 confirmed by the Judicial Council but still requiring legislative authorization) to the total overall need of 270~~64~~, which resulted from the latest adjustment to the total net need for new judgeships reported to the Legislature and the Governor by the council in ~~October~~ December 201~~4~~2.

E. Alternative Approaches to Meeting Unmet Trial Court Facilities Needs

Starting with the planning analysis completed by the Task Force for each of the 58 courts, the facility master plans examined several factors in developing a capital-outlay plan for each county. Each facility master plan considered how best to provide court services to the county, in the context of the recent consolidation of the superior and municipal courts, local demographic trends, court operational goals, the constraints and opportunities of the existing court facilities, and the Judicial Council–adopted *California Trial Court Facilities Standards*. Service goals resulted in consolidating courts to increase operational efficiency or expanding court services in underserved parts of counties. Each master plan solution consequently determines how best to meet the unmet trial court facility needs for each of the 58 trial courts in California.

F. Facilities to Meet Trial Court Unmet Needs and Proposed Trial Court Five-Year Infrastructure Plan

The proposed five-year plan for the trial courts is based on the SB 1407 courthouse construction program, whose funding plan is represented below in table 8. Funding for the Trial Court Capital-Outlay Plan—a proposed list of 100 new construction, renovation, and expansion capital-outlay projects—has not yet been identified. Funding for this capital-outlay plan is most likely to be secured after FY 20~~21~~18–20~~22~~19, and therefore, table 8 does not present a funding plan for these projects. The Trial Court Capital-Outlay Plan is presented in summary in table 5 and in full in Appendix A.

The five-year plan for the trial courts is also based on the unmet funding need for 10~~1~~ SB 1407 projects that were *indefinitely delayed* through Judicial Council action in October 2012 and January 2013. These courthouse capital projects were indefinitely delayed because of the one-time and ongoing redirections of SB 1407 trial court construction funds described in the

Introduction to this report. They are identified in a list—presented in Appendix A—separate from the Trial Court Capital-Outlay Plan because their funding source originally identified as SB 1407 remains identifiable and tied to SB 1407, unlike the projects listed in the Trial Court Capital-Outlay Plan, which have no identifiable funding source. Because table 8 represents a complete funding plan for the SB 1407 courthouse construction program, estimated funding for these 104 indefinitely delayed SB 1407 capital projects is accounted for in outlying fiscal years.

Table 8 presents the FY 2009–2010 through FY 20154–20165 funding requirements based on actual, authorized expenditures for initial and continuation project phases.²⁶ The total funding requirements for fiscal years 20165–20176 through 20219–20224 represent the amount of funding estimated for authorization, based on project schedules and funding requirements and including the budgets of the 104 unfunded SB 1407 projects indefinitely delayed by the Judicial Council.

(PLEASE NOTE: The information in the table below is placeholder at this time and subject to change.)

Table 8: Estimated Annual Funding Requirements to Implement the SB 1407 Program—Funded and Unfunded Trial Court Projects

<u>Fiscal Year</u>	<u>Annual Funding (in billions)</u>
2009–2010	\$ 0.119
2010–2011	0.121
2011–2012	0.062
2012–2013	0.556
2013–2014	0.507
2014–2015	0.152
2015–2016	0.262
2016–2017	0.309
2017–2018	0.624
2018–2019	0.080
2019–2020	0.020
2020–2021	0.053
<u>2021–2022</u>	<u>1.068</u>
Total Funding Need	\$ 3.933

²⁶ Initial funding for the first 15 SB 1407 projects was authorized in the FY 2009–2010 Budget Act, enacted in July 2009, and the remaining 26 projects were authorized between November 2009 and July 2010, through a continuous appropriation process specified by Senate Bill X2 12, Special Session (Steinberg; Stats. 2009, ch. 10).

G. Consequences of Not Addressing Identified Needs

California's court buildings will only continue to deteriorate if facilities problems are not addressed. If improvements are delayed, the problems' scope and cost to correct will increase dramatically, and as the state population continues to grow, both the public and the justice system will suffer from increasingly overtaxed, unsafe, and inefficient court buildings. Major funding is needed to permit the judicial branch to move quickly to correct these significant problems, thus supporting the branch's role as a national leader in innovative court programming and its commitment to equal access for all Californians.

Several specific consequences could result if the unmet facility needs of California's trial courts are not addressed.

1. In-Custody Movement Costs Remain High. Given that over half of all court buildings were rated by the Task Force as either marginal or deficient for judicial/staff circulation, secure circulation, and building security, the court system will continue to bear the cost for sheriff personnel to directly escort in-custody defendants in and throughout court facilities unless these conditions are corrected. Every court facility that does not have secure circulation from the holding cell area (if one exists) to a courtroom requires sworn deputies to escort in-custody defendants through public and staff/judicial corridors.

