



JUDICIAL COUNCIL OF CALIFORNIA

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COURT FACILITIES
ADVISORY COMMITTEE

COURT FACILITIES ADVISORY COMMITTEE

MINUTES OF OPEN SESSION OF MEETING

April 3, 2018

10:00 AM – 1:00 PM – Open Session

Judicial Council of California – San Francisco Office

**Advisory Body
Members Present:**

Hon. Brad R. Hill, Chair
Hon. Patricia M. Lucas, Vice-Chair
Hon. Donald Cole Byrd
Hon. Keith D. Davis
Hon. Robert D. Foiles
Ms. Melissa Fowler-Bradley
Hon. William F. Highberger
Hon. Steven E. Jahr (Ret.)
Hon. Jeffrey W. Johnson
Hon. Laura J. Masunaga
Mr. Stephen Nash
Hon. Gary R. Orozco
Hon. David Edwin Power (Ret.) (by phone)
Ms. Linda Romero Soles
Mr. Larry Spikes
Mr. Kevin Stinson
Mr. Val Toppenberg
Hon. Robert J. Trentacosta
Mr. Thomas J. Warwick, Jr.

**Advisory Body
Members Absent:**

Mr. Stephan Castellanos, FAIA
Mr. Anthony P. Capozzi

Others Present:

The following Judicial Council staff/others were present:

Ms. Cindia Martinez, Interim Court Executive Officer, Superior Court of Glenn County
Mr. Jeremy Cortez, Chief Deputy of Finance and Administration, Superior Court of Los Angeles (by phone)
Mr. Allen Leslein, Director of Facilities, Superior Court of Los Angeles (by phone)
Hon. Patricia L. Kelly, Presiding Judge, Superior Court of Santa Barbara (by phone)
Mr. Darrel E. Parker, Court Executive Officer, Superior Court of Santa Barbara (by phone)
Ms. Mary Majich Davis, Chief Deputy Court Executive Officer and CJER Governing Committee Liaison to the CFAC, Superior Court of San Bernardino
Mr. Mike Courtney, Director, Facilities Services
Mr. Jagandeep Singh, Principal Manager, Facilities Services
Mr. Ed Ellestad, Security Supervisor, Facilities Services
Mr. Chris Magnusson, Senior Facilities Analyst, Facilities Services
Mr. Charles Martel, Supervising Attorney, Legal Services
Ms. Pella McCormick, Deputy Director, Facilities Services
Ms. Akilah Robinson, Administrative Specialist, Facilities Services

OPEN SESSION OF MEETING

Call to Order, Opening Remarks, and Approval of Meeting Minutes

The chair called the Open Session of the meeting to order at 10:00 AM and opening remarks were made. He welcomed Ms. Mary Majich Davis, Chief Deputy Court Executive Officer of the Superior Court of San Bernardino and appointed liaison to the advisory committee from the Governing Committee of the Center for Judicial Education and Research (CJER). Ms. Davis position as liaison would help the two advisory committees partner on education needs. The advisory committee voted unanimously (with the abstention of all members absent from the September 9, 2017, meeting and the exceptions of judges Donald Cole Byrd and William F. Highberger, as Ex-Officio, non-voting members, and of the members who were absent as shown above) to approve the minutes from its meeting held on September 9, 2017.

OPEN SESSION – DISCUSSION AND ACTION ITEMS

Item 1

Glenn County–Renovation and Addition to Willows Courthouse: Project Review

The following persons presented this project to the advisory committee:

- Hon. Donald Cole Byrd, Presiding Judge, Superior Court of Glenn County
- Ms. Cindia Martinez, Interim Court Executive Officer, Superior Court of Glenn County
- Mr. Jagandeep Singh, Principal Manager, Judicial Council Facilities Services
- Mr. Chris Magnusson, Senior Facilities Analyst, Judicial Council Facilities Services

Mr. Singh presented the project’s overview, site context, highlights of critical conditions, and design/budget options (Option 1: Current Design and Option 2: Project Redesign for a Smaller Building) consistent with the PowerPoint slides included in the project materials that were posted on line for public viewing in advance of the meeting and available at www.courts.ca.gov/documents/cfac-20180403-materials.pdf. The content of the PowerPoint slides was previously presented to the advisory committee on September 7, 2017. In September 2017, and because construction program funding was unavailable for the advisory committee to move the project forward, the presentation was simply taken under advisement.

