

# **Meeting Binder for Court Facilities Advisory Committee**

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FEBRUARY 21, 2019



JUDICIAL COUNCIL  
OF CALIFORNIA

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ADMINISTRATIVE DIVISION  
FACILITIES SERVICES



## Meeting Binder

### Court Facilities Advisory Committee

February 21, 2019

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JUDICIAL COUNCIL  
OF CALIFORNIA

COURT FACILITIES  
ADVISORY COMMITTEE

[www.courts.ca.gov/cfac.htm](http://www.courts.ca.gov/cfac.htm)  
[cfac@jud.ca.gov](mailto:cfac@jud.ca.gov)

**COURT FACILITIES ADVISORY COMMITTEE**

**OPEN MEETING WITH CLOSED EDUCATION SESSION AGENDA**

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

OPEN PORTION OF THIS MEETING IS BEING RECORDED

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**Date:** February 21, 2019

**Time:** Open Session (Open to Public)  
9:30 a.m. – 10:00 a.m. – Registration  
10:00 a.m. – 12:30 p.m. – Open Session (Open to Public)  
12:30 p.m. – 1:00 p.m. – Anticipated Lunch Break

Education Session (Closed to Public)  
1:00 p.m. – 2:00 p.m. – Education Session (Closed to Public)

**Location:** 455 Golden Gate Avenue  
San Francisco, California 94102-3688  
Third-Floor – Malcolm M. Lucas Board Room

**Public Call-In Number:** (877) 820-7831 and enter Passcode: 7004216

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

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

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

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**Call to Order, Roll Call and Opening Remarks**

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**II. PUBLIC COMMENT (CAL. RULES OF COURT, RULE 10.75(K)(2))**

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Members of the public requesting to speak during the public comment portion of the meeting must place the speaker's name, the name of the organization that the speaker represents if any, and the agenda item that the public comment will address, on the public comment sign-up sheet. The sign-up sheet will be available at the meeting location at least one hour prior to the meeting start time. The Chair will establish speaking limits at the beginning of the public comment session. While the advisory body welcomes and encourages public comment, time may not permit all persons requesting to speak to be heard at this meeting.

**Written Comment**

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 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](mailto: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 February 20, 2019, will be provided to advisory body members.

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**III. DISCUSSION AND POSSIBLE ACTION ITEMS (ITEM 1-3)**

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**Item 1**

**Stanislaus – New Modesto Courthouse: Project Review  
(Action Required)**

Review of the superior court’s request to include the build-out of two courtrooms—otherwise planned for shelled space—in the design for the New Modesto Courthouse project. This project is currently in the Working Drawings phase, and through the enactment of the 2018 Budget Act (FY 2018–19), it has also been funded for the Construction phase.

Presenter: Hon. Dawna Reeves, Presiding Judge, Superior Court of Stanislaus County  
Hon. Jack M. Jacobson, Judge, Superior Court of Stanislaus County

**Item 2**

**Revised Prioritization Methodology for Trial Court Capital-Outlay Projects  
(Action Required)**

Review of an updated draft version of the *Revision of Prioritization Methodology for Trial Court Capital-Outlay Projects* based on public comments received. Senate Bill 847 (Committee on Budget and Fiscal Review) revises Government Code section 70371.9 to require the Judicial Council to update its 2008 prioritization methodology as well as to reassess capital projects in its Trial Court Capital-Outlay Plan.

Presenter: Ms. Pella McCormick, Deputy Director, Judicial Council Facilities Services

**Item 3**

**Pegasus Audit Implementation Status and Next Steps  
(Action Required)**

Review of a draft report on the closeout of the Pegasus audit by Judicial Council Facilities Services. This report was reviewed by the CFAC’s Independent Outside Oversight Consultant Subcommittee on December 12, 2018.

Presenter: Mr. Mike Courtney, Director, Judicial Council Facilities Services

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**IV. ADJOURNMENT**

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**Adjourn to Education Session (Closed to Public)**

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**V. EDUCATION SESSION – CLOSED TO PUBLIC  
(NOT SUBJECT TO CAL. RULES OF COURT, RULE 10.75)**

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**Item 1**

**Judicial Branch Courthouse Construction Program (No Action Required – Education Only)**

Educational discussion on courthouse capital projects.

Presenter: Mr. Mike Courtney, Director, Judicial Council Facilities Services

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**VI. ADJOURNMENT OF MEETING**

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**Adjourn**



**Superior Court of the State of California**  
**COUNTY OF STANISLAUS**

P.O. Box 3488  
Modesto, California 95354  
[www.stanct.org](http://www.stanct.org)

RICARDO CORDOVA  
Presiding Judge

TELEPHONE  
(209) 530-3111

December 10, 2018

Justice Brad R. Hill  
C/O Judicial Council of California  
Capital Program  
Court Facilities Advisory Committee  
455 Golden Gate Avenue  
San Francisco, CA 94102-3688

Re: **New Modesto Courthouse - Scope Change Request – Addition of Two Courtrooms**

Dear Justice Hill,

At its meeting scheduled for January 17, 2019, we intend to ask the Court Facilities Advisory Committee (CFAC) to expand the scope of the New Modesto Courthouse (Courthouse) project to include the build-out of two previously approved “shelled” courtrooms. We believe the scope change is necessary for a number of reasons, including:

- The addition of two courtrooms would satisfy the original intent of the project to consolidate court operations currently scattered throughout the County.
- The scope change would allow us to provide meaningful physical access to justice to the families and children of Stanislaus County. The Court would no longer use the courtrooms at the county-owned Juvenile Hall, a facility that is outdated, unsafe, lacks adequate security and no longer meets the Court’s needs.
- The requested scope change will provide long-term costs savings to both the Judicial Council (JCC) and Court.

The purpose of this letter, which we sent to all CFAC members, is to provide a preview of the scope change request. We also want to invite you to tour the courtrooms at Juvenile Hall prior to the January CFAC meeting.

## **Scope Change Request - Summary**

We are currently working with JCC staff on a presentation for the January 17, 2019, CFAC meeting. The presentation will detail the scope change request. In summary however, we intend to ask that two of the five “shelled” courtrooms currently in the project be “built-out” or finished, which will provide us with 24 usable courtrooms. The addition of these courtrooms would allow the Court to accommodate all 24 authorized judicial positions in the same building. If CFAC approves the scope change request, we would no longer use the county-owned Juvenile Hall facility.

## **Background**

As noted above, the Court currently has 24 authorized and funded judicial positions. The project’s current scope includes space for 27 courtrooms, with only 22 of those courtrooms planned for build-out at this time.

When project planning began in 2010, one of our primary goals was to consolidate all court operations into a single building. At the time, the Court used eight (8) different facilities. One of these facilities was Juvenile Hall, where the Court assigned two judicial officers to hear Juvenile Delinquency cases. The original project scope called for 26 fully functioning courtrooms, but apparently did not include space for the two courtrooms at Juvenile Hall. It is not clear why the original courthouse design did not include space for Delinquency matters. However, there is no dispute that the courtrooms and other court occupied spaces at Juvenile Hall were deficient in almost every respect.

With the passage of time, the scope of the project changed, as did the operational needs of the Court. Unfortunately, these changes did not always align. For example, in 2015, the Public Works Board (PWB) approved a JCC recommended request to increase the project scope from 26 fully finished and furnished courtrooms to 27 courtrooms. At the same time, the PWB, based on its understanding of the Court’s needs, reduced the number of finished courtrooms to 22, leaving five courtrooms shelled.

However, when the PWB decided to reduce the number of finished courtrooms included in the project’s scope, it was apparently unaware that the Court no longer used both courtrooms at Juvenile Hall. Therefore, to meet the Court’s operational needs, we required the use of at least 23 finished courtrooms in the new Courthouse. The 22 finished courtrooms approved by the PWB, failed to meet the Court’s facility needs, as they existed at the time and currently exist.

It should also be noted that one constant in the design of the new Courthouse has been a specially configured courtroom for Juvenile Dependency matters. CFAC approved a Schematic Design, as well the 50% and 100% Design Drawings, which included this Dependency courtroom. This design choice reflects the Court’s intent, since the project’s inception, to conduct Dependency proceedings in the new Courthouse. Until very recently, the Court always assigned Dependency cases to a courtroom in the Modesto Main Courthouse.

However, in January 2017, the Court temporarily relocated its Dependency department to the unused courtroom at Juvenile Hall. The Court decided to move Dependency to Juvenile Hall because we needed an additional Criminal Department in the Modesto Main Courthouse and were also required to accommodate a full-bench recusal in a multi-defendant (8) homicide case. Due to security and inmate transportation issues, as well as the limited size of the vacant courtroom, Juvenile Hall was not suitable for either the new criminal calendar or the homicide trial.

The Court's budget problems only compounded the difficulties created by a lack of available courtrooms. Although Juvenile Hall is not a suitable location for Dependency or any other type of judicial proceeding, the Court could not afford to lease off-site space for an additional courtroom.

### **Condition of Juvenile Hall Facility**

The County built Juvenile Hall in 1976. The most recent Judicial Council Capital Outlay Plan sets forth the relative priority of projects and categorized the "Addition to Modesto Juvenile Courthouse" as "High". (See, Report to Judicial Council, *Court Facilities: Senate Bill 1407 Project Funding Requests and Five-Year Infrastructure Plan for Fiscal Year 2017–2018*, December 16, 2016.)<sup>1</sup>

When compared to the Trial Court Facility standards the conditions at Juvenile Hall are clearly inadequate. A few examples include:

	<b><u>STANDARDS</u></b>	<b><u>EXISTING</u></b>
Courtroom – Sq. Ft.	1,600 – 1,750	420
Chambers – Sq. Ft.	400	120
Chambers - Restroom	Private	Shared
Chambers - Restroom Sq. Ft.	60 (staff restroom)	34
Attorney-Client Interview Room	Required	None
Security – Restricted Circulation System for Judges and Staff	Required	None
Courtroom Holding Cell - Required for In-Custody Parents	Required – 40 Sq. Ft. minimum	None
Children's Waiting Room	120+ sq. ft.	None
Courtroom Evidence Storage	50 sq. ft.	None

Continued use of Juvenile Hall for Dependency proceedings is particularly problematic. For example, there is no Children's Waiting Room. Children must wait in the same public lobby with the person alleged to have abused or neglected them. There is no room for attorneys to meet with children or parents to discuss their cases. The number of participants in a Dependency case, including the judge, clerk, reporter, bailiff, parties and their attorneys, can exceed 15. This occupancy load is almost double the maximum rating established by the building code for this type of room, which is 40 sq. ft. per occupant.<sup>2</sup>

<sup>1</sup> The Court questions the ratings assigned to Juvenile Hall in several categories, including Security and Physical Condition. For example, the report scored Security at Juvenile Hall as a "2". The Court shares the use of this facility with the County Probation department, which is open to the public until 5:00 pm. However, Court Security only staffs the weapons screening station until 4:00 pm. Because there is no separate circulation route for staff, judges must walk through the unsecured building lobby to access the clerk's office from their chambers and vice versa.

<sup>2</sup> Over the last 10 years, Delinquency filings have decreased. During this same period, Dependency filings have increased. The Court now schedules Dependency cases for hearings in both departments at Juvenile Hall.



Attached please find several photographs that highlight some of the deficiencies in the Juvenile Hall facility. These photographs will also be included in our presentation planned for the January 17, 2019, CFAC meeting.

Stanislaus County owns Juvenile Hall. Several years ago, the County built a Juvenile Justice Commitment facility adjacent to the existing Juvenile Hall. This new facility did not include a courtroom. Presumably, the County recognized the responsibility to provide suitable court facilities now rests with the Judicial Council and therefore, chose not to plan any space for court use in its new building.

### **Alternatives to the Scope Change Request**

We considered several alternatives to expanding the scope of the project to include the two, additional courtrooms. As explained below, these alternatives either fail to meet the Court's operational needs or are not cost-effective when compared to the scope change we now request.

#### ➤ Alternative No. 1 - Maintain Current Scope – 22 Courtrooms

Because we intend to relocate the Juvenile Dependency department to the new Courthouse, one courtroom at Juvenile Hall will again be vacant because it is too small to be used for any other case type or calendar. Therefore, assuming one judicial officer remains at Juvenile Hall to hear the Delinquency calendar, we will have more judges (23) than available courtrooms (22) in the new Courthouse.

After years of financial struggles, our 18-19 budget allocation brought our funding level up to the WAFM statewide average. We now receive sufficient funding to provide a relatively full range of services and programs to the public. However, we may have to reduce those services when we move to the new Courthouse because the number of courtrooms is not sufficient to meet our judgeship needs.

One of the basic tenets of the Chief Justice's Access 3D initiative is, "Physical Access: Courts must be safe, secure, accessible, and open during hours that benefit the public." Due to the conditions at the Juvenile Hall facility children and families involved in the Juvenile Justice system in Stanislaus County will be denied the physical access to justice they deserve.

#### ➤ Alternative No. 2 - Remodel Existing Juvenile Facility

A facility modification at Juvenile Hall is not an option. Neither the Court nor Judicial Council has the authority to expand the size of the 420 sq. ft. courtrooms, because the County owns the building.

Assuming the County agreed to allow the modification, as a practical matter a remodel would be expensive and difficult. The County constructed the walls of the existing building, both interior and exterior, with steel-reinforced masonry blocks. In addition to the design and construction costs associated with a remodel, we would need to relocate, on a temporary basis, two departments and the clerks' office to a leased facility. Assuming we found a suitable building, the additional expense would be substantial. (See, Alternative No. 3.)

➤ Alternative No. 3 - Lease Off-Site Facility

We estimate it would cost at least \$540,000/year to lease suitable space for two courtrooms and associated space for the public and staff. We base this estimate on the current cost of a lease for two of our Civil departments and an adjoining clerks' office. Over the expected useful life of the new Courthouse, the total cost of the leased space would be \$27.0 million. In comparison, we understand the cost to build-out two courtrooms in the new Courthouse is between \$4.0 and 5.0 million. When compared to leasing, the Judicial Council would recognize a return on its investment in the completion of two additional courtrooms in the new Courthouse in approximately 9 years.

Cal. Rules of Court, rule 10.810 prohibits the Court from leasing space for court operations. Furthermore, the Court receives no funding to cover the cost of leased space. Unless the Judicial Council paid this additional cost, the Court would be required to divert operations funding to pay the expense of renting a facility.

➤ Alternative No. 4 - Build New Juvenile Facility

In 2016, JCC staff estimated the per courtroom cost of building a new court facility with 1 – 5 courtrooms at \$12 million.

<b>New Construction and Additions Project Budgets for Current Needs: Average Unescalated Project-Budget-Per-Courtroom Ranges</b>	
1–5 Courtrooms (Jan. 2016 dollars)	\$12,000,000

(See, Report to Judicial Council, *Court Facilities: Senate Bill 1407 Project Funding Requests and Five-Year Infrastructure Plan for Fiscal Year 2017–2018*, December 16, 2016.)

Therefore, the cost to construct a new facility for the two judicial positions not included in the scope of the new Courthouse is at least \$24 million. Compared with the costs of finishing the two courtrooms, building a new facility for Juvenile matters is simply not cost-effective.

**Invitation to Tour Juvenile Hall Courtrooms**

The continued use of courtrooms at the Juvenile Hall facility is not in the best interest of the Court, the Judicial Council or the citizens of Stanislaus County. We invite you to a walk-thru of the Juvenile Hall facility prior to the January 17, 2019, CFAC meeting. We believe a tour of the facility will give you a better understanding of the need for the additional finished courtrooms in the new Courthouse and allow you to make a fully informed decision when you consider our scope change request.

We scheduled a walk-thru for Friday, January 11, 2018, at 12:00 pm. If this is not a convenient time for you, please let us know. We can schedule a tour of the facility based on your availability.

To RSVP please contact:

Brandi Christensen  
Facilities Support Services Manager  
[brandi.christensen@stanct.org](mailto:brandi.christensen@stanct.org)  
(209) 530-3292

Of course, if you have any questions or comments, please do not hesitate to contact one of us directly.