In a modern court facility, in-custody defendants are transported throughout a building using elevators and hallways devoted to secure movement, which reduces the number of sheriff personnel required for supervised in-custody movement. Given the fact that more than two million in-custody defendants are walked through California's court facilities each year, the lack of secure circulation in criminal court facilities is a functional problem throughout the state and a major budgetary issue to rectify. With updated facilities that address these issues, many courts would be able to redeploy existing security staff more efficiently for the potential to operate at a lower cost.

2. Unsafe Conditions Will Persist. Given the lack of secure circulation and other life safety conditions at many California court facilities, unsafe conditions will persist unless the Trial Court Capital-Outlay Plan is implemented. These conditions include the lack of fire alarm systems, safe emergency egress paths, secure circulation (described above), and seismically sound building structures.

3. Facilities Will Continue to Deteriorate. California's courts are aging, and continued lack of investment in court facilities will lead to continued deterioration of buildings, including roofs, mechanical and electrical systems, and other basic building components.

4. Funding Needs for Facility Modifications Will Increase. For each capital-outlay project that is not completed, ongoing funding resources are needed for the operation and maintenance of the existing, deficient court facility or facilities (since most projects consolidate more than one facility) it would have replaced. The need for facility modifications—[which](#)

largely reflect deferred maintenance needs—has increased since 104 projects were indefinitely delayed because of the redirection of SB 1407 funds designated for these projects to replace or renovate a total of 139 existing buildings. Facility modification requirements for these facilities are now even more urgent due to the deliberate deferral of preventive maintenance and all but emergency repairs. There are also challenges in trying to improve court facilities that remain under local county ownership. For example, and because of their historical significance, approximately 17 courthouses did not transfer to the state and remain in county ownership. These facilities, however, require a range of improvements to be made safe and secure. Currently, no funding mechanism is in place for the state to improve county-owned facilities such as these.

In February 2013, the Judicial Council authorized the submission of a FY 2013–2014 funding request to the state Department of Finance for \$10 million ongoing to be allocated to facility modifications from SB 1732 resources—specifically the State Court Facilities Construction Fund—to bring the average annual budget for facility modifications of both SB 1407 and SB 1732 funding sources to \$60 million. This funding request was denied by DOF. The 2014 Budget Act (FY 2014–2015) budget provided an annual \$15 million appropriation increase from the ~~Immediate and Critical Needs Account~~ State Court Facilities Construction Fund for a 10-year period. However, gaining this funding still does not close the gap between the need for facility modifications and proposed resources; in fact, a budget of \$65 million annually for a 10-year period for facility modifications still falls tens of millions of dollars short of what is needed to maintain existing courthouses in California.

5. Scattered and Unconsolidated Facilities Must Be Maintained. Implementing this five-year plan will consolidate former municipal courts into full-service superior courts. Although some remote court locations offer access to court services for residents of less populous areas of the state, maintaining small leased court facilities and temporary modular buildings hinders courts' ability to provide accessible and efficient service to the public. Consolidation of criminal functions also results in operational savings for the broader criminal justice system of district attorneys, sheriffs, correctional institutions, and public defenders. The consolidation of criminal court functions would be the result of some 45 court projects.

6. Space for New Judges Will Be Provided in Nonconsolidated Facilities, and Access to Court Services Will Continue to Be Limited. Implementing this five-year plan will provide space for some new judges in consolidated facilities. California is a growing state, and additional judges are required to provide proper service to its residents. If California does not prepare to provide space for new judges in consolidated, state-owned facilities but, rather, leases and converts commercial office space into court facilities, the state's court facilities will become even more scattered and disparate. In addition, leasing space for criminal court facilities is relatively expensive because of the requirements for secure circulation and holding cells. In reference to the Access 3D initiative, physical access to justice can be achieved only by providing safe, secure, accessible, and cost-effective courthouses to improve access to court services for Californians.

H. Reconciliation to Previous Plan

This plan proposes a continuation of projects that were initially authorized from November 2009 to July 2011 and have been moving forward—with some delays due to redirection of construction funds.

The primary difference between this five-year plan and the five-year plan for FY 201~~54~~–201~~65~~ results from the following:

1. The list of funding requests for FY 201~~65~~–201~~76~~, which is presented in table 1 of this five-year plan and is consistent with the Court Facilities Advisory Committee’s recommendations adopted by the Judicial Council in August 201~~54~~;
- ~~1.2.~~ The estimated funding requirements presented in table 8 of this five-year plan include the budgets of the 10 unfunded SB 1407 projects indefinitely delayed by the Judicial Council;
- ~~2.3.~~ An update to the ~~104~~ unfunded SB 1407 projects indefinitely delayed by the Judicial Council, based on updating project budgets to 201~~54~~ dollars; and
- ~~3.4.~~ An update to the unescalated cost of the Trial Court Capital-Outlay Plan, based on updating project budgets to 201~~54~~ dollars. Therefore, and at the direction of the Judicial Council in August 201~~54~~, the capital-outlay plan continues to present a total of 100 projects. This capital-outlay plan is dated August **20 OR 21**, 201~~54~~, is sorted by both total score and court, is shown in January 201~~54~~ dollars, and presents only those projects for which funding is still required and has yet to be secured. A summary of the capital-outlay plan is shown in table 5 above, including its current total budget of **\$X.X** billion (in January 201~~54~~ dollars) and is presented in full in Appendix A.