Concerned a smaller court building would significantly impact court operations, Judicial Council Facilities Services staff requested approval to proceed with Option 1 to maintain the current design. In addition, the following comments were made:

- Significant factors contributing to the delay and increased cost of this project included the lack of available funding, unforeseen site conditions such as the demolition of the connector building as required by the Office of the State Fire Marshal, and escalation of the project’s budget of three-to-five percent per year;
- If the project was delayed for a year or two for its redesign, then the outcome would not only be a much less efficient design for the court but no cost savings would be achieved, as the project’s budget would climb back up to the amount needed to maintain the current design; and
- For consistency among capital projects proposed for the Governor’s Budget, the California Department of Finance (DOF) has established that every state entity use the California Construction

Cost Index (CCCI). The CCCI, which is forecasted each year, is managed by the California Department of General Services. However, and over the same periods of time, adjustments to the CCCI do not track with actual cost increases of the construction industry. For example, and in times of inflation as is the current condition within the state, the CCCI is not tracking with current construction industry cost increases of 7–10 percent per year. Moreover, inflationary conditions can even occur regionally within the state, as the San Francisco Bay Area for example is currently experiencing increases of more than 10 percent per year.

Action: The advisory committee—with the exceptions of judges Donald Cole Byrd and William F. Highberger, as an Ex-Officio, non-voting members, and the members who were absent as shown above—voted unanimously to approve the following motion:

1. The project is approved to move forward in its current design (Option 1) and with a funding augmentation of \$4.6 million to complete the Working Drawings phase.

Item 2

Los Angeles County–New Los Angeles Mental Health Courthouse: Project Site Review

The following persons presented this project to the advisory committee:

- Hon. William F. Highberger, Judge, Superior Court of Los Angeles County
- Mr. Jeremy Cortez, Chief Deputy of Finance and Administration, Superior Court of Los Angeles County
- Mr. Allen Leslein, Director of Facilities, Superior Court of Los Angeles County
- Ms. Pella McCormick, Deputy Director, Judicial Council Facilities Services

Ms. McCormick presented the project’s status, including details of its authorization, background, and challenges, and a prospective site for the new courthouse, including processes involved with transferring its jurisdiction, consistent with the PowerPoint slides included in the project materials that were posted online for public viewing in advance of the meeting and available at www.courts.ca.gov/documents/cfac-20180403-materials.pdf. In addition, the following comments were made:

- In October 2016, the existing Los Angeles Mental Health Courthouse was evacuated due to structural fissures in the roof supports. Analyses to correct its deficiencies concluded costs exceed the value of the building and sensible asset management/practices. At the time, the court moved its calendars/operations to the Metropolitan Courthouse, where it is currently in the process of reducing the overcrowded situation by moving them to the existing Hollywood Courthouse;
- The original project had been to renovate the existing Hollywood Courthouse; however, the renovation was determined infeasible due to the discovery of an earthquake fault line running through the site. The project scope was then changed to demolish the existing building and construct a new building on site and at a safe distance from the earthquake fault. Owing to the court’s current need to occupy the existing Hollywood Courthouse, this project scope can no longer be carried out on site, and a new site is needed;
- In May 2017, the advisory committee approved the court’s request for the project to remain on the list of active Senate Bill 1407 courthouse capital projects and restored the project’s site acquisition

budget. Mindful of the very high cost of land in Los Angeles County, underutilized state-owned properties were among those considered. A top candidate site was a property owned by the California Department of State Hospitals (DSH) at the Metropolitan State Hospital (MSH) in the City of Norwalk. This site is approximately 13 acres in size and currently contains numerous vacant buildings that formerly served as housing units for patients. Though not the final authority to authorize the transaction (which would be the DOF/State Public Works Board), the DSH's initial response was favorable to the concept of transferring the jurisdiction of the portion of land needed for the new courthouse project and particularly because the project would pay the cost to demolish some of the many unwanted vacant buildings;

- Judicial Council Facilities Services staff has not yet performed its due diligence—for property entitlements as well as to address existing environmental and seismic conditions through phase I and phase II environmental assessments and a seismic assessment—on this top candidate site in Norwalk. With the advisory committee's direction, staff would do so following agreement to a site acquisition process established by the DOF. Staff is hopeful this process can be a straight transfer of jurisdiction, which is typically a low- or no-cost approach and accomplished within a short timeframe when taking place between executive branch agencies. In this case, this transfer would be between the executive and judicial branches, for which there is no precedent and may involve certain restrictions that could cause it to be non-administrative. Also, and based on the DSH's ability to renovate and expand its facilities at this location over time, it is unlikely that an earthquake fault line is running through the site; and particularly because this entity is subject to the statewide hospital seismic safety act that would have otherwise prevented the property's ongoing improvement; and
- The process of acquiring land through a voluntary process has been extremely difficult, to find owners of private land willing to sell their property for the purposes of a mental health courthouse. The idea to use state-owned property already associated with mental health facilities addresses this dilemma.