Sincerely,



Hon. Ricardo Cordova  
Presiding Judge  
Superior Court of California, County of Stanislaus



Hon. Jack M. Jacobson  
Judge  
Superior Court of California, County of Stanislaus Chair,  
New Modesto Courthouse Committee

cc: Mike Courtney, Director, Facilities Services  
Pella McCormick, Deputy Director, Facilities Services  
Clifford Ham, Senior Project Manager, Facilities Services



**Superior Court of  
California  
County of Stanislaus  
New Modesto Courthouse**

Court Facility Advisory Committee

Scope Change Request

February 21, 2019

# Project Summary – Original

## Original Project Scope

- Consolidate operations from four court facilities to one
- Site Area: 2.75 acres
- Total Gross Floor Area: 301,464 sf
  - 8 Stories Plus Partial Basement
  - 26 Courtrooms (All Finished)
    - *Including Juvenile Dependency Courtroom*
  - 14 Jury Deliberation Rooms
  - Parking
    - 39 Public Surface Parking Spaces
    - 36 Secure Parking Spaces



# Project Summary - Authorized

## Current Project Scope

- December 2015 – PWB Approved Judicial Council’s Scope Change Request
  - Reduced Number of Finished Courtrooms from 26 to 22
  - Added sq. ft. for one shelled courtroom without additional funding to project scope
  - 22 Finished Courtrooms + 5 shelled Courtrooms = 27 Total



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# Current Project Scope

## 2015 PWB Scope Change

- PWB scope change assumed both courtrooms at Juvenile Hall would continue to be used for Delinquency proceedings
- Therefore, PWB assumed 22 finished courtrooms in the New Courthouse, plus 2 at Juvenile Hall, was sufficient to meet Court's need for 24 AJP
- However, these assumptions were not accurate:
  - In 2015, only one courtroom was being used at Juvenile Hall and only Delinquency cases were heard at Juvenile Hall
  - Dependency cases were heard at Main Modesto Courthouse
  - The original project scope included a Dependency courtroom in the New Courthouse
  - 22 finished courtrooms in the New Courthouse was not sufficient to meet the Court's needs.



# Scope Change Request- 2019

## Description

- Request to Increase Number Of Built-out Courtrooms From 22 to 24
  - Change would allow court to close two courtrooms at Juvenile Hall Facility and consolidate all five facilities into a single facility
  - Approved design includes space for 27 courtrooms with 5 “shelled” courtrooms
  - The project will finish with 3 “shelled” courtrooms for future use
- Request Supplemental Appropriation Authority
  - Current project budget cannot absorb additional costs of scope change
  - Estimated cost of scope change is \$6.23 million
  - New Modesto Courthouse – lowest per square foot project in Judicial Branch





# Scope Change Request

## Justifications for Request

- Ensure Access to Justice for Families and Children in Stanislaus County
  - Juvenile Hall is outdated, overcrowded, unsafe, and inaccessible
- Consistent with Original Project Intent
  - Consolidate all court operations
- Current Project Scope Insufficient to Meet Court's Needs
  - 24 Authorized Judicial Positions (AJP) – only 22 built-out courtrooms planned for New Modesto Courthouse
- No Fiscally Responsible Alternatives to Scope Change



# Why Now?

- Why weren't Juvenile Hall courtrooms in original project scope?
  - Project Feasibility Report (June 2010) left courtrooms at the County owned Juvenile Hall facility
  - The County built a new Juvenile Hall in 2013. JCC & Court expected the Courts would be included in the new Juvenile Hall – No courtrooms were included.



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# Why Now? (cont.)

- Juvenile Justice Reform – Impacted Juvenile Caseload and Calendar
  - Prior to passage of Proposition 57 in 2017 – Most serious cases heard in Adult Court
    - The district attorney "direct filed" cases alleging serious and violent felonies committed by 16 and 17 year-olds in Adult Court
    - The district attorney often requested transfer of cases alleging serious and/or violent felonies committed by offenders under the age of 16 to Adult Court
  - After passage of Proposition 57 – All cases must be filed in Juvenile Court
    - DA may not direct file against juveniles aged 16 or 17 alleged to have committed serious and/or violent felonies
    - Transfer hearing in Juvenile Court now required when DA seeks to try a 16 or 17-year-old as an adult
    - Transfer hearing in Juvenile Court now required for any juvenile subject against whom the DA direct filed and whose conviction is not yet final
    - Now offenders under age 16 must be tried in juvenile court – transfer to Adult Court is prohibited



# Current Facility Inventory

Facility	Courtrooms	Case Types	Status
Modesto Main	16	Criminal, Family, Child Support	State Owned
Civil Towers	4	Civil	Court Lease
Traffic	1	Traffic Infractions	Court Lease
Juvenile Hall	2	Delinquency/Dependency	County Owned/Court Lease
Turlock	1	Small Claims/UD	State Owned
TOTAL	24		



# The Current Scope of the Project is Insufficient

- 22 Courtrooms Insufficient to Accommodate 24 Judicial Officers
  - 24 Authorized and Funded Judicial Positions (AJP)
  - 3 additional judgeships authorized, but unfunded, by AB 159
  - Assessed Judicial Need (AJN) – 28.4 positions



# Juvenile Hall Courtroom Deficiencies - Examples

- Access to Justice – non-compliant
  - No children’s waiting room
  - Inadequate attorney/client meeting rooms
- Fire Life Safety – non-compliant
  - No clear emergency egress from courtroom for Judicial Officers
  - Courtrooms are over capacity
- Security – non-compliant
  - No separate circulation for in-custody adults, staff, Judicial Officers
  - No security after 4:00pm (mixed use building) – building remains open to public
- ADA - non-compliant
  - No ramps to bench or witness stands
  - No turn around space



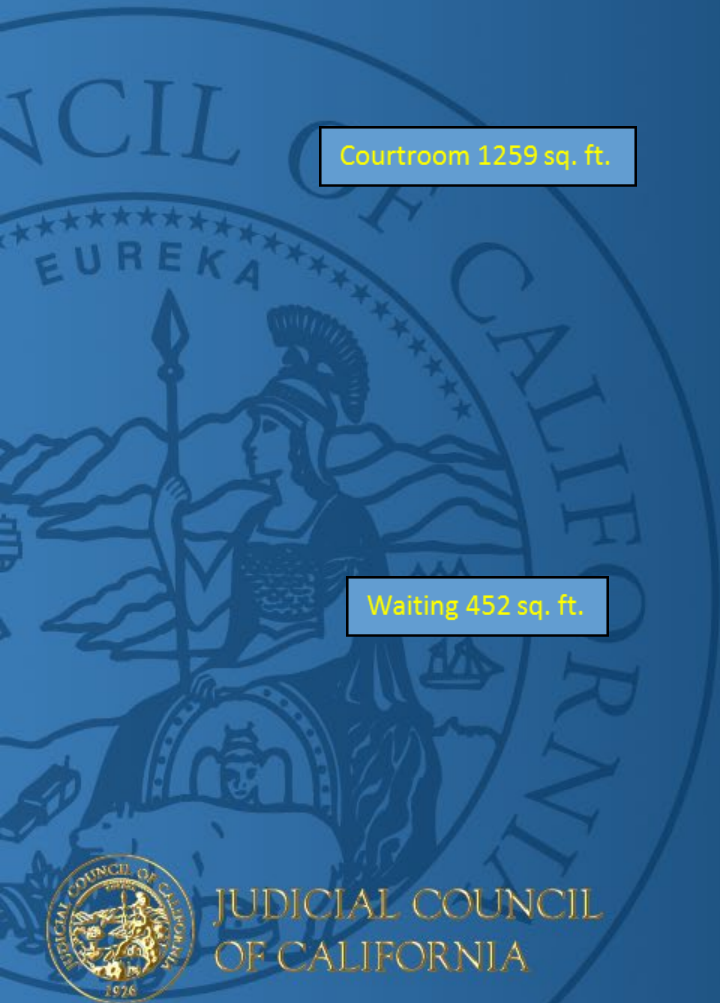
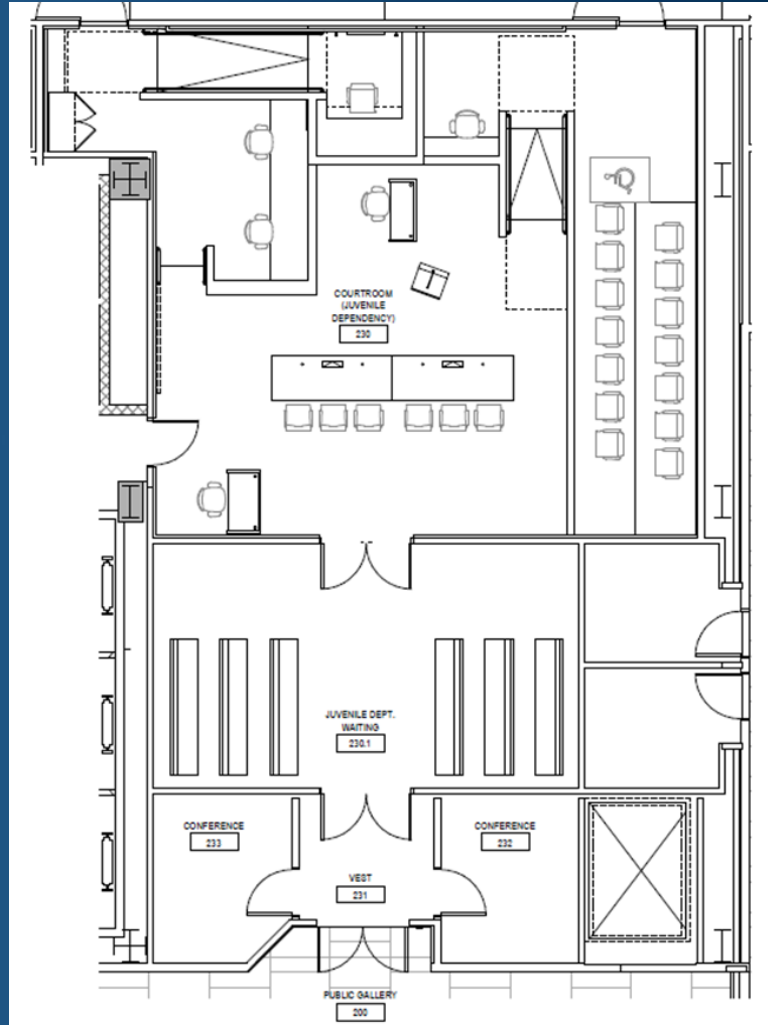
# Current Juvenile Hall Courtrooms vs. TCF Standards

	Standards	Existing	% of Deficiency
Courtroom – Sq. Ft.	1,600 – 1,750	420	26%
Chambers – Sq. Ft.	400	120	30%
Chambers – Restroom	Private	Shared	100%
Chambers – Restroom Sq. Ft.	60 (staff restroom)	34	50%
Security – Restricted Circulation for Judges and Staff	Required	None	100%
Security – Restricted Circulation for In-Custody	Required	None	100%
Attorney Interview Rooms	Included – 100 sq. ft.	None	100%
Courtroom Holding Cell for In-Custody Parents	Required – 40 sq. ft. minimum	None	100%
Children’s Waiting Room	Included	None	100%

# New Modesto Courthouse Juvenile Dependency Courtroom

Courtroom 1259 sq. ft.

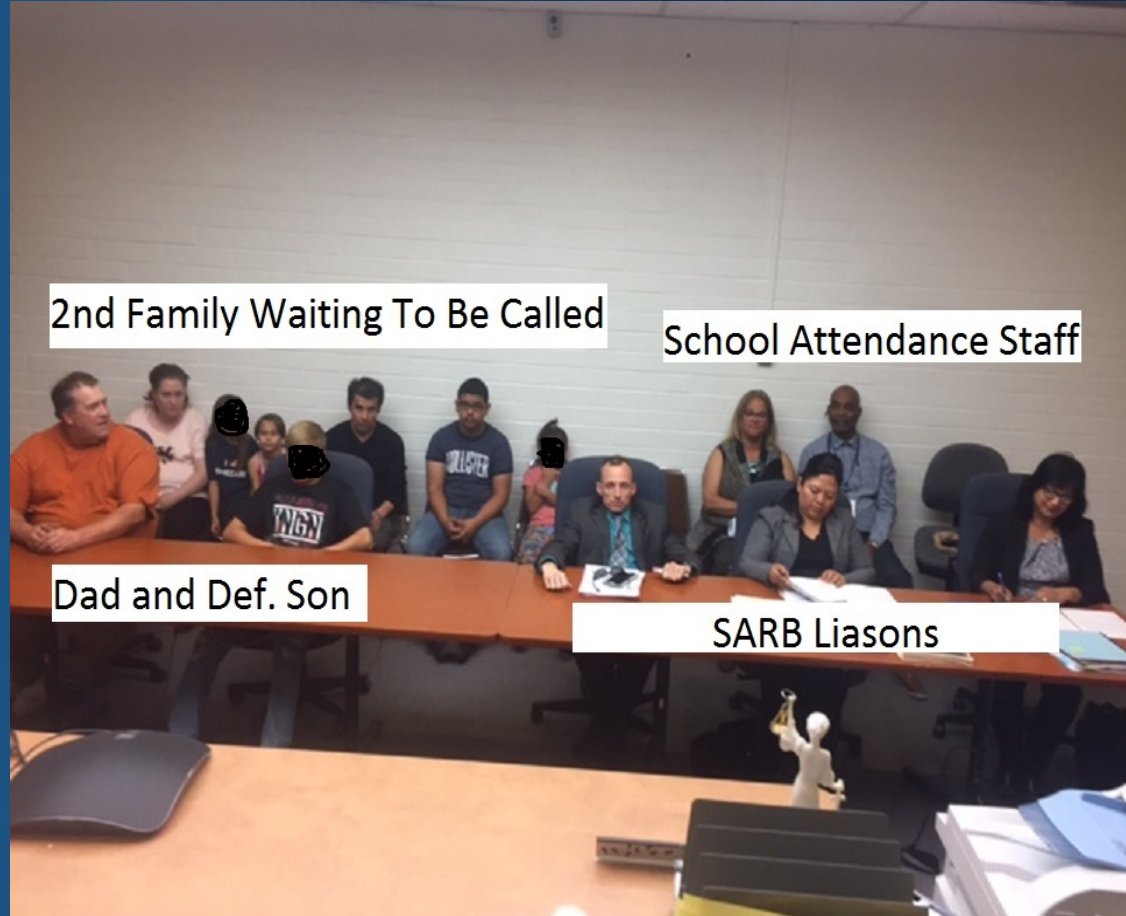
Waiting 452 sq. ft.



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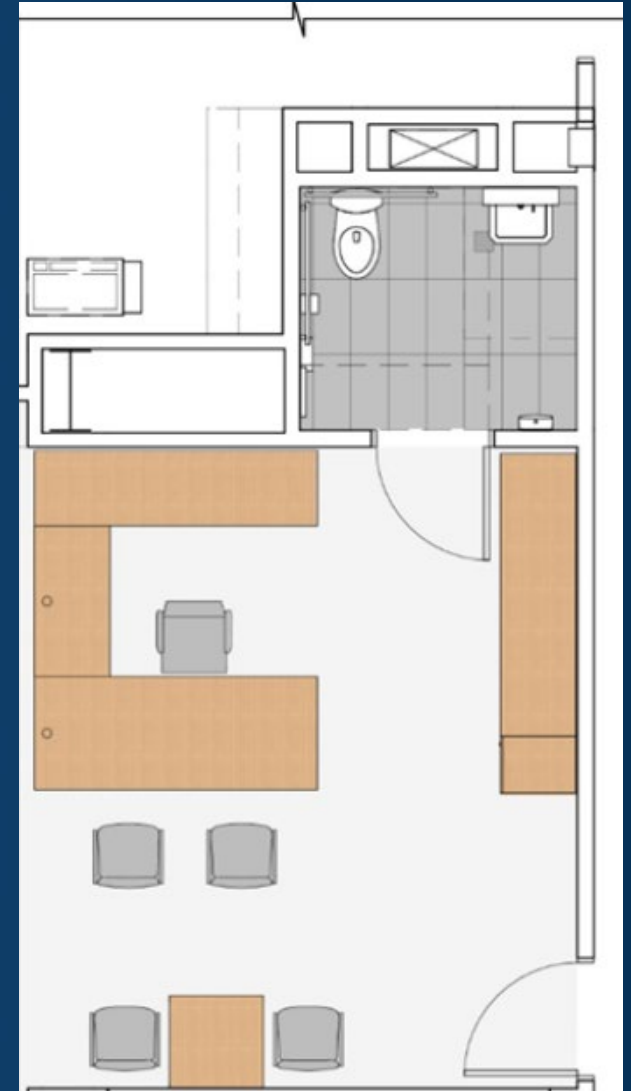
# Juvenile Hall Courtroom #1 – 420 SF