Additional technical revisions have been made to the previous fiscal year’s five-year plan, to update it to reflect FY 201~~65~~–201~~76~~ needs and to prepare it for submission to the DOF in September 201~~54~~ along with all project-funding requests for consideration in the Governor’s January Budget for FY 201~~65~~–201~~76~~.

V. Staff to the Judicial Council

A. Purpose of the Staff to the Judicial Council

The Judicial Council of California, which oversees the administration of the state judicial system, established its staff agency in 1960. Historically, staff performed specialized functions for the Judicial Council, operating within a highly centralized management environment. Judicial Council staff was primarily responsible for the Judicial Council rule-making process and the direct management of administrative support for appellate courts in such areas as personnel, budget, and technology systems support. That role has evolved significantly over the course of the last decade as California's judicial system has undergone changes in response to increasing public expectations as well as evolving statutory requirements. These major changes have considerably altered Judicial Council staff's responsibilities to the council, the courts, and the public, resulting in a transformation in organization, function, and the means of providing services.

Today, the Judicial Council has approximately XXX staff members, who provide services to more than 2,000 judicial officers and 19,000 branch employees of the trial and appellate courts in 65 courts at approximately 450 locations. The Judicial Council works in collaboration with 5 internal committees, 254 advisory committees and, 32 task forces, and 1 working group—comprising representatives from the courts, the State Bar, and the general public—that address important issues facing the judicial system.

In August 2012, the Judicial Council voted unanimously to approve recommendations to restructure its staff and endorse a plan for monitoring the implementation of the recommendations. The recommendations were developed by the Judicial Council's Executive and Planning Committee and are based on the Chief Justice's Strategic Evaluation Committee (SEC) report, presented to the Judicial Council at its meeting in June 2012.²⁷ By Judicial Council direction, the new organizational structure was implemented on October 1, 2012, and its Executive Office was modified to include four positions: Administrative Director, Chief of Staff, Chief Operating Officer, and Chief Administrative Officer. Moreover, the previous nine divisions became offices, with their directors reporting to one of the new Executive Office positions. On July 29, 2014, the Judicial Council voted to simplify the names of these offices.

Judicial Council staff—led by an Executive Office that oversees Governmental Affairs and three divisions—is described below:

²⁷ Soon after taking office in 2011, the Chief Justice appointed the SEC to conduct an in-depth review of its staff agency (formerly known as the Administrative Office of the Courts), with a view toward promoting transparency, accountability, and efficiency. The request from the Chief Justice required the SEC to undertake a thorough and objective examination of the role, functions, organizational structure, methods of operation, and staffing of the agency and to make recommendations to improve the manner in which it performs core functions and provides services to the courts and the public.

1. Executive Office. Serving the Judicial Council and the California courts, the Administrative Director provides the highest level of policy and programmatic leadership. The Executive Office has oversight responsibility for the development and implementation of programs in furtherance of Judicial Council policies and priorities. The office works with Judicial Council staff, the courts, the Legislature, the Governor’s Office, and all other external stakeholders to coordinate and facilitate timely handling of judicial administration issues. Additionally, the office sets direction for development and implementation of goals, objectives, policies, procedures, and work standards and, together with management, works to develop and implement appropriate strategies to meet the agency’s needs. The Chief of Staff, Chief Operating Officer, and Chief Administrative Officer all report to the Administrative Director and together make up the Executive Office.

2. Governmental Affairs. Governmental Affairs, in Sacramento, represents and advocates for the Judicial Council on legislative, policy, and budget matters.

3. Leadership Services Division. The Chief of Staff leads the Leadership Services Division. This division provides support directly to the Judicial Council and the Trial Court Presiding Judges and Court Executives Advisory Committees. This division is composed of the following six offices:

- a. *Audit Services.* Audit Services conducts risk assessments, develops audit programs, performs audits of judicial branch entities, assists state and external auditors, and recommends improvements based on audit results, thereby playing a key role in meeting the branch’s fiscal oversight responsibilities.
- b. *Communications.* Communications is responsible for communications planning and implementation to further the goals of the Judicial Council and its priority programs. The office also supports branchwide communications through the California Courts Connected initiative.
- c. *Judicial Council Support.* Judicial Council Support ensures that Judicial Council business meetings focus on well-planned and well-prepared policy issues; supports the nomination process of Judicial Council and advisory committee members; maintains records of circulating orders and Judicial Council member and advisory committee member appointments; organizes orientations for Judicial Council members and advisory committee chairs; prepares minutes of Judicial Council business meetings; and maintains the Judicial Council calendar.
- d. *Legal Services.* Legal Services provides quality, timely, and ethical legal advice and services to the Chief Justice, the Judicial Council and its staff, the Judicial Council’s advisory committees and task forces, and the appellate and trial courts. The office has two major functions: house counsel, and rules and projects.