Action: The advisory committee—with the exceptions of judges Donald Cole Byrd and William F. Highberger, as an Ex-Officio, non-voting members; and the members who were absent as shown above—voted unanimously to approve the following motions:

1. The project is approved to move forward to request a land transaction with the DOF/DSH to acquire property on the MSH campus in the City of Norwalk.
2. Judicial Council Facilities Services staff continue the site selection process for other viable sites in the event the acquisition of the MSH site does not occur.

Item 3

Santa Barbara County—New Santa Barbara Criminal Courthouse: Project Review

The following persons presented this project to the advisory committee:

- Hon. Patricia L. Kelly, Presiding Judge, Superior Court of Santa Barbara County
- Mr. Darrel E. Parker, Court Executive Officer, Superior Court of Santa Barbara County
- Ms. Pella McCormick, Deputy Director, Judicial Council Facilities Services
- Mr. Jagandeep Singh, Principal Manager, Judicial Council Facilities Services

Ms. McCormick presented the project's current status, including details of its authorization, the scope and findings of a study of a joint court-county building to reduce cost, and the merits of acquiring additional site area, consistent with the PowerPoint slides included in the project materials that were posted online for public viewing in advance of the meeting and available at www.courts.ca.gov/documents/cfac-20180403-materials.pdf. In addition, the following comments were made:

- Because the current configuration of the state-owned property is irregularly shaped, it requires the existing Figueroa Courthouse to be demolished for the new courthouse building to be constructed. The property's irregular shape has required a two-phased project schedule which in turn has driven the project's budget problem. This schedule has involved numerous milestones including but not limited to the following: constructing the new courthouse building while keeping the existing Figueroa Courthouse in operation; constructing a temporary entrance from the existing courthouse building to the new courthouse building; moving all court calendars/operations into the new courthouse; demolishing the old courthouse building; and finishing the construction of the new courthouse to create its entrance from Figueroa Street;
- Though the County of Santa Barbara has opted out of the project—believing its needs could be met for approximately half of their estimated share determined by the study—it is supportive of the project and willing to consider a real estate transaction to provide the additional site area of .23 acres for the project to be constructed on a more regularly-shaped site and in a single phase;
- Acquiring this additional site area allows the existing Figueroa Courthouse to remain intact and operational during construction. It also preserves the land under the existing Figueroa Courthouse for future divestment, with funds estimated between \$21–23.5 million returned to the Immediate and Critical Needs Account (ICNA). Returning these funds to the ICNA at a future time reimburses the ICNA for a substantial portion of the cost of the recommended project option (Option 2) including its current deficit of \$5.5 million; and
- As an option in lieu of paying cash to afford the additional site area currently estimated at \$2.5 million, and based on the County of Santa Barbara's interest in the obtaining the land under the existing Figueroa Courthouse from the state in the future, Judicial Council Facilities Services staff described offering the county an equity stake in that property.

Action: The advisory committee—with the exceptions of judges Donald Cole Byrd and William F. Highberger, as an Ex-Officio, non-voting members; and the members who were absent as shown above—voted unanimously to approve the following motion:

1. The project is approved to move forward with a funding augmentation of \$5.5 million and to take all necessary steps to acquire—whether through cash payment or equity stake in the land under the existing Figueroa Courthouse—additional land from the County of Santa Barbara for the project to be constructed on a more regularly-shaped site and in a single phase, which preserves intact the land under the existing Figueroa Courthouse for future divestment with funds estimated between \$21-23.5 million returned to the ICNA.

**ADJOURNMENT TO EDUCATION SESSION (CLOSED TO PUBLIC) AND
ADJOURNMENT**

There being no further business, the Open Session of the meeting was adjourned at 1:00 PM, and the advisory committee moved to the Education Session of the meeting. The Education Session of the meeting—which was closed to the public and not subject to Cal. Rules of Court, Rule 10.75—was adjourned at 2:00 PM.

Approved by the advisory body on September 27, 2018.