# Juvenile Hall Courtroom #2 – 420 SF



# New Modesto Courthouse – Judge's Chambers



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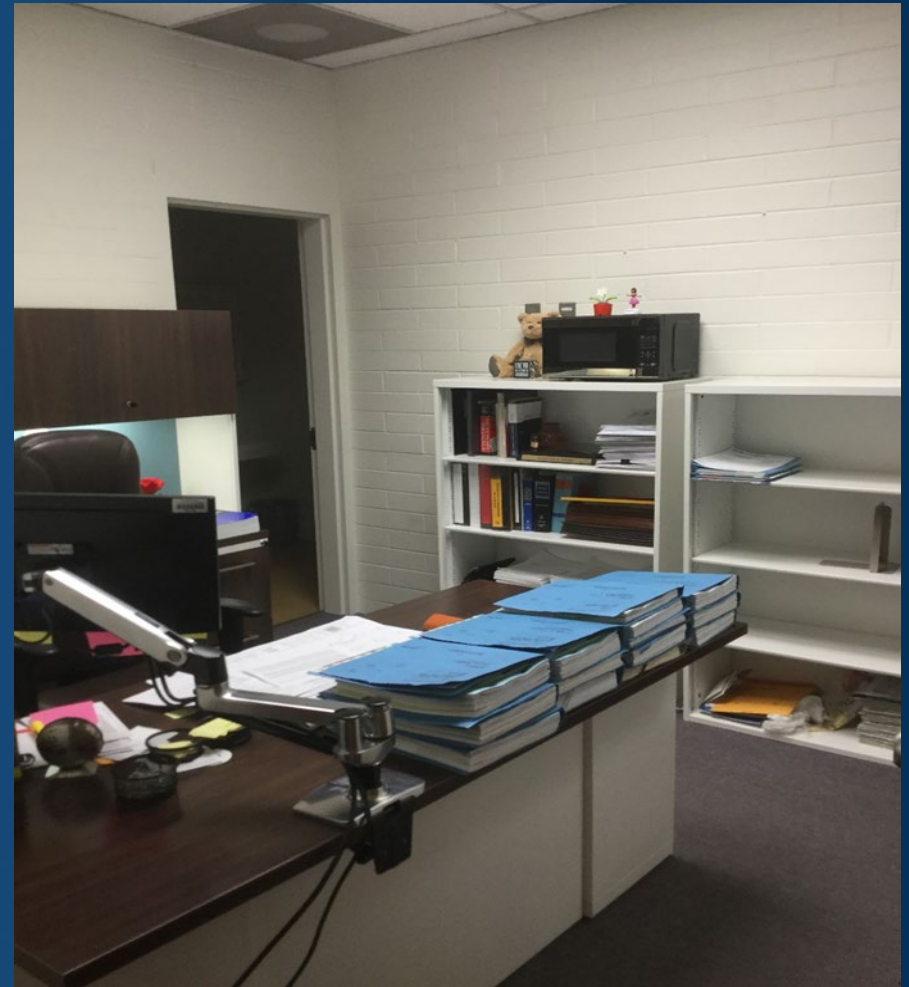
# Juvenile Hall

## Judges Chambers #1 – 120 SF



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# Juvenile Hall Judicial Chambers #2 – 120 SF



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## Juvenile Hall – One 34 sq. ft. Restroom Shared by Two Judges



- This restroom serves as the connection/hallway to the other chamber.
- “Jack and Jill” restroom for two judges
- This restroom also serves as the judges’ coffee station and refrigeration storage



# Juvenile Hall – One Restroom Shared by Two Judges

Door from each chamber into restroom

Sign on each chamber door



# Original Design Intent VS. Current Project Scope

## Original Design

- Two Delinquency Courtrooms at Juvenile Hall
- Contemplated County would include courtrooms when it built new Juvenile Commitment Center
- Dependency cases to be heard in New Courthouse
- Included specially-designed Juvenile Dependency Courtroom in New Courthouse

## Current Scope

- One Delinquency Courtroom at Juvenile Hall
- Courtrooms remain at outdated and substandard Juvenile Hall facility
- Dependency cases to be heard in New Courthouse
  - Dependency moved to Juvenile Hall in 2017 as last resort due to operational necessity
- Includes specially-designed Juvenile Dependency Courtroom in New Courthouse

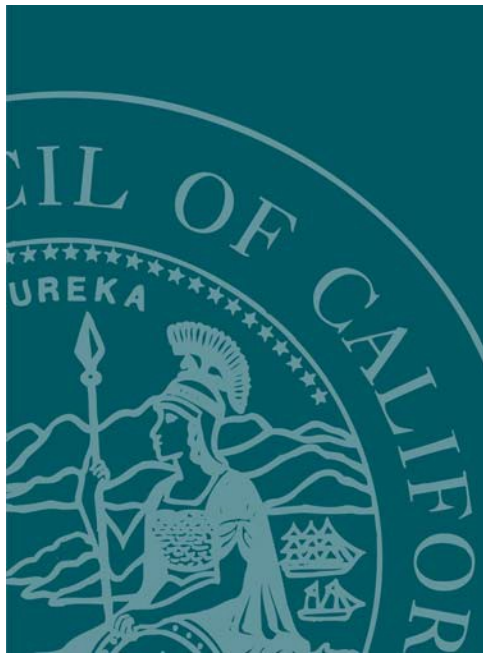




# Return on Investment

- Cost Avoidance – Scope Change vs. Alternatives
- Cost of Scope Change - \$6.23 million will avoid:
  - Cost of New Juvenile Courthouse
    - At least \$24 million
    - ROI in Scope Change – 3.8 years
  - Cost of Lease for Two Courtrooms
    - \$27.5 million
    - ROI in Scope Change - 4.4 years
  - Cost of Doing Nothing – Potential Liability Exposure
    - Fire/Life/Safety and Security Deficiencies place judges, staff and public at risk
    - Lack of accessibility for judges, staff, attorneys and public with mobility disabilities create potential for ADA claims under state and federal law





# **Revision of Prioritization Methodology for Trial Court Capital-Outlay Projects**

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JUDICIAL COUNCIL OF CALIFORNIA  
COURT FACILITIES ADVISORY COMMITTEE  
FEBRUARY 21, 2019

AS REQUIRED BY 2018 BUDGET ACT TRAILER BILL  
(SB 847: COMMITTEE ON BUDGET AND FISCAL  
REVIEW)



JUDICIAL COUNCIL  
OF CALIFORNIA

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ADMINISTRATIVE DIVISION  
FACILITIES SERVICES

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## **I. 2018 BUDGET ACT TRAILER BILL (SB 847: COMMITTEE ON BUDGET AND FISCAL REVIEW): REASSESSMENT OF TRIAL COURT CAPITAL-OUTLAY PLAN**

Senate Bill 847 revises Government Code section 70371.9 and requires the Judicial Council of California to reassess projects identified in its update to *Trial Court Capital-Outlay Plan and Prioritization Methodology* adopted on October 24, 2008 (see Appendix A). SB 847 provides that other projects may be included for reassessment at the discretion of the Judicial Council and specifies the criteria to be used in the reassessment. The reassessment is to be submitted to the Senate Committee on Budget and Fiscal Review and the Assembly Committee on Budget by December 31, 2019.

SB 847 requires the reassessment to be based on existing criteria along with the newly mandated criteria, necessitating the revision of the current prioritization methodology. The list of prioritized projects to be developed in response to SB 847—referred to as the Trial Court Capital-Outlay Plan—will be adopted annually by the Judicial Council and submitted to the Department of Finance. Projects can be for new construction or acquisition, renovations, building additions, and conversion of structures to court use.

This reassessment will be conducted by the Judicial Council's Court Facilities Advisory Committee (CFAC) with support from Judicial Council Facilities Services. The CFAC will submit its report and recommended prioritization of court facilities to the Judicial Council in November 2019.

***Please note: The reassessment will be expedited due to the legislatively mandated December 2019 deadline. The CFAC may need to update or revise any part of the revised methodology if anomalies are discovered during the reassessment process.***

## **II. CURRENT METHODOLOGY**

In October 2008, the Judicial Council issued its *Prioritization Methodology for Trial Court Capital-Outlay Projects* (Prioritization Methodology). This methodology was utilized to prioritize all new court facility capital-outlay projects and was the basis for those projects authorized under Senate Bills 1407 and 1732. The last projects to be funded utilizing the current methodology were funded in the 2018–19 State Budget.

During the budget deliberation process, the Legislature noted the need to revise the current methodology and reassess all court facilities due to the current methodology's age. Development of a revised prioritization and methodology is a condition of any future funding requests for capital-outlay projects.

A link to the current 2008 Prioritization Methodology can be found here:

<http://www.courts.ca.gov/documents/methodology-080124.pdf>.

## **III. REVISED METHODOLOGY**

The revised methodology has been prepared for use in developing a new set of prioritized trial court capital-outlay projects as required by SB 847, and enabling recommendations to the Judicial Council for the submission of funding requests for such projects. Trial court capital-outlay projects are considered those that increase a facility's gross area, such as a building addition, that substantially renovate a major portion of a facility, that comprise a new facility or an acquisition, or that change the use of a facility, such as the conversions from non-court to court use.

Generally, the methodology provides that projects will be scored based on *need* and placed into one of five priority groups. The projects within each priority group will then be ranked based on the scoring of the *cost* criteria identified in SB 847.

A point range has been established for each of the five need-based priority groups. For example, projects scoring very high in each of the evaluated criteria will fall into the “Immediate Need” group; they will be considered the first eligible for available funding. Each of the other groups—Critical, High, Medium, and Low Needs—represents sets of projects that score lower in the various *needs-based* criteria categories. A scale of 25 points, using half-point increments, is used for the total of all *needs-based* criteria. The details of the scoring are described later in this document.

### **Prioritized Groups of Trial Court Capital-Outlay Projects:**

Immediate Need: 18.5 – 25 points  
Critical Need: 15.5 – 18 points  
High Need: 12.5 – 15 points  
Medium Need: 10 – 12 points  
Low Need: 0 – 9.5 points

*Cost-based* criteria as identified in SB 847 will impact the ranking of the projects within each of the five priority groups identified above.

Terms used in this document are defined in the attached Appendix B.

## **IV. REASSESSMENT PROCESS**

The process for reassessment of the projects identified in Trial Court Capital-Outlay Plan consists of five activities:

1. Revision of the prioritization methodology consistent with SB 847;
2. Assessment of facilities occupied by trial courts, including physical condition assessments, as well as assessments related to security, access to court services, and overcrowding;
3. Development of court facility plans and court needs-based project lists;
4. Application of the prioritization methodology to all projects; and
5. Development of a statewide list of prioritized projects.

### **A. Methodology and Scoring**

The revised methodology involves a two-step process.

Step 1 identifies (1) the general physical condition of the buildings; (2) needed improvement to the physical condition of buildings to alleviate the risks associated with seismic conditions, fire, life and safety conditions, Americans with Disabilities Act (ADA) requirements, and environmental hazards; (3) court security features within buildings; (4) access to court services; and (5) overcrowding.

In Step 2, the needs-based criteria and cost-based criteria are then used to rank projects within the priority groups.

In the most essential terms, the methodology can be described as:

- Needs-based criteria = Priority Group
- Needs-based and cost-based criteria = Rank within Priority Group

## **B. Needs-Based Physical Conditions Assessments**

The physical condition of buildings that house trial court functions will be determined by facility condition assessments (FCA). The FCAs will analyze the building systems and component conditions to determine their remaining useful life and provide the basis for determining a Facility Condition Index (FCI).

The FCI is an industry standard asset management methodology that is used to determine a building's condition at a point in time. Limited strictly to condition, FCIs allow for an equivalent comparative analysis of diverse real estate portfolios.

FCI values are based on a 0–100 percent scale and are derived by dividing the repair costs for a building by its current replacement value.

Separate assessments of conditions related to seismic ratings, fire, life and safety conditions, ADA requirements, and environmental hazards will be conducted. Other data sources, as described below, will provide information needed to evaluate security characteristics, conditions that would indicate overcrowding in existing facilities, and access to court services.

## **C. Needs-Based Court Facility Plans and Project Lists**

The planning process will begin with development of a Court Facility Plan. The plan will be a collaborative process between the court and the Judicial Council planning team that will assess and document how each court intends to operate its facilities to provide judicial services to the public, as well as identify any additional facility needs or deficiencies. The Court Facility Plan will be based on data provided by the planning team to the court including:

- Organization of the court and how court facilities are utilized to ensure public access to services;
- Relevant information and data from the 2002/2003 Statewide Court Facilities Master Plan to support the project updates;
- Authorized judgeships (as defined in the attached Appendix C) for access to services; and
- Relationship of judicial need to facility need.

The planning process will also include an asset management evaluation. The asset management evaluation will identify:

- Opportunities for lease consolidation;
- Building consolidations that would provide future revenue or operating cost savings; and
- Unique real estate and funding opportunities associated with the project.

Information that will be utilized to develop the asset management evaluation will include current leases, closed facilities, and justice partners' plans (e.g., new jail locations, move of county partner functions, etc.).

The Court Facility Plan will articulate the optimum approach for use of court facilities for each court and identify projects that address deficiencies in the needs-based criteria. The Court Facility Plan will be the basis for future project requests for new facilities, facility renovations, replacements and/or consolidations, and will include a list of projects. The projects in the plan will be scored using the criteria in the approved methodology.

Needs-based criteria will be applied to the data generated by the FCA and Court Facilities Plan processes, and will place projects into the priority groups identified above.

#### **D. Needs-Based Statewide Project List**

The Statewide Project List will be developed by consolidating the court project lists. The Statewide Project List will categorize the projects into five groups (Immediate, Critical, High, Medium, Low), in accordance with the approved prioritization methodology.

#### **E. Cost-Based Evaluations: Avoidance, Savings, and Cost Minimization Strategies**

SB 847 requires that projects be assessed considering cost avoidance, cost savings, and cost minimization strategies. Court projects identified in the Court Facility Plans and the project lists will identify costs, savings, and avoidances relative to each project, including:

- The cost avoidance or savings that would be achieved through operational or organizational efficiencies created for the court or the state;
- Ways to minimize increased ongoing costs, including, but not limited to, trial court security and operating and maintenance costs;
- The projected cost of each proposed project, per court user; and
- The total costs spent on the project as of the date of December 31, 2018.

The criterion identified in SB 847 as *a comparison of the cost to repair or renovate the existing facility versus the cost of replacement* will not be scored within the cost-based evaluation. Rather, it will be addressed in the Court Facility Plan and on the project list in terms of the type of project to be pursued (e.g., new construction vs. renovation). Needs-based and cost-based criteria will be used to rank projects within the priority grouping.

## F. Calculations for Projects Affecting More Than One Existing Facility

For projects affecting only one building, the ratings of the single building will be used as explained above. In the case of multiple buildings affected by a project, the proportional share of the court-occupied area of each building will be used to determine each criterion's rating. As shown below, the proportional share of court-occupied area of each building is multiplied by the total of each criterion's rating to develop the portion of the rating for that building affected by the project. For each criterion, these portions are then summed to develop the total rating as shown in the example below using the needs-based FCI criteria.

Sample FCI rating—Multiple Buildings:

Existing Facility	Facility Area	% of Total	FCI Points	Facility Pt. Contribution
Main Courthouse	80,000	80%	5	$5 \times 0.8 = 4$
Branch Courthouse	20,000	20%	3	$3 \times 0.2 = 0.6$
<b>Total</b>	100,000	100%		4.6

## V. NEEDS-BASED SCORING OF PROJECTS

Use of the needs-based criteria will enable the placement of every project into one of five priority groups: Immediate Need, Critical Need, High Need, Medium Need, and Low Need. The total points for the needs-based criteria will be 25. The 25 points will be allocated equally as follows, based on the five following criteria:

1.	Facility Condition Index (FCI)	5 Points
2.	Facility Seismic, Fire, Life and Safety (FLS), ADA, and Environmental Hazards	5 Points
3.	Security	5 Points
4.	Overcrowding	5 Points
5.	Access to Court Services	5 Points
	<b>Total Points for Needs Based Criteria</b>	<b>25 Points</b>

### A. Facility Condition Index (FCI)

FCI is defined as the cost to repair divided by replacement cost; and is represented by a percentage.

Approach:

- A 10-year horizon will be used in applying the FCI; and
- A 5-point scale will be used, and points will be allocated in accordance with the following table:

Points	0	0.5	1.0	1.5	2.0	2.5	3.0	3.5	4.0	4.5	5.0
FCI Range %	0	1–5	6–10	11–15	16–20	21–25	26–30	31–35	36–40	41–45	>46



## B. Physical Condition

Seismic, Fire, Life and Safety (FLS), Americans with Disabilities Act (ADA), and Environmental Hazards will combine to contribute 5 points. These categories will be scored with a total score of 120 rating points, distributed as follows: Seismic 40, FLS 40, ADA 20, and Environmental Hazards 20. The total 120 rating points will be converted to a 5-point scale as will be explained below:

- Seismic Rating** is defined as the score calculated using the FEMA P-154 Rapid Visual Screening of Buildings for Potential Seismic Hazards. FEMA P-154 will be used to establish consistent seismic scores for all 196 buildings. FEMA P-154 is a procedure to identify and screen buildings that are potentially seismically hazardous. This tool calculates a score based on the building’s structural system, age, visually identifiable deficiencies, seismicity and soil type.