- e. *Special Projects*. Special Projects administers significant special projects for the organization through the provision of analytical and project management services under the leadership and direction of the Chief of Staff.
- f. *Trial Court Liaison*. The Trial Court Liaison office establishes and maintains effective working relationships with the trial courts to accomplish the strategic and operational goals of the Judicial Council.

4. Operations and Programs Division. The Chief Operating Officer leads the Operations and Programs Division. This division houses activities and programs that support court operations, programs, and services. This division is composed of the following six offices, each of which is temporarily reporting to either the Administrative Director or the Chief of Staff while the Chief Operating Officer position is vacant:

- a. *Appellate Court Services*. Appellate Court Services is responsible for facilitating and coordinating quality and timely service to the California Supreme Court and Courts of Appeal, and for providing lead staff support to the administrative presiding justices and clerk/administrators of the appellate courts.
- b. *Capital Program*. Capital Program enhances the administration of justice by providing responsible and efficient management of California’s facilities construction program of capital-outlay projects and promotes equal access to justice by providing leadership in the design, construction, and renovation of California courthouses.
- c. *Center for Families, Children & the Courts*. The Center for Families, Children & the Courts is dedicated to improving the quality of justice and services to meet the diverse needs of children, youth, parents, families, and other users of the California courts.
- d. *Center for Judiciary Education and Research*. The Center for Judiciary Education and Research staff and volunteers lead and support continuing professional development for each individual in the California judicial branch, to enhance the administration of justice.
- e. *Court Operations Services*. Court Operations Services provides direct services, resources, and program support to the California courts to facilitate access to justice for the people of the state. The division is organized into ~~seven~~ six functional areas: Administration and Planning, Assigned Judges Program, Court Language Access Support Program, Divisional Budgeting/Appellate Court Services, Office of Court Research, ~~Office of Security~~, and Special Services Program Support.
- f. *Criminal Justice Services*. Criminal Justice Services oversees and coordinates multidivisional efforts related to community corrections, the 2011 Criminal Justice Realignment, and other criminal justice activities to improve efficiencies and assistance to the courts, justice partners, and the public.

5. Administrative Division. The Chief Administrative Officer leads the Administrative Division. This division houses traditional administrative services for Judicial Council staff and the judicial branch. This division is composed of the following six offices:

- a. *Administrative Support.* Administrative Support is an internal service organization that provides all Judicial Council staff divisions and offices with logistical support services, including oversight of conference center operations, facilitation of local ground transportation, friendly and helpful reception, professional off-site conference and meeting planning, mail and shipping, records management, document digitization, and commercial-quality copy and print production.
- b. *Finance.* Finance facilitates and enhances the administration of justice by providing timely and effective fiscal, contract, and procurement services to the judicial branch in a proactive, flexible, and service-oriented environment, consistent with all applicable laws, rules, and regulations.
- c. *Human Resources.* To California judicial branch employees and judicial officers, Human Resources provides timely, responsive, and professional human resource management services reflecting best practices, with the overarching goal of developing the California judicial branch as an employer of choice.
- d. *Information Technology.* Information Technology is responsible for assisting the courts in achieving the Judicial Council's technology objectives. This office is directly responsible for the development, acquisition, implementation, and support of automated systems in the appellate courts and staff offices of the Judicial Council and for the planning and coordination of technological developments in the trial courts.
- e. *Real Estate and Facilities Management.* Real Estate and Facilities Management is responsible for managing the state judiciary's property portfolio for the courts and people of California. This office manages ongoing operational needs for more than 500 court and other judicial branch facilities, as well as site selection and acquisition for capital projects managed by the Capital Program office. This office also contains the Office of Security.
- f. *Trial Court Administrative Services.* Trial Court Administrative Services manages and implements the Phoenix System (financial and human resources automated systems) in trial courts throughout the state.

B. Summary, Inventory, and Evaluation of Existing Judicial Council Facilities

Judicial Council staff is adequately housed in its present facilities. Details of each of the facilities are provided below.

1. San Francisco (Headquarters)

The headquarters is located in San Francisco, in the state-owned Hiram W. Johnson State Office Building of the Ronald M. George State Office Complex.

Existing Facility:	<i>Headquarters – San Francisco</i> <i>455 Golden Gate Avenue, San Francisco – 1st, 3rd, 4th, 5th, 6th & 8th Floors</i> <ul style="list-style-type: none">• 179,924 USF• State-owned Hiram W. Johnson State Office Building (1999) – part of the Ronald M. George State Office Complex• Staff – XXX
Current Status:	In January 2013, and owing to restructuring, staff relocated within floors 3–6 and 8 to conserve space and lease costs. During this process, Judicial Council staff vacated the 7th floor, reducing its usable area by 38,576 USF for at least the next 30 to 36 months . Space is adequate.
Needs:	Required Space 179,924 USF Current Space 179,924 USF Net Need 0 USF
Proposal:	No additional space is required at this time.

2. Sacramento

In Sacramento, the staff office and Governmental Affairs are both located in commercial leased space.