Approach:

- Points will be assigned based on FEMA P-154 scores.
- A 40-rating point scale will be used, and points will be distributed in accordance with the following table:

	<b>Very High Risk</b>	<b>High Risk</b>	<b>Moderate Risk</b>	<b>Acceptable Risk</b>	<b>Minimal Risk<sup>2</sup></b>
FEMA P-154 Seismic Score	Score $\leq 0.6$	$0.6 < \text{Score} \leq 1.5$	$1.5 < \text{Score} < 2$	Score $\geq 2$	Score $\geq 2$
Rating Points <sup>1</sup>	40	20	10	5	2

### Table Footnotes:

1. The rating points listed above may be adjusted downward based upon further evaluation.
  2. *Minimal Risk* buildings are buildings that have been designed to more recent building codes (newer buildings). The expectation is that these buildings perform better in the case of a seismic event than buildings in the *Acceptable Risk* category. In the FEMA P-154 system, these buildings are also referred to as “Post-Benchmark Buildings.”
- Fire, Life & Safety** is defined as a combination of FLS systems: fire sprinklers, fire alarms, smoke evacuation, and site fire water tank and building height.

Approach:

- FLS systems will be a checklist of yes/no items based on the number of FLS systems in a building with extra emphasis on inclusion of fire sprinklers.
- Building Height will assume that the greater risk exists in taller buildings, based on fire ladder reach. The purpose of the definition of Highest Risk/Least safe (below) is consistency with the California Building Code, which defines a High-Rise building as more than 75 feet above the lowest level of fire department vehicle access. This definition does not include subterranean levels or open parking garages.
- A 40-rating point scale will be used, and points will be distributed in accordance with the following table:

	Highest Risk/Least Safe		Middle Risk		Lowest Risk/Safest
Number of “no” answers to: does the building have fire sprinklers (partial would be considered as “no”), digital fire alarms, smoke evacuation, and site fire water tank?	4 “no” answers	3 “no” answers	“Yes” to fire sprinklers, but 2 other “no” answers	“Yes” to fire sprinklers, but 1 other “no” answer	“Yes” to all systems
Rating Points	30	24	18	12	0
Building Height: High score = greater risk/taller building	Over 8 stories		4 to 7 stories		1 to 3 stories
Rating Points	10		6		2

3. **Environmental Hazards** include products that contain asbestos or lead, or other hazardous materials such as polychlorinated biphenyls (PCBs) and may be determined based on the age of the building or other existing data.

Approach:

- Ten rating points will be assigned to buildings that could contain materials made from asbestos-containing materials.
- Ten rating points will be assigned to buildings that could contain materials made from lead or other hazardous materials, such as PCBs.
- A 20–rating point scale will be used, and points will be distributed in accordance with the following table:

Environmental Hazards	Rating Points
Risk of Asbestos Containing Materials	10
Risk of Lead or Other Hazardous Materials (e.g., PCBs)	10
<b>Total Possible Points</b>	<b>20</b>

4. **Americans with Disabilities Act (ADA)** accessibility will be determined based on a checklist of yes/no items defined by ADA elements with emphasis on public areas (pathways, toilet rooms, etc.). The application of this methodology is not intended to produce a comprehensive ADA compliance survey. Rather, this scoring effort utilizes a checklist and visual inspection process to identify if accessible public spaces of a specific type exist in an individual building, thus providing a system for comparing one building to another.

Approach:

- Twenty rating points will be assigned based on whether areas are accessible. The more “no” answers, the less accessible the building is, and the more points are provided.
- A 20–rating point scale will be used, and points will be distributed in accordance with the following table:

Categories	Yes	No
Exterior Path of Travel	0	4
Building Entrances	0	4
Interior Accessible Routes; Stairways and Elevators	0	4
Courtroom: Jury Box, Witness Stand, Clerk’s Station, Bench	0	4
Toilet Rooms– Public, Jury Deliberation	0	4
<b>Total Possible Points</b>		20

**5. Conversion of Rating Points:** As a final step, the accumulated physical condition rating points for each project, which can total up to 120, will be converted to the 5-point scale as follows:

Total: 5 Points	0.5	1	1.5	2	2.5	3	3.5	4	4.5	5.0
Total: 120 Rating Points	0–12	13–24	25–36	37–48	49–60	61–72	73–84	85–96	97–108	109–120

### C. Security

The security criterion will be used to identify:

1. **the extent to which judicial/staff circulation paths are separate from those for the public and in-custody individuals.** Judicial/staff circulation refers to the degree of compliance with guidelines for private circulation paths exclusively dedicated to permit the judiciary and staff to enter and move through the facility separate and secure from both the public and in-custody individuals;
2. **the extent to which in-custody circulation paths are also separate.** Secure Circulation refers to the degree of compliance with guidelines for separate, secure means by which in-custody individuals are brought into the facility and moved from holding areas to the courtroom. A secure circulation route is completely separated from areas used by the public and by the judiciary and court staff; **and**
3. **the capacity of the building entrance to accommodate security screening.**

Approach:

- Eighty rating points will be assigned based on whether there is an area at the facility entrance that can adequately accommodate a screening system and judicial/staff circulation and secure circulation is:
  - Deficient: Functional condition fails in one or more major aspects.
  - Marginal: Functional condition has notable deficiencies.
  - Adequate: Functional condition is acceptable or better.
  - Not Applicable: Functional element is not applicable for this facility.
- The 80 rating points will be distributed as defined in accordance with the following table:

Judicial/Staff Circulation	Circulation deficient	Circulation marginal	Circulation adequate or not applicable to this facility
Points	35	17	0
Secure Circulation	Circulation deficient	Circulation marginal	Circulation adequate or not applicable to this facility
Points	35	17	0
Ability to Accommodate Security Screening	No space to provide screening	Space for minimal screening	Space available for screening or not applicable to this facility
Points	10	6	0

The following conversion table will then be applied to the total of the rating points:

Total: 5 Points	0.5	1	1.5	2	2.5	3	3.5	4	4.5	5.0
Total: 80 Rating Points	0–8	9–16	17–25	26–32	33–40	41–48	49–56	57–64	65–72	73–80

#### D. Overcrowding

The Overcrowding criterion is a measure of the difference between current component gross square feet (CGSF) of area occupied by a court and the area that the court should occupy, according to the *California Trial Court Facilities Standards*. In this methodology, this criterion is measured by information on current area compared to current standards. Overcrowding ratings range from a low of 0 to a high of 160.

Approach:

- The following calculation is performed to translate the space shortfall into a rating:

Formula	Weight	Rating Scale
$\text{Overcrowding} = \left[ 1 - \left( \frac{\text{Current Area}}{\text{California Trial Court Facilities Standards Area}} \right) \right] \times 160$	160 (in the formula)	0–160

- The following conversion table will then be applied to the total of the rating points:

Total: 5 Points	0.5	1	1.5	2	2.5	3	3.5	4	4.5	5.0
Total: 160 Rating Points	0–16	17–32	33–48	49–64	65–80	81–96	97–113	114–129	130–144	145–160

This criterion measures the extent to which a facility may be physically overburdened by court user traffic impairing court user access. Overcrowding reveals buildings that are overburdened because the space provided—for example in courtrooms, clerk offices, and jury rooms—is substandard.

#### E. Access to Court Services

This Access to Court Services criterion uses the relative deficiency in judicial resources among the 58 superior courts to measure relative access to current court services. The following data is compared to measure this deficiency for each court:

- Assessed Judicial Need (AJN)* is the need for judgeships based on the three-year average filings most recently available. This measure translates current filings into weighted caseload, based on the judicial workload standards adopted by the Judicial Council, and then translates the weighted caseload into an assessment of judgeship needs.
- Authorized Judicial Positions (AJP)* is the current number of judges, commissioners, and referees authorized under the law for each court. AJP does not account for vacancies or temporary subordinate judicial officers.

The ratio between the two will result in a countywide percentage rating for each court reflecting the deficiency in judicial resources.

The point range for the Access-to-Court-Services criterion, as denoted below, is from 0 to 5, in half-point increments that reflect the broad range of relative deficiency in judicial resources among the courts in the 58 counties.

<b>Rating Assigned to Project (Current Need–Percentage of AJP)</b>	<b>Points Assigned</b>
0% or below	0
1–10%	0.5
11–20%	1.0
21–30%	1.5
31–40%	2.0
41–50%	2.5
51–60%	3.0
61–70%	3.5
71–80%	4.0
81–90%	4.5
91–100%+	5.0

For a proposed project involving less than all of the court facilities within a county, there will be a rebuttable presumption that the countywide percentage deficiency and the corresponding points will be assigned to that project.

Like the Overcrowding criterion discussed in Section D above, Access to Court Services measures the extent to which a facility may be physically overburdened by court user traffic impairing court user access. The access to court services reveals buildings that are overburdened because the caseload justifies more space, including courtrooms, than is available.

## **VI. COST-BASED SCORING OF PROJECTS**

The cost-based scoring is used to rank projects within each of the five needs-based priority groups. Needs-based scoring and the cost-based scoring are entirely separate from one another. When combined, needs-based and cost-based scores do not change the priority group a project is placed in, *only the rank of the project within the priority group*. This is because the prioritization methodology is primarily a needs-based instrument designed to detect physical deficiencies that endanger court users or restrict access to justice. The cost-based factors enable the most effective expenditure of public funds to overcome the physical deficiencies.

Cost-based criteria are scored on a 100-point scale, with the 100 points distributed per the following table:

1.	Cost Avoidance or Savings Realized through Operational or Organizational Efficiencies	25
2.	Minimization of Increases in Ongoing Security, Operations, and Maintenance Costs	25
3.	Cost of Project per Court User	25
4.	Total Costs Spent on a Project as of December 31, 2018	25
	<b>Total Points for Cost-Based Criteria</b>	<b>100</b>

As a final step, the accumulated cost-based rating points for each project, which can total up to 100, will be converted to the 2-point scale as follows:

Total: 2 Points	0.2	0.4	0.6	0.8	1.0	1.2	1.4	1.6	1.8	2.0
Total: 100 Rating Points	0–10	11–20	21–30	31–40	41–50	51–60	61–70	71–80	81–90	91–100

As previously stated, in the most essential terms the methodology can be described as:

- Needs-based criteria = Priority Group
- Needs-based and cost-based criteria = Rank within Priority Group

**A. Cost Avoidance or Savings Realized Through Operational or Organizational Efficiencies**

The CFAC and Judicial Council Facilities Services will engage with the courts to assess the potential cost avoidance or savings that may be realized based on the implementation of each project. Generally, it is expected that such savings may be realized based on consolidation of multiple facilities into one larger facility and elimination of certain short-term leases in exchange of building a new facility, or a combination of the consolidation of owned facilities and elimination of leases within the same project. Any cost savings due to staff efficiencies related to consolidation or any other factors will be identified by the courts. Cost savings information identified by various courts will be reviewed for general conformance and consistency. Any anomalies will be discussed with the courts for resolution. Any potential anomalies that are not resolved with the courts will be referred to the CFAC for resolution.

The total identified cost avoidance or savings for each project will be “normalized” and converted to Cost Avoidance or Savings per Court User. This conversion will be accomplished taking into consideration the population of the county, the AJP’s for the court, and the number of courtrooms that are impacted by the project.

Once the range of cost savings or avoidance per court user per year is identified, the maximum value will be assigned 25 points. Projects with no cost savings or avoidance will be awarded 0 points. All other values will be assigned points in proportion to their savings or avoidance.

**B. Minimization of Increases in Ongoing Security, Operating, and Maintenance Costs**

Judicial Council Facilities Services will calculate any potential minimization of increases to court security costs, using existing building security systems data. Minimization of planned increases to security costs is defined as the costs that will be incurred in the existing building(s) if it remains in operation and is not being replaced by an approved project.

Approach:

- The following formula will be used:

$$\text{Cost (security cameras, access control, fencing and gates) + Screening Equipment Costs} = \text{Minimization of Increases in Ongoing Security Costs}$$

Judicial Council Facility Services will also calculate any potential for minimization of increases in ongoing operations and maintenance costs. Minimization of increases in ongoing operations and maintenance costs is defined as the cost of operating and maintaining the current facilities if the proposed project does not proceed compared to the cost of operating a new building designed to meet current codes. The delta is the minimization of costs.

Approach:

- The following formula will be used:

$$\text{Cost / SF of current maintenance} + \text{Cost / SF of utilities} + \text{Cost / SF of Deferred Maintenance} - \text{Cost of Operating and Maintaining the New Building} = \text{Minimization of Increases in Ongoing Operating and Maintenance Costs}$$

The cost values will be converted to minimization of costs per court user. Once the range of cost minimization per court user is identified, the greatest cost minimization value will be awarded 25 points, with zero points awarded to no cost minimization. All values in between will be assigned points in proportion to their cost minimization per court user, rounded to the nearest whole number.

### C. Cost of Project per Court User

The cost per court user is calculated based on the population of the county, the AJP's for the court, and the number of proposed project courtrooms. This value will be adjusted to compensate for counties with minimal population that are awarded the statutory minimum AJP of 2.3. (Note: The judicial branch's smallest courts are statutorily provided with a minimum of two judgeships and are authorized to have at least 0.3 full-time equivalent [FTE] of a federally funded child support commissioner, for a total of 2.3 FTE judicial officers.)

The following formula will be used to determine the cost per court user:

$$\text{Cost per Court User} = \text{Cost} \div \left[ \text{County Population} \times \frac{\# \text{ Project Courtrooms}}{\text{AJP of Entire Court}} \right]$$

Once the range of project cost per court user is determined for all projects, points will be assigned with the lowest cost per court user receiving 25 points and the highest cost per court user receiving 1 point. The rest of the projects will receive points in proportion to their cost per court user, rounded to the nearest whole number.

### D. Total Costs Spent on a Project as of December 31, 2018

The total costs spent as of December 31, 2018, on previously authorized projects that were placed on hold will be tabulated from the accounting records.

The maximum dollars spent on a project will be assigned 25 points. Projects that did not incur any expenditure as of that date will get zero points. Projects that had expenditures will be awarded points in proportion to their expenditure, rounded to the nearest whole number.



## **VII. FUNDING PROCESS**

### **A. Establishment of a Statewide Project List**

The Judicial Council will adopt a list of projects categorized by Priority Group. This list will be reviewed by the CFAC, Executive and Planning Committee, and any other council-appointed body with responsibility for advising the Judicial Council on facility matters. In making a recommendation to the council on this list of projects, the CFAC will follow these principles:

1. Projects will be prioritized on the needs-based program criteria established by this methodology, which ranks the projects into priority groupings. The cost-based criteria will be assigned points and will be used to sort projects within each priority group.
2. Those projects in the Immediate Need group shall have priority.
3. For submission to the California Department of Finance for consideration of inclusion in the Governor's Budget, the Judicial Council may select projects based on additional economic opportunity considerations. Economic opportunities include, but are not limited to, free or reduced costs of land for new construction, viable financing partnerships or fund contributions by other government entities or private parties that result in lower project delivery costs, cost savings resulting from adaptive reuse of existing facilities, operational efficiencies from consolidation of court calendars and operations, operational savings from sharing of facilities by more than one court, and building operational costs savings from consolidation of facilities.

Consideration of economic opportunity allows the Judicial Council to request funding for projects that have documented capital or operating savings for the state. Judicial Council staff will work in collaboration with local courts to evaluate and document the economic opportunity of each eligible project.

### **B. Changes to Statewide Project List**

Any additions or deletions to the list of projects shall be adopted by the Judicial Council. The CFAC, Executive and Planning Committee, or any other council-appointed body with responsibility for advising the Judicial Council on facility matters will review recommended changes to the list.

### **C. Project Phase Adjustments**

The final draft list of project priority groups described above will be reviewed to identify any phased projects. Should the second-phase of a multiphase project fall in a higher priority group than its first phase, staff will switch the group assignment of those projects, in order to correct the phasing discrepancy. As a result, the first-phase project will move to the higher-priority group, and the second-phase project will take the place of the first in its lower-priority group.

These phasing corrections, if required, will be documented in a report to the Judicial Council that details the results of this methodology's application.

#### **D. No Substitutions of Projects Between Groups**

Substitutions of projects between groups will not be allowed.

#### **E. How Requests for Funding Will Be Determined**

Based on the Judicial Council's approved update to the *Trial Court Capital-Outlay Plan and Prioritization Methodology* and five-year infrastructure plan, Judicial Council Facilities Services will prepare documentation to request approval of capital-outlay funding through the Judicial Council-approved budget change proposal process.

This process consists of submission of initial funding requests and budget change proposal concepts for consideration of approval and prioritization through the CFAC and the Judicial Branch Budget Committee, and finally the Judicial Council.

### **VIII. PROCESS FOR ADDING OR DELETING PROJECTS IN THE TRIAL COURT CAPITAL-OUTLAY PLAN**

If a court wishes to add or delete projects in the Trial Court Capital-Outlay Plan, the court may submit a written request including the project name; its description including size, number of courtrooms, and type of calendars planned; and other descriptive information about the project. The request shall be presented to CFAC, which has responsibility for advising the Judicial Council on facility matters for its consideration and direction. At the direction of the Judicial Council, staff will include any changes in the next annual update to the Trial Court Capital-Outlay Plan.

# Appendices

**Trial Court Capital-Outlay Plan Reassessment –  
Required by the 2018 Budget Act Trailer Bill  
(SB 847: Committee on Budget and Fiscal Review)**

The following is required verbatim by Government Code section 70371.9:

- (a) (1) The Judicial Council shall conduct, or contract with an independent contractor to conduct, a reassessment of those projects identified in its Update to Trial Court Capital-Outlay Plan and Prioritization Methodology adopted on October 24, 2008, or the most recent version of that update, if any. Other projects may be included for reassessment at the discretion of Judicial Council. The reassessment shall be submitted to the Senate Committee on Budget and Fiscal Review and the Assembly Committee on Budget by December 31, 2019.
- (2) The Judicial Council may exclude from the reassessment those projects that were canceled prior to June 30, 2018, and those that were approved in the Budget Act of 2018.
- (b) A project subject to this section shall be reassessed and ranked, at minimum, on each of the following:
  - (1) The criteria identified in the Update to Trial Court Capital-Outlay Plan and Prioritization Methodology adopted on October 24, 2008, or the most recent version of that update, if any.
  - (2) The level of seismic risk, environmental hazards, and other health and safety hazards.
  - (3) The impact on court users, including, but not limited to, the level of public access to court services, such as accessibility to the courthouse.
  - (4) The cost avoidance or savings that would be achieved due to the project through operational or organizational efficiencies created for the court or the state.
  - (5) Ways to minimize increased ongoing costs, including, but not limited to, trial court security and operating and maintenance costs.
  - (6) A comparison of the cost to repair or renovate the existing facility versus the cost of replacement.
  - (7) The projected cost of each proposed project, per court user.
  - (8) The total costs spent on the project as of the date of the assessment.

**Terms in Revision of Prioritization Methodology for Trial Court Capital-Outlay Projects**

TERM	DEFINITION
1. Access to Court Services	Access to Court Services criterion uses the relative deficiency in judicial resources among the 58 superior courts to measure relative access to current court services. The ratio between countywide Assessed Judicial Need (AJN) and Authorized Judicial Positions (AJP) reflects the deficiency in judicial resources: $(AJN - AJP) / AJP = \text{Deficiency}$
2. Assessed Judicial Needs (AJN)	Assessed Judicial Needs (AJN) is the need for judgeships based on the three-year average filings most recently available. This measure translates current filings into weighted caseload, based on the judicial workload standards adopted by the Judicial Council, and then translates the weighted caseload into an assessment of judgeship needs.
3. Authorized Judicial Position (AJP)	Authorized Judicial Positions (AJP) is the current number of judges, commissioners, and referees authorized under the law for each court. AJP does not account for vacancies or temporary subordinate judicial officers.
4. Composite Score	For projects affecting multiple buildings, the proportional share of the court-occupied area of each building will be used to determine each criterion's rating.
5. Cost-based Criteria	The four criteria used to determine costs are: Cost Avoidance or Savings; Minimization of Ongoing Costs; Project Cost per Court User; and Total Costs on a Project Spent to Date.
6. Cost per Court User	The Cost per Court User is calculated based on the population of the County and the AJP's for the Court and the number of proposed project courtrooms. This value will be adjusted to compensate for Counties with minimal population that are awarded the statutory minimum AJP of 2.3. $\text{Project Costs per Court User} = \text{Cost} / [\text{County Population} \times (\# \text{ Project Courtrooms} / \text{Assigned Judicial Positions})]$
7. Court Facility Plan	The Court Facility Plan will articulate the optimum approach for use of court facilities for each court and identify projects that address deficiencies in the needs-based criteria. The Court Facility Plan will be the basis for future project requests for new facilities, facility renovations, replacements and / or consolidations and will include a list of projects. The projects in the plan will be scored using the criteria in the approved methodology.
8. Environmental Hazards	Environmental Hazards include products that contain asbestos or lead or other hazardous materials, such as polychlorinated biphenyls (PCBs) and may be determined based on the age of the building or other existing data.
9. Needs-based Criteria	The four criteria used to determine <i>need</i> are Physical Condition, Security, Overcrowding and Access to Court Services.
10. Normalizing Cost	Normalization of ratings means adjusting values measured on different scales to a notionally common scale. For this Methodology, costs will be normalized to compensate for wide variety of court sizes.
11. Overcrowding	The Overcrowding criterion is a measure of the difference between current component gross square feet (CGSF) of area occupied by a court and the area that the court should occupy, according to the California Trial Court Facilities Standards. In this methodology, this criterion is measured by information on current area compared to current standards.
12. Physical Assessments	Physical Assessments document the physical condition of buildings that house trial court functions. The assessments analyze the building systems and component conditions to determine their remaining useful life and provide the basis for determining a Facility Condition Index (FCI). The FCI is an industry standard asset management methodology that is used to determine a building's condition at a point in time. Limited strictly to condition, FCIs allow for an equivalent comparative analysis of diverse real estate portfolios.
13. Physical Condition	Physical Condition includes Seismic, Fire, Life and Safety (FLS), Americans with Disabilities Act (ADA) and Environmental Hazards.
14. Priority Groups	Projects will be scored based on need and placed in one of five Priority Groups - Immediate Need, Critical Need, High Need, Medium Need, and Low Need.
15. Security	The security criterion will be used to identify the extent to which judicial and staff circulation paths are separate from those for the public and in-custody individuals; the extent to which in-custody circulation paths are also separate; and the capacity of the building entrance to accommodate security screening.
16. Seismic Risk Rating	Seismic Risk Rating is defined in the Seismic Risk Rating of California Superior Court Buildings Volume 1 and 2, dated October 23, 2017. A Seismic Risk Rating is a tool to gauge the relative risk to life safety, which is indicative of the degree of damage from a seismic event.
17. Trial Court Capital-Outlay Project	Trial court capital-outlay projects are considered those that increase a facility's gross area, such as a building addition, that substantially renovate a major portion of a facility, that comprise a new facility or an acquisition, or that change the use of a facility, such as the conversions from non-court to court use.

# **The Need for New Judgeships in the Superior Courts: Preliminary 2018 Update of the Judicial Needs**

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REPORT TO THE LEGISLATURE UNDER  
GOVERNMENT CODE SECTION  
69614(C)(1) & (3)

NOVEMBER 2018



JUDICIAL COUNCIL  
OF CALIFORNIA

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WORKLOAD ASSESSMENT  
ADVISORY COMMITTEE

## **JUDICIAL COUNCIL OF CALIFORNIA**

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*Chief Justice of California and  
Chair of the Judicial Council*

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*Research Analyst, Office of Court Research  
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## **Access to Justice Requires Having Sufficient Judicial Resources**

Government Code section 69614(c)(1) 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, using the uniform criteria for the allocation of judgeships described in Government Code section 69614(b). Government Code section 69614(c)(3) requires the Judicial Council to report on the status of the conversion of additional subordinate judicial officer (SJO) positions to family or juvenile assignments.

The public's right to timely access to justice is contingent on having adequate judicial resources in every jurisdiction. The number of judgeships authorized and funded by the Legislature has not kept pace with workload in all California trial courts, leaving some with serious shortfalls—as high as 45 percent—between the number of judgeships needed and the number that have been authorized and filled.

Securing resources to meet the workload-based need for new judgeships has been a top priority for the Judicial Council for many years.

It should be noted that this report is based on data collected for the 2011 judicial workload study. An update to the judicial workload study is currently in progress and will result in new caseweights and other model parameters that will reflect current case processing practices. Because of this, an interim update to this preliminary 2018 report will be issued in fall 2019 once the study has been completed, the case weights have been approved, and the workload need for judges can be computed on the basis of the updated weights and other model parameters.

## **Quantifying the Need for New Judgeships in the Superior Courts**

California is a pioneer in the measurement of judicial workload-based need, having been the first state to use a weighted caseload methodology to assess the need for judicial officers, beginning in 1963.<sup>1</sup> Since then, weighted caseload has become a nationally accepted methodology for measuring judicial workload. The current methodology used to assess the need for judicial officers in the superior courts is based on a time study conducted in 2010, in which over 500 judicial officers in 15 courts participated. The time study findings resulted in the development of a set of caseweights that quantify the amount of case processing time needed for different case types, taking into account the full range of possible case processing outcomes and their relative probability of occurrence. The caseweights that resulted from the 2010 time study were approved by the Judicial Council in December 2011.

The caseweights are used to estimate judicial officer need by multiplying each caseweight by a three-year rolling average of filings for that case type and dividing by the available time in minutes that judicial officers have to hear cases. The result is expressed in full-time equivalent (FTE) judicial positions.

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<sup>1</sup> Harry O. Lawson and Barbara J. Gletne, *Workload Measures in the Court* (National Center for State Courts, 1980).



## **Judicial Workload Measures Must be Updated to Reflect Current Case Processing Need**

California continues to have a critical need for judges, particularly in the Inland Empire which has shown a need for new judgeships for a sustained period of time. However, as previously noted, the figures in this report may not accurately represent the current degree of judicial need because the caseweights used in the current iteration of the judicial needs assessment are based on data collected in 2010. Therefore, the caseweights may not reflect new judicial workload resulting from legislative and other policy changes that have occurred since then. Some of the issues identified by judicial officers that have affected judicial workload since 2010 include, but are not limited to, the following:

- AB 109: criminal justice realignment (effective October 2011): judicial officers now have probation oversight of certain offenders, resulting in increased hearings and supervision;
- Proposition 47 (effective November 2014): changes the weights of the felony and misdemeanor workload; many jurisdictions have reported that changes in the law have eliminated incentives to complete misdemeanor drug treatment programs. With fewer people getting treatment, more are cycling rapidly through the system. A companion issue reported is that more defendants have trailing cases or multiple cases.
- Increase in the number of identified mentally-ill offenders, use of diversion programs and collaborative-type courts. While these measures improve outcomes, they require more judicial supervision and court monitoring.
- Increased use of juvenile diversion programs which have resulted in lower filings, but leave behind in the system the juveniles hardest to reach and who have committed the most serious crimes.
- New protections for non-minor dependents, which have increased the number of juveniles in the social services and court system (AB 12 and AB 212- effective 2012), as well as more juveniles receiving court supervision under special immigrant juvenile status (effective 2014, expanded 2015).
- Expanded use of court interpreters covering more casetypes, resulting in better outcomes for litigants, but more time required in the courtroom.

Such changes may also impact the practices of the court's justice partners, which can, in turn, have unintended consequences for court workload. Although filings have been declining, the workload associated with some types of filings has increased—due to, for example, the need to hold more hearings, more complex cases coming before the court (e.g., increasing mental health and substance abuse issues, larger numbers of defendants with multiple cases), or staff shortages causing some workload to fall on judicial officers. On the other hand, judicial workload in other areas not affected by such law and policy changes may have declined since 2010. The net impact of workload increases vs. decreases is unknown and may vary by jurisdiction depending on each court's unique mix of cases.

## 2018 Statewide Judicial Need Shows a Critical Need for New Judgeships

Consistent with reports submitted in previous years, the 2018 Judicial Needs Assessment shows a shortage of judges relative to the workload needs in California’s trial courts. Table 1, which summarizes the statewide judicial need compared to available resources based on a three-year average of filings from fiscal years 2014–15 through 2016–17, shows that 1,929.9 FTE judicial officers are needed statewide. Although the statewide assessed judicial need has been declining in recent years, many courts, particularly in the Inland Empire, continue to experience chronic judicial officer shortage (see Appendix A). In 2018, two highly impacted courts, San Bernardino and Riverside Counties, received two judgeships each, which were reallocated from the superior courts of Alameda and Santa Clara Counties.<sup>2</sup> In addition, the Budget Act of 2018 gave the Superior Court of the County of Riverside two newly funded judgeships.<sup>3</sup> Despite these changes, Riverside and San Bernardino courts continue to have a large unmet need for new judgeships.

Table 1 shows the total assessed statewide need for judicial officers has declined by 118.7, or 6 percent, since the 2016 Judicial Needs Assessment.

**Table 1. Statewide Need for Judicial Officers, 2016 and 2018 Judicial Needs Assessments**

Year	Authorized Judicial Positions (AJP) <sup>a</sup>	Authorized and Funded Judgeships and Authorized SJO Positions	Assessed Judicial Need (AJN)
2016	2,010.1	1,960.1	2,048.6
2018 <sup>b</sup>	2,004.1	1,956.1	1,929.9
<b>Change (2016 to 2018)</b>	<b>-6.0</b>	<b>-4.0</b>	<b>-118.7</b>

<sup>a</sup> Includes the 48 judgeships that were authorized by AB 159 (Stats. 2007, ch. 722) but never funded or filled. AB 159 originally authorized 50 judgeships, but 2 were funded in 2018 and allocated to the Superior Court of Riverside County. See Stats. 2018, ch. 45, § 6.

<sup>b</sup> AJP changed since the last assessment because, in 2016–17, the Superior Court of Santa Clara County had 5 FTE SJO reductions. In addition, the 2018 assessment includes a correction in the number of authorized positions; the 2016 AJN assessment had reported only 3 of the 4 SJO reductions at the Superior Court of Contra Costa County.

<sup>2</sup> Assem. Bill 103; Stats. 2017, ch. 17, § 22.

<sup>3</sup> Stats. 2018, ch. 45, § 6. These two judgeships are part of the 50 unfunded judgeships authorized by AB 159 (Stats. 2007, ch. 722).

## **127 Judicial Officers Needed Statewide to Meet Workload Demand**

Judicial need is calculated by taking the difference between the assessed judicial need in each court and the number of authorized/funded positions in each court. The assessed judicial need in each court compared to the number of authorized and filled positions is shown in Appendix B. Calculating the *statewide* need for judgeships is not as simple as subtracting the statewide number of authorized and funded positions from the statewide assessed judicial need. This is because the net statewide calculations of judicial need do not accurately identify the court's need for new judgeships because judgeships are not allocated at the statewide level but are allocated to individual trial courts. By way of illustration, the branch's smallest courts are statutorily provided with a minimum of two judgeships and are authorized to have at least 0.3 FTE of a federally funded child support commissioner, for a total of 2.3 FTE judicial officers. This statutory minimum applies even though the workload need in those courts may translate to a much smaller number of judge FTEs. As Appendix A shows, under a pure workload analysis, two of California's two-judge courts—Alpine and Sierra Counties—would need only 0.2 FTE judicial officers but have 2.3 FTE authorized positions. These courts thus show a negative number in the need for new judicial officers. This negative number does not and should not offset the 36 judicial officers that Riverside County needs to meet its workload-based need.

In other words, the fact that some courts may have more authorized positions than assessed judicial need under a pure application of the weighted caseload methodology does not take away from the needs in other courts. As a result, a net calculation of need, adding these positives and negatives, would provide an artificially low estimate of judicial need in California courts.

Therefore, the actual statewide need for new judgeships is calculated by adding the judicial need among only the courts that have fewer judgeships than their workload demands. Judicial officer FTE need—the difference between the assessed judicial need and the authorized judicial positions—is rounded down to the nearest whole number to arrive at the number of judgeships needed for each court.<sup>4</sup> For example, Tulare County has a judicial officer FTE need of 2.6, which rounds down to 2 new judgeships needed based on workload.

Based on the 2018 Judicial Needs Assessment, 17 courts need new judgeships, for a total need of 127 judges (Table 2). The need estimate does not include judicial vacancies resulting from retirements, elevations, or other changes that have not yet been filled.<sup>5</sup>

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<sup>4</sup> Per the Judicial Council policy adopted in 2014, an exception is made for courts with judicial FTE need of more than 0.8, but less than 1. For such courts, their actual judicial officer FTE need is reported without any rounding down. In 2018, there were no courts with judicial officer FTEs in the range of 0.8 and 1. See Judicial Council of Cal., Advisory Com. Rep., *Judicial Workload Assessment: 2014 Update of Judicial Needs Assessment and Proposed Revision to Methodology Used to Prioritize New Judgeships* (Nov. 7, 2014), [www.courts.ca.gov/documents/jc-20141212-itemT.pdf](http://www.courts.ca.gov/documents/jc-20141212-itemT.pdf).