Existing Facility:	<i>Governmental Affairs</i> <i>770 L Street, Suite 1240, Sacramento – 12th Floor</i> <ul style="list-style-type: none">• 6,578 USF• Commercial leased space in high-rise building• Staff – XX
Current Status:	Governmental Affairs is the Judicial Council’s liaison to the executive and legislative branches and is necessarily located near the state capitol. In February 2012, Governmental Affairs moved suites within the same building to reduce space and lease costs. Space is adequate.
Needs:	Required Space 6,578 USF Current Space 6,578 USF Net Current Need 0 USF
Proposal:	No additional space is required at this time.

Existing Facility:	<i>Sacramento</i> <i>2850 Gateway Oaks Drive, Suite 300, Sacramento – 3rd Floor</i> <i>2860 Gateway Oaks Drive, Suite 400, Sacramento – 4th Floor</i> <ul style="list-style-type: none">• 57,963 USF• Commercial leased space• Staff – XXX
Current Status:	Since February 2012, Judicial Council staff vacated the 4th floor of 2850 Gateway Oaks Drive, reducing its usable area by 6,668 USF. Space is adequate.
Needs:	Required Space 57,963 USF Current Space 57,963 USF Net Current Need 0 USF
Proposal:	No additional space is required at this time.

3. Burbank

The staff office in Burbank is located in commercial leased space.

Existing Facility:	<i>Burbank</i> <i>2255 North Ontario Street, Suite 200, Burbank – 2nd Floor</i>						
	<ul style="list-style-type: none">• 10,666 USF• Commercial lease spaced• Staff – XX						
Current Status:	Judicial Council staff moved into new leased space in June 2013, reducing its usable area by 26,681 USF. Space is adequate.						
Needs:	<table><tr><td>Required Space</td><td>10,666 USF</td></tr><tr><td>Current Space</td><td>10,666 USF</td></tr><tr><td>Net Current Need</td><td>0 USF</td></tr></table>	Required Space	10,666 USF	Current Space	10,666 USF	Net Current Need	0 USF
Required Space	10,666 USF						
Current Space	10,666 USF						
Net Current Need	0 USF						
Proposal:	No additional space is required at this time.						

4. Field Offices

~~Seven-Six~~ field offices, all in commercial leased space (shown below) and space in existing court facilities, provide close-proximity facilities management support to various local courts.

Existing Facility:	<i>Real Estate and Facilities Management Field Office – District 31 (Sonoma County) 2880 Cleveland Avenue, Suite 7, Santa Rosa</i>	
	<ul style="list-style-type: none">• 658 USF• Commercial leased space• Staff – 1	
Current Status:	Real Estate and Facilities Management began to lease space on June 1, 2009, for its regional facilities staff servicing the Superior Court of Sonoma County.	
Needs:	Required Space	658 USF
	Current Space	658 USF
	Net Current Need	0 USF
Proposal:	No additional space is required at this time.	

Existing Facility:	<i>Real Estate and Facilities Management Field Office – District 10 (Shasta County) 2400 Washington Avenue, Suite 300, Redding</i>	
	<ul style="list-style-type: none">• 670 USF• Commercial leased space• Staff – 1	
Current Status:	Real Estate and Facilities Management began to lease space on July 1, 2008, for its regional facilities staff servicing the Superior Court of Shasta County.	
Needs:	Required Space	670 USF
	Current Space	670 USF
	Net Current Need	0 USF
Proposal:	No additional space is required at this time.	

4. Field Offices, *continued*

Existing Facility:	<i>Real Estate and Facilities Management Field Office – District 20 (San Bernardino County) 1776 West Park Avenue, Suite 136, Redlands</i>	
	<ul style="list-style-type: none"> • 896 USF • Commercial leased space • Staff – 3 	
Current Status:	Real Estate and Facilities Management began to lease space on December 17, 2008, for its regional facilities staff servicing the Superior Court of San Bernardino County.	
Needs:	Required Space	896 USF
	Current Space	896 USF
	Net Current Need	0 USF
Proposal:	No additional space is required at this time.	

Existing Facility:	<i>Real Estate and Facilities Management Field Office—District 21 (Kern County) 930 Truxtun Avenue, Suite 107, Bakersfield</i>	
	<ul style="list-style-type: none"> • 250 USF • Commercial leased space • Staff—2 	
Current Status:	Real Estate and Facilities Management began to lease space on June 15, 2009, for its regional facilities staff servicing the Superior Court of Kern County.	
Needs:	Required Space	250 USF
	Current Space	250 USF
	Net Current Need	0 USF
Proposal:	No additional space is required at this time.	

4. Field Offices, continued

Existing Facility:	<i>Real Estate and Facilities Management Field Office – District 21 (Santa Barbara County) 2601 Skyway Drive, Suite A2, Santa Maria</i>	
	<ul style="list-style-type: none">• 1,882 USF• Commercial leased space• Staff – 1	
Current Status:	Real Estate and Facilities Management began to lease space on August 1, 2009, for its regional facilities staff servicing the Superior Court of Santa Barbara County.	
Needs:	Required Space	1,882 USF
	Current Space	1,882 USF
	Net Current Need	0 USF
Proposal:	No additional space is required at this time.	