<sup>5</sup> Judicial vacancies are reported monthly at [www.courts.ca.gov/15893.htm](http://www.courts.ca.gov/15893.htm).

**Table 2. Need for New Judgeships, by Court**

	A	B	C	D
Court	Authorized and Funded Judicial Positions	2018 Assessed Judicial Need	Number of Judgeships Needed* AJN – AJP (B – A)	% Judicial Need over AJP (C / A)
Imperial	11.3	12.3	1.0	9
Tehama	4.3	5.4	1.0	23
Merced	12.0	13.2	1.0	8
Sutter	5.3	6.6	1.0	19
Humboldt	8.0	9.4	1.0	13
Shasta	12.0	14.4	2.0	17
Kings	8.6	11.0	2.0	23
Tulare	23.0	25.6	2.0	9
Placer	14.5	17.4	2.0	14
Ventura	33.0	36.3	3.0	9
Stanislaus	24.0	28.2	4.0	17
San Joaquin	33.5	38.6	5.0	15
Fresno	49.0	56.9	7.0	14
Kern	43.0	53.5	10.0	23
Sacramento	72.5	84.3	11.0	15
Riverside	80.0	116.2	36.0	45
San Bernardino	88.0	126.2	38.0	43
			<b>127.0</b>	

\* Rounded down to the nearest whole number.

### **Status of Conversion of Additional SJO Positions to Family and Juvenile Assignments**

As directed by Government Code section 69614(c)(3), this report also addresses the implementation of conversions of additional SJO positions (above the 16 authorized per year) that result in judges being posted to family or juvenile assignments previously held by SJOs.<sup>6</sup>

Conversions of additional positions were authorized for fiscal year 2011–12 (Gov. Code, § 69616), and under this authority four SJO positions were converted to judgeships—one each in the superior courts of Alameda (June 2012), Los Angeles (January 2012), Orange (January 2012), and Sacramento (March 2012) Counties. The courts that converted those positions have confirmed that those family and juvenile calendars are now presided over by judges.

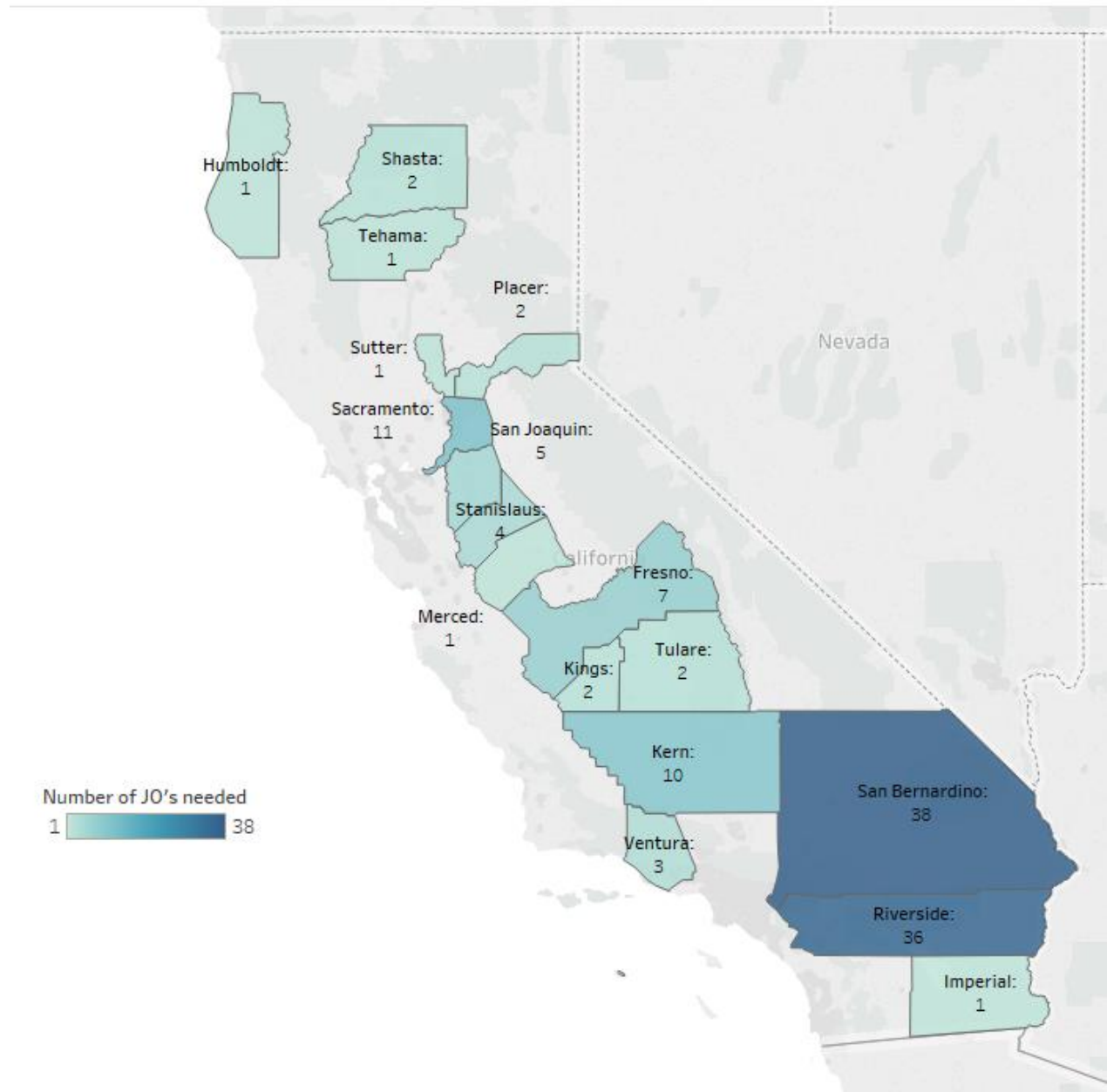
<sup>6</sup> As authorized by Gov. Code, § 69615(c)(1)(C).

Conversions of 10 additional positions have been authorized since fiscal year 2013–14 (Gov. Code, §§ 69617–69619.6), but no additional SJO positions above the 16 authorized per year have been converted under this authority.

### **Lack of Adequate Judicial Resources Is a Barrier to Access to Justice**

The public’s right to timely access to justice should not be contingent on the resource levels in the county in which they reside or bring their legal disputes. All Californians deserve to have the proper number of judicial officers for the workload in their jurisdiction. This report highlights the critical and ongoing need for new judgeships in the superior courts.

## Appendix A. Judicial Need Map



## Appendix B. Assessed Judicial Need Compared to Authorized Positions

<b>Court</b>	<b>A</b> <b>Authorized and Funded Judicial Positions<sup>a</sup></b>	<b>B</b> <b>2018 Assessed Judicial Need</b>	<b>C</b> <b>AJN – AJP (B – A)</b>	<b>D</b> <b>% Judicial Need over AJP (C / A)<sup>b</sup></b>
Riverside	80	116.2	36.2	45
San Bernardino	88	126.2	38.2	43
Kings	8.6	11.0	2.4	28
Tehama	4.33	5.4	1.1	25
Kern	43	53.5	10.5	24
Sutter	5.3	6.6	1.3	24
Shasta	12	14.4	2.4	20
Placer	14.5	17.4	2.9	20
Stanislaus	24	28.2	4.2	18
Humboldt	8	9.4	1.4	17
Sacramento	72.5	84.3	11.8	16
Fresno	49	56.9	7.9	16
San Joaquin	33.5	38.6	5.1	15
Amador	2.3	2.6	0.3	14
Lake	4.7	5.3	0.6	14
San Benito	2.3	2.6	0.3	13
Tulare	23	25.6	2.6	11
Ventura	33	36.3	3.3	10
Merced	12	13.2	1.2	10
Imperial	11.3	12.3	1.0	9
Calaveras	2.3	2.4	0.1	5
Yuba	5.33	5.4	0.1	2
Madera	9.3	9.4	0.1	1
Butte	13	13.0	0.0	0
San Luis Obispo	15	14.6	-0.4	-2
Sonoma	23	22.4	-0.6	-3
Lassen	2.3	2.2	-0.1	-3
Tuolumne	4.75	4.6	-0.2	-3
Contra Costa	42	39.6	-2.4	-6
Orange	144	135.0	-9.0	-6
Solano	23	21.5	-1.5	-6
Alameda	83	77.1	-5.9	-7
Los Angeles	585.25	533.3	-52.0	-9
Santa Barbara	24	21.8	-2.2	-9
Santa Cruz	13.5	12.2	-1.3	-9
Monterey	21.2	19.1	-2.1	-10
Yolo	12.4	10.9	-1.5	-12
Napa	8	7.0	-1.0	-12
El Dorado	9	7.8	-1.2	-13
San Mateo	33	28.6	-4.4	-13
San Diego	154	132.3	-21.7	-14
Mendocino	8.4	7.0	-1.4	-16
Del Norte	2.8	2.3	-0.5	-18
Marin	12.7	10.1	-2.6	-21
San Francisco	55.9	43.8	-12.1	-22
Glenn	2.3	1.8	-0.5	-22
Santa Clara	82	62.2	-19.8	-24
Colusa	2.3	1.5	-0.8	-34

<b>Court</b>	<b>A</b> <b>Authorized and Funded Judicial Positions<sup>a</sup></b>	<b>B</b> <b>2018 Assessed Judicial Need</b>	<b>C</b> <b>AJN – AJP (B – A)</b>	<b>D</b> <b>% Judicial Need over AJP (C / A)<sup>b</sup></b>
Siskiyou	5	3.1	-1.9	-37
Trinity	2.3	1.4	-0.9	-39
Nevada	7.6	4.5	-3.1	-40
Inyo	2.3	1.4	-0.9	-41
Plumas	2.3	1.2	-1.1	-50
Mono	2.3	0.9	-1.4	-59
Mariposa	2.3	0.9	-1.4	-61
Modoc	2.3	0.8	-1.5	-66
Sierra	2.3	0.2	-2.1	-90
Alpine	2.3	0.2	-2.1	-93

<sup>a</sup> Authorized judicial positions include both judgeships and subordinate judicial officer positions. Authorized judgeships consist of those codified in Government Code sections 69580–69611 plus the 50 judgeships that were authorized and funded with SB 56 (Stats. 2006, ch. 390), but not the 48 judgeships that were authorized with AB 159 but never funded.

<sup>b</sup> Percentages shown here slightly differ from the percentages shown in Table 2, Need for New Judgeships. Percentages in Appendix B are calculated based on the actual differences between AJN and AJP, whereas the percentages in Table 2 are based on rounded-down differences between AJN and AJP, as explained on pages 4–5.



**Comments Summary: Superior Court Comments on the Draft Revision of Prioritization Methodology for Trial Court Capital-Outlay Projects**

All comments are verbatim

	Commentator	Comments	Judicial Council Staff Responses
1.	Ms. Krista LeVier Court Executive Officer	<p><b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LAKE</b></p> <p>First, I would like to thank you for the opportunity to comment on the proposed changes. There are several additions that we feel are positive; first and foremost is the retention of most of the need based criteria that already exists in the methodology. Additionally, the inclusion of the objective criteria related to overcrowding and physical condition of the building (Facility Condition Index) are positive. The new Access to Court Services is a good addition, as well.</p> <p>1. <u>Access to Court Services</u> This factor looks at the judicial need vs. authorized judicial positions <u>countywide</u>, not by building or project. This is not an issue for a project like Lake’s where the project replaces the main courthouse. However, in a large, underjudged court as an example who is 45% underjudged countywide, it might. If you look at a project to replace a family law courthouse, they may not be underjudged at all if you just look just at that courthouse and the judicial need/judicial officers assigned to that courthouse. It is probably extremely difficult to split the judicial need and authorized judicial position numbers by court location and courts could skew the numbers by temporarily shifting judges from one location to another. This might be the best measurement possible. Even given the limitations, I still feel this is an important criteria to include.</p> <p>2. <u>Overcrowding</u> Calculation includes current square footage as a factor. How is shared use space counted? For example, if a court is in a shared use building the main lobby is shared by court and county. If court occupies ¼ of the building, do they count 25% of that shared space? Will it be based upon the Transfer Agreement or the Joint Occupancy Agreement?</p> <p>3. <u>Cost Avoidance or Savings Realized Through Operational or Organizational Efficiencies</u> This criteria is not clear. It states the savings identified by each project will take into consideration the county population, the authorized judicial</p>	<p>1. <b>(Pages 10–11):</b> The Working Group of the Judicial Council’s Court Facilities Advisory Committee (CFAC) has determined this methodology be applied countywide. As noted in the draft revised methodology: <i>For a proposed project involving less than all of the court facilities within a county, there will be a rebuttal presumption that the countywide percentage deficiency and the corresponding points will be assigned to the project.</i> A presumption can be overcome by a court with an explanation, such as a deficiency based on geographic needs.</p> <p>Also, pertaining to Access to Court Services in the draft revised methodology:</p> <p><i>This Access to Court Services criterion uses the relative deficiency in judicial resources among the 58 superior courts to measure relative access to current court services. The following data is compared to measure this deficiency for each court:</i></p> <p><i>Assessed Judicial Need (AJN) is the need for judgeships based on the three-year average filings most recently available.</i></p> <p><i>Authorized Judicial Positions (AJP) is the current number of judges, commissioners, and referees authorized under the law for each court.</i></p> <p>2. <b>(Pages 9–10):</b> Court exclusive space will be used in the calculation. It is acknowledged that the formula does not always pick up the court portion of shared space, but the revised methodology considers court exclusive space only.</p> <p>3. <b>(Pages 11–12):</b> As stated in the revised methodology, once the range of cost savings or avoidance per court user</p>

**Comments Summary: Superior Court Comments on the Draft Revision of Prioritization Methodology for Trial Court Capital-Outlay Projects**

All comments are verbatim

	Commentator	Comments	Judicial Council Staff Responses
		<p>positions(should this be judicial need instead? (AJN)) and the number of courtrooms impacted by the project. But there is no information on how those factors will be considered.</p> <p>4. <u>Minimization of Security and O&amp;M Costs</u> This criteria is not clear. The criteria is entirely based on a value of the “minimization of costs per court user.” There is no formula or definition for that term. Can courts simply estimate an artificially high security/O&amp;M cost increase figure and then state, but we are going to be able to cut that in half, thereby minimizing cost increases by 50%? Seems those projects with increases in costs should get little or no points, courts with no cost increases should get some points, and projects with cost savings should get the most points. It is not clear that is the intent.</p> <p>5. <u>Cost per Court User</u> I generally object to this type of criteria because it disadvantages a small court. Court users in a small community should be entitled to the same access to justice as a court user in a more populous community. However, we understand that the legislation requires their inclusion. The use of the number of people that come through security screening as the “number of court users,” will not be an accurate count for Lake and many other courts. Although, this is probably a better measure than straight population. The screening number for Lake will include County employees and the public visiting the County offices and will not include employees, judges, bailiffs, attorneys, or inmates.</p> <p>6. <u>Costs Spent to Date</u> Perhaps this should be looked at as a percentage of total project cost. Shouldn't a \$10 million project that has spent \$5 million be scored higher than a \$100 million project that has spent \$5 million?</p> <p>Lastly, is there a process if a court does not agree with JCC staff's rating in a particular category?</p>	<p>per year is identified, the maximum value will be assigned 25 points. Projects with no cost savings or avoidance will be awarded zero (0) points. All other values will be assigned points in proportion to their savings or avoidance. The total identified cost avoidance or savings for each project will be “normalized” and converted to Cost Avoidance or Savings per Court User. The range of cost savings or avoidance per court user per year will be applied once all data is obtained from the courts.</p> <p>4. <b>(Pages 12–13):</b> As stated in the revised methodology, once the range of minimization of security and O&amp;M costs per court user per year is identified, the maximum value will be assigned 25 points. Projects with no cost savings or avoidance will be awarded zero (0) points. All other values will be assigned points in proportion to their savings or avoidance.</p> <p>5. <b>(Page 13):</b> There is agreement that there are issues with the consistency of the data associated with the magnetometers. Because of these insoluble issues with magnetometers, county population must be used to establish a measure that can be applied to all counties.</p> <p>6. <b>(Appendix A):</b> The 2018 Budget Act Trailer Bill (SB 847) indicates to include the total costs (actual dollars) spent.</p> <p>7. <b>(Pages 14–15):</b> If any court does not agree with Judicial Council staff's rating, the concerns can be communicated to the CFAC.</p>

**Comments Summary: Superior Court Comments on the Draft Revision of Prioritization Methodology for Trial Court Capital-Outlay Projects**