Existing Facility:	<i>Real Estate and Facilities Management Field Office – District 22 (Los Angeles County) 333 East Foothill Boulevard, Suite 101, San Dimas</i>	
	<ul style="list-style-type: none">• 1,000 USF• Commercial leased space• Staff – 3	
Current Status:	Real Estate and Facilities Management began to lease space on February 1, 2009, for its regional facilities staff servicing the Superior Court of Los Angeles County.	
Needs:	Required Space	1,000 USF
	Current Space	1,000 USF
	Net Current Need	0 USF
Proposal:	No additional space is required at this time.	

4. Field Offices, *continued*

Existing Facility:	<i>Real Estate and Facilities Management Field Office – District 23 (San Diego County) 12396 World Trade Drive, Suite 218, San Diego</i>	
	<ul style="list-style-type: none">• 990 USF• Commercial leased space• Staff – 2	
Current Status:	Real Estate and Facilities Management began to lease space on May 1, 2009, for its regional facilities staff servicing the Superior Court of San Diego County.	
Needs:	Required Space	990 USF
	Current Space	990 USF
	Net Current Need	0 USF
Proposal:	No additional space is required at this time.	

Appendix A

August 201~~5~~4 Judicial Council Report: Senate Bill 1407 Project Funding Requests and
Judicial Branch AB 1473 Five-Year Infrastructure Plan for fiscal year 201~~5~~5–201~~7~~6

~~101~~ *Indefinitely Delayed SB 1407 Trial Court Capital-Outlay Projects: Sorted by Alphabetical
Order*, August ~~20 OR 212~~, 201~~5~~4

Trial Court Capital-Outlay Plan, August ~~20 OR 212~~22, 201~~5~~4: Sorted by Total Score and by
Court (January 201~~5~~4 dollars)



Judicial Council Policy on Art Acquisition for Court Facilities

JULY 06, 2015 DRAFT



JUDICIAL COUNCIL
OF CALIFORNIA

1. Purpose and Scope of the Policy

This policy is intended to guide Judicial Council of California (Judicial Council or council) staff in acquiring art on behalf of the council for the council's capital projects and for both appellate and trial court facilities that the council manages. (The council will not acquire art for county-managed court facilities or for court facilities that are leased to non-court occupants.)

This policy does not apply to art that an individual court may acquire, unless the art will be affixed to a court facility. (Only the Judicial Council may acquire art that will be affixed to a court facility because, once affixed, the art becomes part of the court facility and a council responsibility.)¹

2. Goals and Principles Guiding Acquisition of Art

Incorporating art into court facilities is intended to improve the experience of all court users and court personnel, consistent with the design excellence principles that the Judicial Council has adopted for court facilities.²

3. Definitions

- 3.1. Acquire/Acquisition: To purchase or accept as a donation works of art for court facilities.
- 3.2. Affix: To attach, add to, or fasten on permanently, as a permanent fixture.³
- 3.3. Art: A decorative or creative element to be added to the exterior or interior spaces of a newly constructed or existing court facility. (The term does not include provision for decorative or creative elements in an approved architectural design.)
- 3.4. Capital Project: New courthouse construction and major renovations or expansions to existing court facilities.
- 3.5. Court Facility: The definition provided in Government Code section 70301(d) is incorporated by reference. The term "courthouse" is an alternative and may be used interchangeably.

4. Acquisition of Art

- 4.1. Funds appropriated in the state budget act for courthouse construction, maintenance and repair may not be used to acquire art.
- 4.2. The Judicial Council may acquire art for court facilities that it manages, through private gifts (either of art or of funding for the purchase of art), provided that acceptance of such gifts and any resulting displays, will not create an appearance of impropriety.⁴

¹ Gov. Code, §§ 70301(d)(4), 70391.

² See Judicial Council of Cal., *California Trial Court Facilities Standards* (2010); Judicial Council of Cal., *Appellate Court Facilities Guidelines* (2002).

³ See Black's Law Dict. (7th ed. 1999), p. 60, col. 2 (defining "affix"); *id.*, at p. 652, col. 1 (defining "fixture").

⁴ See, e.g., *Trial Court Financial Policies and Procedures Manual* (7th ed. 2010) FIN 15.01, 6.2.2., para. 3, at p. 7 (A superior court should not accept a gift if the gift is conditioned on the court's "use or display the prospective

- 4.3. Only the Judicial Council may accept a gift of art to be affixed to a court facility. The Administrative Director may accept such gifts on behalf of the Judicial Council, as provided in rule 10.102 of the California Rules of Court, subject to paragraph 5, below.
- 4.4. Acceptance on behalf of the Judicial Council of a gift of art or funds for art from a donor who appears before or is reasonably likely to appear before the receiving court in litigation, or does or seeks to do business with the receiving court, must be conditioned on an understanding that (i) donor names and amounts will not be disclosed to the court receiving the art, and (ii) the donor's name will not be publicly displayed or otherwise publicly acknowledged.⁵

5. Approval of Art

The receiving court and the Administrative Director must both approve art that the Judicial Council acquires under this policy and any art to be affixed to a court facility.

6. Questions Regarding Acquisition, Ownership, Reproduction, or Installation of Art

Judicial Council legal staff is available to assist with any issues regarding acquisition of art (e.g. contracts to commission or purchase art) or regarding intellectual property (e.g., ownership rights and reproduction of art). Judicial Council facilities staff also is available to assist with the installation of art that is to be affixed to a court facility.

donor's name or logo"); see also Cal. Rules of Court, rule 10.102(b)(1) (Pursuant to delegation of authority from the Administrative Director of the Courts, a superior court executive officer may accept a gift for the court); Cal. Code Judicial Ethics, canon 4D(6) (limiting the ability of judges to accept gifts).

⁵ See, e.g., *Trial Court Financial Policies and Procedures Manual*, *supra*, FIN 15.01, 6.2.2, para. 4, at p. 7 (A superior court should not accept a gift if the "prospective donor currently is, or is reasonably likely to come, before the court in litigation, either as a party or attorney").

For Reference: Courthouse Naming Policy

(revised policy adopted by Judicial Council on April 25, 2014)

Link: <http://www.courts.ca.gov/documents/jc-20140425-itemJ.pdf>



SUPERIOR COURT OF CALIFORNIA

COUNTY OF MERCED

www.merced.courts.ca.gov

(209) 725-4172

FROM THE CHAMBERS
OF

BRIAN L. McCABE

PRESIDING JUDGE

July 2, 2015

Hon. Samuel K. Feng, Chair
Trial Court Facilities Subcommittee
445 Golden Gate Avenue
San Francisco, CA 94102

RE: Courthouse Names

Dear Honorable Feng,

As you are aware, we recently held the groundbreaking ceremony for our new Los Banos Courthouse, which will be completed in the fall of 2016. The present Los Banos County Courthouse facility is named after one of our former Superior Court judges, Judge Robert Falasco. He was instrumental in the building of the current courthouse in 1980.

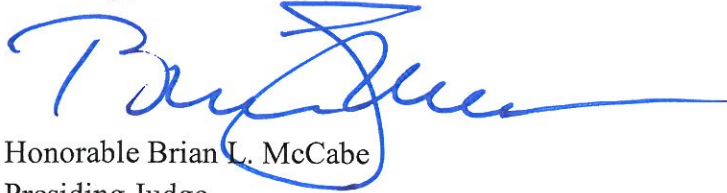
The Superior Court Judicial Officers, together with the Merced County Board of Supervisors and City of Los Banos, respectfully request that his name be transferred to the new Los Banos courthouse. Judge Falasco, was a native of Los Banos. He graduated from Santa Clara law school in 1951. He was elected to the Justice Court in 1958 and served in that capacity until 1977. In 1977 he was appointed to the Municipal Court bench until 1982. He was appointed to the Superior Court bench and finished his 26 continuous years as a judge in 1985. He served on various boards in the Los Banos community. He is credited for mentoring many jurists, attorneys and law enforcement officers throughout his career.

Judge Falasco passed away in 2012. He was revered by all who had the honor to know him. We realize that the policy on naming a courthouse states that the person must have been deceased for at least ten years. However, we would request that the committee make an exception to this policy and allow his name to remain on our new state courthouse.

Attached for your review are letters of support from the County Board of Supervisors and the City of Los Banos.

Thank you in advance for your consideration of this request.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brian McCabe", with a long horizontal flourish extending to the right.

Honorable Brian L. McCabe
Presiding Judge

Cc: Trial Court Facilities Subcommittee Members
Merced Superior Court Executive Committee
Linda Romero Soles, Court Executive Officer
Merced County Board of Supervisors
Michael Villalta, Mayor, City of Los Banos



City of
Los Banos
At the Crossroads of California

City Hall
520 J Street
Los Banos, CA 93635

Phone: (209) 827-7000
Fax: (209) 827-7010
www.losbanos.org

June 29, 2015

The Honorable Brian McCabe
Presiding Judge, Merced County Superior Court
627 West 21st Street
Merced, CA 95340

RE: NAMING OF LOS BANOS SUPERIOR COURTHOUSE

Dear Judge McCabe:

The City of Los Banos would like to express our support for the new Los Banos Superior Courthouse, currently under construction, to retain the name of "Robert M. Falasco Justice Center."

Robert Falasco, a retired superior court judge and Los Banos native, could always be relied upon to provide fair-minded and knowledgeable rulings. He served as a mentor, respected leader and a loyal friend and touched the lives of many in the San Joaquin Valley.