All comments are verbatim

	<b>Commentator</b>	<b>Comments</b>	<b>Judicial Council Staff Responses</b>
2.	Comments of the Court	<p><b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES</b></p> <p>1. <u>Page 5. Section IV.F. Calculations for Projects Affecting More Than One Existing Facility:</u> When calculating the composite Score, is the facility area the total building area in gross square feet for each facility under consideration or the net square footage of court exclusive area in each building? This needs to be standardized so all projects are compared using similar units of measurement.</p> <p>2. <u>Page 7. Section V.B.2. Fire, Life &amp; Safety:</u> In the Fire, Life &amp; Safety component of the needs-based assessment, points are given for the number of floors. It should be clarified if basement and subterranean parking are to be included in this number or is it only stories above grade?</p> <p>3. <u>Page 8. Section V.B.4. ADA:</u> In the ADA accessibility component of the needs-based assessment, points are awarded for non-compliant courtrooms and restrooms. In many buildings, some but not all facilities may have been upgraded for accessibility. How would points be awarded if some restrooms and courtrooms are compliant while others are not?</p> <p>4. <u>Page 9. Section V.C. Security:</u> Under Security please provide more definition between the categories “Circulation not separated” and “Circulation partially separated.” For example, in the Stanley Mosk Courthouse many chambers open to short corridors that are not public but these corridors do not connect to secure vertical circulation. The only function of these corridors is to allow judges to travel between chambers and courtrooms without interfacing with the public. Would this be considered “Circulation partially separated”? If a courthouse had chambers directly adjacent to the courtroom but no other secure circulation would this be considered “Circulation not separated”? Essentially there is no difference between the two.</p>	<p>1. <b>(Page 5):</b> The facility area is calculated based on the court exclusive area in each building.</p> <p>2. <b>(Pages 6–7):</b> Subterranean levels do not count. The intent of the definition of Highest Risk/Least safe is consistency with the California Building Code, which defines a High-Rise building as more than 75 feet above the lowest level of fire department vehicle access.</p> <p>3. <b>(Pages 7–8):</b> To receive a “Yes” answer for Toilet Rooms in the revised methodology, the following conditions must exist. If the following conditions <u>do not exist</u>, the building will receive a “No” answer and will be awarded 4 points:</p> <ul style="list-style-type: none"> <li>a. At a minimum, one set of accessible public toilet rooms exist on each floor in which there are more than one set of public toilet rooms, provided they are within a reasonable distance from all public areas within the floor.</li> <li>b. All toilet rooms that exist in jury deliberation rooms are accessible.</li> </ul> <p>4. <b>(Pages 8–9):</b> Section V.C, of the revised methodology, has been revised to include new terminology for improved clarity. Circulation paths will be assessed based on the following definitions:</p> <ul style="list-style-type: none"> <li>a. Deficient: Functional condition fails in one or more major aspects.</li> <li>b. Marginal: Functional condition has notable deficiencies.</li> <li>c. Adequate: Function condition is acceptable or better.</li> <li>d. Not Applicable: Functional element is not applicable for this facility.</li> </ul>

## Comments Summary: Superior Court Comments on the Draft Revision of Prioritization Methodology for Trial Court Capital-Outlay Projects

All comments are verbatim

	Commentator	Comments	Judicial Council Staff Responses
		<p>5. <u>Page 9. Section V.D. Overcrowding:</u>                      The <i>California Trial Court Facilities Standards</i> is more of a guideline than an absolute standard. For example, it offers many options for sizes of courtrooms, number of jury deliberation rooms, etc. So, it is unclear how this document would establish a base line for overcrowding. Strict parameters need to be established for calculating this.</p> <p>6. <u>Page 10. Section V.E. Access to court Services:</u>                      This is based upon Assessed Judicial Need, which is an outdated calculation that will be updated in the Spring. CFAC should be prepared to update this measure when the new judge-need study is released.</p> <p>In addition, scoring should recognize that, as a practical matter, the most under-judged courts are unlikely to receive a full complement of new judgeships. CFAC may want to use a percentage of the JCC authorized but legislative unauthorized/unfunded positions as a basis for potential growth. This would also recognize the fluctuations in the Assessed Judicial Needs that occurs when the biennial report is developed due to changes in filings.</p> <p>7. <u>Page 12. Section VI.A. Cost Avoidance or Savings Realized Through Operational or Organizational Efficiencies:</u>                      How will points be awarded for the Cost Avoidance factor?                       If operational savings are achieved what is the length of time over which they will be calculated?                       How will courts that have already authorized courthouses to be designated as surplus and, therefore, leased or sold at a benefit to the Branch receive points or credits for these past actions?</p> <p>8. <u>Page 13. Section VI.B. Minimization of Increases in Ongoing Security and Operating and Maintenance Costs:</u>                      This could in theory overlap with Cost Avoidance factors. Care should be taken to count each factor only once. In minimization of Operating and Maintenance Costs, how will deferred maintenance costs be calculated?                      In minimization of Security Costs how will points be awarded?</p>	<p>5. <b>(Pages 9–10):</b> The actual square footage of the building or court exclusive space will be used to determine the current area. To apply strict parameters in calculating the area the court should occupy according to the <i>California Trial Court Facilities Standards</i>, a tool is being developed and will be utilized for all buildings. Utilizing this tool will ensure that all projects are treated the same and will ensure that consistent parameters are used for calculating the area the court should occupy based on the standards.</p> <p>6. <b>(Pages 10–11):</b> The Judicial Needs report published in November 2018 will be updated in spring/summer 2019, and its most recent data will be applied. The revised methodology does not consider unfunded positions in determining the "need" for number of courtrooms.</p> <p>7. <b>(Page 12):</b> As stated in the revised methodology, once the range of cost savings or avoidance per court user per year is identified, the maximum value will be assigned 25 points. Projects with no cost savings or avoidance will be awarded zero (0) points. All other values will be assigned points in proportion to their savings or avoidance. The total identified cost avoidance or savings for each project will be “normalized” and converted to Cost Avoidance or Savings per Court User. The range of cost savings or avoidance per court user per year will be applied once all data is gained from the courts. The length of time over which they will be calculated is one year (i.e., the first full year of building occupancy). Accordingly, there must be a causal link, and past actions are not part of the revised methodology.</p> <p>8. <b>(Pages 12–13):</b> These are not court operations costs and will be calculated by Judicial Council staff. Once all data is obtained, the scale will be determined.</p>

**Comments Summary: Superior Court Comments on the Draft Revision of Prioritization Methodology for Trial Court Capital-Outlay Projects**

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	Commentator	Comments	Judicial Council Staff Responses
		<p>9. <u>Page 13. Section VI.C. Cost of Project per Court User:</u> Regarding Cost Per Court User, it is assumed the number of judicial positions includes commissioners and other subordinate judicial offices such as AB109 hearing officers.</p> <p>Project Cost Per Court User; it seems urban areas with higher costs will be penalized over more rural counties with lower construction costs in this formula. CFAC may want to ensure a locality cost adjustment is applied before considering costs per court user to ensure local higher/lower construction costs do not skew this factor.</p> <p>10. <u>Slide #16. Physical Condition Assessments:</u> Indicates two categories, “Facility Condition” and a second group of four factors which should collectively be labeled as “Physical Condition” to be consistent with slide #27 nomenclature.</p> <p>11. <u>Slide #18. FCI Example:</u> This slide explaining the FCI (Facility Condition Index) references “renewals.” There seems to be no other reference to these. What are these and how do they factor in?</p>	<p>9. <b>(Pages 13):</b> As defined in the Judicial Needs report attached to the revised methodology (Appendix C), AJP includes both judgeships and subordinate judicial officer (SJO) positions of Commissioners and Referees. However, Hearing Officers, such as AB 109 Hearing Officers, are not included in the SJO count. Hearing Officers are classified differently from Commissioners and Referees owing to their job classification and niche specialization, which is not interchangeable with other types of SJOs.</p> <p>All project costs will be forecasted based on the location of the project.</p> <p>10. Slide #16 will be revised for consistent nomenclature.</p> <p>11. Slide #18 will be revised with the deletion of the word “renewals.”</p>
3.	Mr. Chris Ruhl Court Executive Officer	<p><b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF MONTEREY</b></p> <p>Our comments focus on criteria absent from the analysis that may impact the scoring some courts would receive under the proposed methodology. In the proposed process under “E. Access to Court Services”, the score is calculated solely based on a comparison of AJN and AJP, resulting in a county-wide percentage rating for each court reflecting the deficiency in judicial resources. We believe that additional criteria, indicated below, should be included in the calculation. In addition, there are particular and unique challenges courts face, also indicated below, when a facility is either co-owned or not-owned by the State that should be considered in the scoring and assessment under the Needs-Based Criteria for scoring of projects.</p>	

**Comments Summary: Superior Court Comments on the Draft Revision of Prioritization Methodology for Trial Court Capital-Outlay Projects**

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	Commentator	Comments	Judicial Council Staff Responses
		<p>One possible way to address these two issues (or others that may come up) is to create an “Other” or “Unique Circumstances” category within the Needs-Based criteria that is allocated a specified number of points in the Needs-Based assessment and scoring.</p> <p>Following are our specific comments:</p> <p>1. <u>Issue RE: sec. 5.E. Access to Court Services (p. 10 of the draft):</u> To focus solely on Assessed Judgeship Needs (AJN) and Authorized Judicial Positions (AJP) does not take into account the availability of true accessibility of justice in each community. Those two criteria, AJN and AJP, do not take into account the impact of geographic factors on accessibility including:</p> <ol style="list-style-type: none"> <li>a. The geographical dispersion or physical size of some counties (i.e., is there a courthouse/services within reasonable travel time and distance to the community); and</li> <li>b. Courthouses located in areas not readily accessible to the public (due to lack of public transportation or other means of travel).</li> </ol> <p>The need to provide meaningful physical access for geographically dispersed segments of the county’s population, when courthouse locations are extremely difficult for the greater public to access, is a factor that should be a part of the analysis for Access to Court Services. This issue can be particularly acute for populations that are low income and/or lack other services such as adequate public transportation. Some form of scoring should be included for geographic dispersion and accessibility.</p> <p>2. <u>Issue RE: Non-State-Owned Facilities:</u> Buildings owned by or co-owned with a non-state entity are not under the control of the JCC when it comes to making improvements to address immediate life/health/safety issues. There are significant life, health and safety concerns that will never be addressed when the JCC does not own a facility – e.g., Seismic, Fire Suppression, etc.</p> <p>Addressing these immediate concerns may require abatement of asbestos, lead pipes and/or other toxic building issues, in addition to seismic</p>	<p>1. <b>(Pages 10–11):</b> The CFAC’s Working Group of the has determined this methodology be applied countywide. As noted in the draft revised methodology: <i>For a proposed project involving less than all of the court facilities within a county, there will be a rebuttal presumption that the countywide percentage deficiency and the corresponding points will be assigned to the project.</i> A presumption can be overcome by a court with an explanation, such as a deficiency based on geographic needs.</p> <p>Also, pertaining to Access to Court Services in the draft revised methodology:</p> <p><i>This Access to Court Services criterion uses the relative deficiency in judicial resources among the 58 superior courts to measure relative access to current court services. The following data is compared to measure this deficiency for each court:</i></p> <p><i>Assessed Judicial Need (AJN) is the need for judgeships based on the three-year average filings most recently available.</i></p> <p><i>Authorized Judicial Positions (AJP) is the current number of judges, commissioners, and referees authorized under the law for each court.</i></p> <p>2. <b>(Pages 3 and 5–7):</b> The revised methodology will include Facility Condition Assessments (FCAs) of county owned and Judicial Council owned buildings. The Physical need criteria for the buildings will be scored similarly for all buildings.</p>

**Comments Summary: Superior Court Comments on the Draft Revision of Prioritization Methodology for Trial Court Capital-Outlay Projects**

All comments are verbatim

	<b>Commentator</b>	<b>Comments</b>	<b>Judicial Council Staff Responses</b>
		<p>retrofitting (where feasible and cost-effective) or fire suppression. The JCC/State will not be interested in investing in any such improvements to these facilities, thus leaving these facilities and court services with no alternative other than to remain in an unsafe building.</p> <p>Also, any significant building maintenance and repair costs are much less likely to be paid when a facility is not owned by JCC – especially when the entity that owns the building (such as a county) is in a time of budget constraint. Some form of scoring should be included for those courts that are faced with the only option of remaining in an unsafe building.</p>	
4.	Mr. David Yamasaki Court Executive Officer	<p><b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE</b></p> <p>I am sending this message to provide some detail to the concerns with the criteria which is being considered for the evaluation of court construction projects. We in Orange, very much appreciate the additional efforts that are being undertaken to re-evaluate court construction needs throughout the State. As you are aware, as well as the other members of the Committee, there have been many changes in the last 15 years with regard to population and workload that are critical elements to consider when determining a Court’s future needs. In this regard, I am hopeful there could be additional significance in these two areas.</p> <p>First, Orange County is considered to be, “Silicon Valley South,” as a result of the new industries that have expanded their presence in our region. In this regard, many individuals have taken residence in our Southern region which continues to be the site of increasing home construction. The Southern portion of our County has approximately 800,000 residents and presently has no courthouse present to serve this community. Many of these individuals will be required to travel to Santa Ana for criminal and civil trials, and have their family law matters heard at the courthouse in the City of Orange. This is quite a distance that could be overcome with the construction of a new courthouse in South County, the region that previously house a courthouse that has since been closed due to budget reductions. Very clearly, a presence was there, continues to</p>	<p>1. <b>(Pages 3–4):</b> Comments such as these are extremely valuable to the planning process that will be take place as described under Section IV.C of the draft methodology. This planning process will take place with each court to document this kind of information in a Court Facility Plan. This Court Facility Plan will be the result of a collaborative effort between the court and Judicial Council planning team to assess and document how each court intends to operate its facilities to provide service to the public as well as identify facility needs or deficiencies. The Court Facility Plan will articulate the optimum approach for use of court facilities for each court and identify projects that address deficiencies in the needs-based criteria. The Court Facility Plan will be the basis for future project requests for new facilities, facility renovations, replacements and/or consolidations, and will include a list of projects. The projects in the plan will be scored using the criteria in the approved methodology.</p> <p>It is very much appreciated that the court has already started conveying its priorities as part of its review of the revised methodology.</p>

**Comments Summary: Superior Court Comments on the Draft Revision of Prioritization Methodology for Trial Court Capital-Outlay Projects**

All comments are verbatim

	<b>Commentator</b>	<b>Comments</b>	<b>Judicial Council Staff Responses</b>
		<p>be needed and is responsive to the needs of our growing community. Increased access to the public continues to be a very high priority of the Judicial Council and our Court.</p> <p>Second, an analysis of our workload has demonstrated that many criminal cases originate in this region and the data also shows workload increasing. Since projects take years to complete, this would align with the needs of our community. Workload should be a factor that is given more priority in the evaluation of projects in our view.</p> <p>Lastly, there has been an expanded demand in our County for expanded collaborative court services. It is widely known that the homeless problem in California is one of the worst in the country and Orange County has one of the worst in this State. Presently, there is a pending case being heard in the Federal Court that will mandate local solutions to addressing this problem. Our Court has been participating in working towards a solution to addressing the needs of the individuals who are part of this community. Over half of these individuals have mental health and substance abuse problems. The collaborative courts participants predominantly have substance abuse and mental health challenges. Demands on our collaborative courts will expand and it will be vital for us to have sufficient space to accommodate this growing workload. The evaluation recently conducted by the Judicial Council’s Facilities team identified a need of at least two additional courtrooms and expanded office space to support the needs here. We are hoping this conclusion will support this project to move forward in the new evaluation.</p>	
5.	Ms. Debbie Moynier Director of Facilities	<p><b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO</b></p> <p>1. Section IV. Reassessment Process, (B) Needs-Based Physical Conditions Assessments</p> <p>Each needs-based criteria listed in the revised methodology includes a breakdown of specific items used for assigning points, <i>except</i> for the Facility Condition Index (FCI). The revised methodology does not</p>	<p>1. <b>(Page 3):</b> The Facility Condition Index (FCI) is an industry standard asset management methodology that is used to determine a building’s condition at a point in time. Limited strictly to condition, it allows for an equivalent comparative analysis of diverse real estate portfolios.</p> <p>FCAs will be conducted by Judicial Council staff and its consulting team, which consists of Vanir Construction</p>