Some of his many accomplishments include 26 years as a judge, a trustee for the Los Banos Elementary School, a veteran of the U.S. Army Air Corps, director of the Merced County Fair Board, and being named a Papal Knight of the Order of St. Gregory by Pope John Paul VI. He was also instrumental in building both Our Lady of Fatima Catholic School and the Los Banos Memorial Hospital. His life's work culminated in 2008, when the Los Banos Division of the Merced County Superior Court was named after him.

Judge Falasco led an extraordinary life filled with compassion, stewardship, and a deep appreciation for the law, and the City of Los Banos believes it would be appropriate to keep his name on the new Los Banos Courthouse facility.

Thank you for your consideration in this matter.

Sincerely,

Mayor Michael Villalta
City of Los Banos



June 25, 2015

The Honorable Brian McCabe
Presiding Judge, Merced County Superior Court
627 West 21st Street
Merced, CA 95340

RE: NAMING OF LOS BANOS SUPERIOR COURTHOUSE

Dear Judge McCabe:

With construction of the new Los Banos Superior Courthouse underway, the Merced County Board of Supervisors would like to express its support for the new facility to retain the name of "Robert M. Falasco Justice Center."

Robert Falasco, a retired superior court judge and Los Banos native, was a true role model for the community. He exemplified compassion, fairness and toughness in the courtroom. Outside the courtroom, he was a family man with a witty sense of humor and a modest personality.

Some of his accomplishments include 26 years as a judge, a trustee for the Los Banos Elementary School, a veteran of the U.S. Army Air Corps, director of the Merced County Fair Board, and being named a Papal Knight of the Order of St. Gregory by Pope John Paul VI. His life's work culminated in 2008, when the Los Banos Division of the Merced County Superior Court was named after him.

For his actions inside and outside the courtroom, the Merced County Board of Supervisors believes it would be appropriate to keep his name on the new Los Banos courthouse facility.

Your consideration in this matter is greatly appreciated.

Sincerely,

John Pedrozo, Chairman
Merced County Board of Supervisors

Board of Supervisors

John Pedrozo
Supervisor, District One

Hubert "Hub" Walsh, Jr.
Supervisor, District Two

Daron McDaniel
Supervisor, District Three

Deidre F. Kelsey
Supervisor, District Four

Jerry O'Banion
Supervisor, District Five

James L. Brown
County Executive Officer

Merced County
Administration Building
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As of July 7, 2015

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Administrative Presiding Justice of the
Court of Appeal, Fifth Appellate District

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Judge of the Superior Court of California,
County of Los Angeles

Hon. Patricia M. Lucas, Vice-Chair

Judge of the Superior Court of California,
County of Santa Clara

Hon. Steven E. Jahr (Ret.)

Judge, Superior Court of California,
County of Shasta

Hon. Donald Cole Byrd

Assistant Presiding Judge of the
Superior Court of California,
County of Glenn

Hon. Jeffrey W. Johnson

Associate Justice of the Court of Appeal,
Second Appellate District, Division One

Mr. Anthony P. Capozzi

Attorney at Law

Hon. Laura J. Masunaga

Presiding Judge of the
Superior Court of California,
County of Siskiyou

Mr. Stephan Castellanos, FAIA

Principal Architect
Derivi Castellanos Architects
Former State Architect of California

Mr. Stephen Nash

Court Executive Officer
Superior Court of California,
County of Contra Costa

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Judge of the Superior Court of California,
County of San Bernardino

Hon. Gary R. Orozco

Judge of the Superior Court of California,
County of Fresno

Hon. Robert D. Foiles

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County of San Mateo

Hon. David Edwin Power

Judge of the Superior Court of California,
County of Solano

Ms. Melissa Fowler-Bradley

Court Executive Officer
Superior Court of California,
County of Shasta

Ms. Linda Romero Soles

Court Executive Officer
Superior Court of California,
County of Merced

Court Facilities Advisory Committee

As of July 7, 2015

Mr. Larry Spikes

County Administrative Officer
County of Kings

Mr. Kevin Stinson

Assistant Clerk Administrator
Court of Appeal, Fourth Appellate District,
Division Three

Mr. Val Toppenberg

Consultant
Former Redevelopment Director for City of
West Sacramento and for City of Merced

Hon. Robert J. Trentacosta

Judge of the Superior Court of California,
County of San Diego

Mr. Thomas J. Warwick, Jr.

Attorney at Law

SUBCOMMITTEES

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Hon. Keith D. Davis
Ms. Melissa Fowler-Bradley
Hon. William F. Highberger
Hon. Steven E. Jahr (Ret.)
Hon. Gary R. Orozco
Mr. Kevin Stinson
Mr. Thomas J. Warwick, Jr.

**Independent Outside Oversight Consultant
(IOOC) Subcommittee**

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Mr. Stephen Nash
Hon. Gary R. Orozco
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Mr. Thomas J. Warwick, Jr.

Subcommittee on Courthouse Names

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Mr. Anthony P. Capozzi
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Hon. Jeffrey W. Johnson
Hon. Gary R. Orozco
Hon. David Edwin Power
Mr. Thomas J. Warwick, Jr.