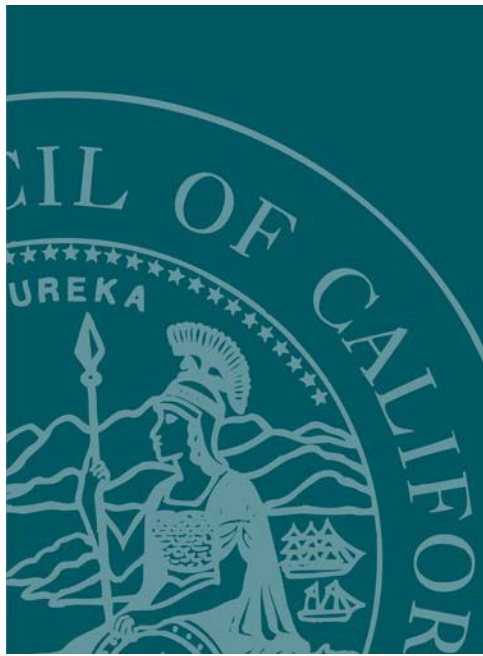
**Comments Summary: Superior Court Comments on the Draft *Revision of Prioritization Methodology for Trial Court Capital-Outlay Projects***

All comments are verbatim

	<b>Commentator</b>	<b>Comments</b>	<b>Judicial Council Staff Responses</b>
		<p>identify the particulars of the facility condition assessment (FCA) and associated FCI percentage. What will the FCA consist of and who is conducting the assessments?</p>	<p>Management and its subconsultant EMG. FCAs will analyze building systems and component conditions to determine remaining useful life.</p>
6.	<p>Mr. Alex Calvo Court Executive Officer</p>	<p><b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CRUZ</b></p> <p>1. Page 13 – C. Cost of Project for Court User</p> <p>The use of magnetometers for determining the number of court users is problematic for two reasons:</p> <p>First, at the Santa Cruz Courthouse and most likely in other courthouses, a significant number of court users do not pass through magnetometers when accessing court space. For example, in Santa Cruz the Civil and Criminal Clerks offices are located in a building that is adjacent to the building housing courtrooms. Only those court users accessing the building housing courtrooms would be counted if magnetometer counts were relied upon.</p> <p>Second, due to the increasing use of remote access technology (e-filing, online access to case information, and online payment systems), the number of court users accessing court services at the court facilities is probably in decline in all courts. However, each court may be at different stages of deploying this new technology. Courts that have more advanced systems that deliver remote user services could be penalized by using a “Cost of Project per Court User” methodology.</p>	<p>1. <b>(Page 13):</b> There is agreement that there are issues with the consistency of the data associated with the magnetometers. Because of these insoluble issues with magnetometers, county population must be used to establish a measure that can be applied to all counties.</p>
7.	<p>Ms. Nocona Soboleski Assistant Court Executive Officer</p>	<p><b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF TULARE</b></p> <p>1. Tulare County has reviewed the document and we do not have any comments.</p>	<p>1. No response required.</p>

**Comments Summary: Comments at the Court Facilities Advisory Committee Meeting of December 7, 2018**  
**Draft Revision of Prioritization Methodology for Trial Court Capital-Outlay Projects**

Methodology Category	Comment/Question	Judicial Council Staff Response																					
1. ADA	<p>If a building has ADA compliant public toilet rooms, but not compliant jury deliberation toilet rooms, would it receive less points?</p> <table border="1" data-bbox="373 316 625 483"> <thead> <tr> <th>Categories</th> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr> <td>Exterior Path of Travel</td> <td>0</td> <td>4</td> </tr> <tr> <td>Building Entrances</td> <td>0</td> <td>4</td> </tr> <tr> <td>Interior Accessible Routes, Stairways and Elevators</td> <td>0</td> <td>4</td> </tr> <tr> <td>Courtroom – Jury Box, Witness Stand, Clerk’s Station, Bench</td> <td>0</td> <td>4</td> </tr> <tr> <td>Toilet Rooms – Public, Jury Deliberation</td> <td>0</td> <td>4</td> </tr> <tr> <td>Total Possible Points</td> <td></td> <td>20</td> </tr> </tbody> </table>	Categories	Yes	No	Exterior Path of Travel	0	4	Building Entrances	0	4	Interior Accessible Routes, Stairways and Elevators	0	4	Courtroom – Jury Box, Witness Stand, Clerk’s Station, Bench	0	4	Toilet Rooms – Public, Jury Deliberation	0	4	Total Possible Points		20	<p><b>(Pages 7–8):</b> No. If a building does not have BOTH types of accessible toilet rooms, then it will receive four points. In addition, there are other building elements, such as jury boxes, where points can be obtained.</p>
Categories	Yes	No																					
Exterior Path of Travel	0	4																					
Building Entrances	0	4																					
Interior Accessible Routes, Stairways and Elevators	0	4																					
Courtroom – Jury Box, Witness Stand, Clerk’s Station, Bench	0	4																					
Toilet Rooms – Public, Jury Deliberation	0	4																					
Total Possible Points		20																					
2. Security	<p>Have we considered including additional security items such as perimeter security, cameras, and protection of judge’s chambers?</p>	<p><b>(Pages 8–9):</b> The Working Group and Facility Services staff did discuss and consider additional security items such as those listed when developing the three criteria used in this category. The three criteria used are considered very reliable proxies for evaluating the security of a courthouse. Moreover, the addition of new criteria would dilute the value of the existing criteria and is not recommended.</p>																					
3. Cost per Court User: DOF Demographic Information	<p>Does the DOF demographic information on county population include the prison population?</p>	<p><b>(Page 13):</b> Yes, it does.</p>																					
4. Cost per Court User: Magnetometer Counts	<p>Would counts include the number of in-custodies transported to the court?</p> <p>Would counts include the number of virtual appearances (e.g., by phone or video)? Certain courts use arraignment by video in criminal matters. The Judicial Council’s Commission on the Future of California’s Court System has discussed courts evolving to allow and encourage, particularly in civil and family law cases, appearances by phone.</p> <p>Would counts include the number of online users of court services?</p>	<p><b>(Page 13):</b> Magnetometers located in building entry screening areas are not generally used to screen in-custodies transported to court.</p> <p>Magnetometers also do not count electronic or virtual appearances.</p> <p>At the direction of the Working Group, the courts can be asked (as part of the Prioritization Plan Court Planning Survey) how/if screening of in-custodies occurs and how electronic/virtual appearances/users are tracked to understand how to factor in this population if this is relevant for future planning purposes.</p> <p>However, for the purposes of the Cost per Court User calculation in the Prioritization Project, using DOF county population data and normalizing it appears to be the most valid and consistent tool available to apply in the time allotted to complete this study.</p>																					
5. Cost Avoidance or Savings Realized Through Operational or Organizational Efficiencies	<p>Is Assessed Judicial Need (AJN) a better factor to use than Authorized Judicial Positions (AJP)?</p>	<p><b>(Page 12):</b> At the direction of the Working Group and in consultation with Judicial Council leadership, the methodology will apply AJP for consistency.</p>																					



# Revision of Prioritization Methodology for Trial Court Capital-Outlay Projects

~~ADMINISTRATIVE DRAFT FOR COMMENT~~

JUDICIAL COUNCIL OF CALIFORNIA  
COURT FACILITIES ADVISORY COMMITTEE

~~FEBRUARY 21, 2019~~ ~~DECEMBER 7, 2018~~

AS REQUIRED BY 2018 BUDGET ACT TRAILER BILL  
(SB 847: COMMITTEE ON BUDGET AND FISCAL  
REVIEW)



JUDICIAL COUNCIL  
OF CALIFORNIA

ADMINISTRATIVE DIVISION  
FACILITIES SERVICES

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	A-B. <a href="#">Terms in Draft Revision of Prioritization Methodology for Trial Court Capital- Outlay Projects</a>	
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## I. 2018 BUDGET ACT TRAILER BILL (SB 847: COMMITTEE ON BUDGET AND FISCAL REVIEW): REASSESSMENT OF TRIAL COURT CAPITAL-OUTLAY PLAN

Senate Bill 847 revises Government Code section 70371.9 and requires the Judicial Council of California to reassess projects identified in its update to *Trial Court Capital-Outlay Plan and Prioritization Methodology* adopted on October 24, 2008 ([see Appendix A](#)). SB 847 provides that other projects may be included for reassessment at the discretion of the Judicial Council and specifies the criteria to be used in the reassessment. The reassessment is to be submitted to the Senate Committee on Budget and Fiscal Review and the Assembly Committee on Budget by December 31, 2019.

SB 847 requires the reassessment to be based on existing criteria along with the newly mandated criteria, necessitating the revision of the current prioritization methodology. The list of prioritized projects to be developed in response to SB 847—referred to as the Trial Court Capital-Outlay Plan—will be adopted annually by the Judicial Council and submitted to the Department of Finance. Projects can be for new construction or acquisition, renovations, building additions, and conversion of structures to court use.

This reassessment will be conducted by the [Judicial Council's](#) Court Facilities Advisory Committee (CFAC) with support from ~~the Judicial Council~~ Facilities Services ~~office~~. The CFAC will submit its report and recommended prioritization of court facilities to the Judicial Council in November 2019.

*Please note: The reassessment will be expedited due to the legislatively mandated December 2019 deadline. The CFAC may need to update or revise any part of the revised methodology if anomalies are discovered during the reassessment process.*

## II. CURRENT METHODOLOGY

In October 2008, the Judicial Council issued its *Prioritization Methodology for Trial Court Capital-Outlay Projects* (Prioritization Methodology). This methodology was utilized to prioritize all new court facility capital-outlay projects and was the basis for those projects authorized under Senate Bills 1407 and 1732. The last projects to be funded utilizing the current methodology were funded in the 2018–19 State Budget.

During the budget deliberation process, the Legislature noted the need to revise the current methodology and reassess all court facilities due to the current methodology's age. Development of a revised prioritization and methodology is a condition of any future funding requests for capital-outlay projects.

A link to the current 2008 Prioritization Methodology [for Trial Court Capital-Outlay Projects](#) can be found here: <http://www.courts.ca.gov/documents/methodology-080124.pdf>.

### III. REVISED METHODOLOGY

The revised methodology has been prepared for use in developing a new set of prioritized trial court capital-outlay projects as required by SB 847, and enabling recommendations to the Judicial Council for the submission of funding requests for such projects. [Trial court capital-outlay projects are considered those that increase a facility's gross area, such as a building addition, that substantially renovate a major portion of a facility, that comprise a new facility or an acquisition, or that change the use of a facility, such as the conversions from non-court to court use.](#)

Generally, the methodology provides that projects will be scored based on *need* and placed into one of five priority groups. The projects within each priority group will then be ranked based on the scoring of the *cost* criteria identified in SB 847.

A point range has been established for each of the five need-based priority groups. For example, projects scoring very high in each of the evaluated criteria will fall into the “Immediate Need” group; they will be considered the first eligible for available funding. Each of the other groups—Critical, High, Medium, and Low Needs—represents sets of projects that score lower in the various *needs-based* criteria categories. A scale of 25 points, using half-point increments, is used for the total of all *needs-based* criteria. The details of the scoring are described later in this document.

#### Prioritized Groups of Trial Court Capital-Outlay Projects

- Immediate Need: 18.5 – 25 points
- Critical Need: 15.5 – 18 points
- High Need: 12.5 – 15 points
- Medium Need: 10 – 12 points
- Low Need: 0 – 9.5 points

*Cost-based* criteria as identified in SB 847 will impact the ranking of the projects within each of the five priority groups identified above.

[Terms used in this document are defined in the attached Appendix B.](#)

~~*Please note: The reassessment will be expedited due to the legislatively mandated December 2019 deadline. The CFAC may need to update or revise any part of the revised methodology if anomalies are discovered during the reassessment process.*~~

### IV. REASSESSMENT PROCESS

The process for reassessment of the projects identified in Trial Court Capital-Outlay Plan consists of five activities:

1. Revision of the prioritization methodology consistent with SB 847;
2. Assessment of facilities occupied by trial courts, including physical condition assessments, as well as assessments related to security, access to court services, and overcrowding;
3. Development of court facility plans and court needs-based project lists;
4. Application of the prioritization methodology to all projects; and
5. Development of a statewide list of prioritized projects.

## A. Methodology and Scoring

The revised methodology involves a two-step process.

The Step 1 methodology identifies (1) the general physical condition of the buildings; (2) needed improvement to the physical condition of buildings to alleviate the risks associated with seismic conditions, fire, life and safety conditions, Americans with Disabilities Act (ADA) requirements, and environmental hazards; (3) court security features within buildings; (4) access to court services; and (5) overcrowding.

In Step 2, the needs-based criteria and cost-based criteria are then used to rank projects within the priority groups.

In the most essential terms, the methodology can be described as:

- Needs-based criteria = Priority Group
- Needs-based and cost-based criteria = Rank within Priority Group

## B. Needs-Based Physical Conditions Assessments

The physical condition of buildings that house trial court functions will be determined by facility condition assessments (FCA). The FCAs will analyze the building systems and component conditions to determine their remaining useful life and provide the basis for determining a Facility Condition Index (FCI).

The FCI is an industry standard asset management methodology that is used to determine a building's condition at a point in time. Limited strictly to condition, FCIs allow for an equivalent comparative analysis of diverse real estate portfolios.

FCI values are based on a 0–100 percent scale and are derived by dividing the repair costs for a building by its current replacement value.

Separate assessments of conditions related to seismic ratings, fire, life and safety conditions, ADA requirements, and environmental hazards will be conducted. Other data sources, as described below, will provide information needed to evaluate security characteristics, conditions that would indicate overcrowding in existing facilities, and access to court

services.

### **C. Needs-Based Court Facility Plans and Project Lists**

The planning process will begin with development of a Court Facility Plan. The plan will be a collaborative process between the court and the Judicial Council planning team that will assess and document how each court intends to operate its facilities to provide judicial services to the public, as well as identify any additional facility needs or deficiencies. The Court Facility Plan will be based on data provided by the planning team to the court including:

- Organization of the court and how court facilities are utilized to ensure public access to services;
- Relevant information and data from the 2002/2003 Statewide Court Facilities Master Plan to support the project updates;
- Authorized judgeships ([as defined in the attached Appendix C](#)) for access to services; and
- Relationship of judicial need to facility need.

The planning process will also include an asset management evaluation. The asset management evaluation will identify:

- Opportunities for lease consolidation;
- Building consolidations that would provide future revenue or operating cost savings; and
- Unique real estate and funding opportunities associated with the project.

Information that will be utilized to develop the asset management evaluation will include current leases, closed facilities, and [court-justice](#) partners' plans (e.g., new jail locations, move of county partner functions, etc.).

The Court Facility Plan will articulate the optimum approach for use of court facilities for each court and identify projects that address deficiencies in the needs-based criteria. The Court Facility Plan will be the basis for future project requests for new facilities, facility renovations, replacements and/or consolidations, and will include a list of projects. The projects in the plan will be scored using the criteria in the approved methodology.

Needs-based criteria will be applied to the data generated by the FCA and Court Facilities Plan processes, and will place projects into the priority groups identified above.

### **D. Needs-Based Statewide Project List**

The Statewide Project List will be developed by consolidating the court project lists. The Statewide Project List will categorize the projects into five groups (Immediate, Critical, High, Medium, Low), in accordance with the approved prioritization methodology.



**E. Cost-Based Evaluations: Avoidance, Savings, and Cost Minimization Strategies**

SB 847 requires that projects be assessed considering cost avoidance, cost savings, and cost minimization strategies. Court projects identified in the Court Facility Plans and the project lists will identify costs, savings, and avoidances relative to each project, including:

- The cost avoidance or savings that would be achieved through operational or organizational efficiencies created for the court or the state;
- Ways to minimize increased ongoing costs, including, but not limited to, trial court security and operating and maintenance costs;
- The projected cost of each proposed project, per court user; and
- The total costs spent on the project as of the date of December 31, 2018.

The criterion identified in SB 847 as *a comparison of the cost to repair or renovate the existing facility versus the cost of replacement* will not be scored within the cost-based evaluation. Rather, it will be addressed in the Court Facility Plan and on the project list in terms of the type of project to be pursued (e.g., new construction vs. renovation). Needs-based and cost-based criteria will be used to rank projects within the priority grouping.

**F. Calculations for Projects Affecting More Than One Existing Facility**

For projects affecting only one building, the ratings of the single building will be used as explained above. In the case of multiple buildings affected by a project, the proportional share of the court-occupied area of each building will be used to determine each criterion’s rating. As shown below, the proportional share of court-occupied area of each building is multiplied by the total of each criterion’s rating to develop the portion of the rating for that building affected by the project. For each criterion, these portions are then summed to develop the total rating as shown in the example below using the needs-based FCI criteria.

Sample FCI rating–Multiple Buildings:

<b>Existing Facility</b>	<b>Facility Area</b>	<b>% of Total</b>	<b>FCI Points</b>	<b>Facility Pt. Contribution</b>
Main Courthouse	80,000	80%	5	5 x 0.8 = 4
Branch Courthouse	20,000	20%	3	3 x 0.2 = 0.6
<b>Total</b>	100,000	100%		4.6

**V. NEEDS-BASED SCORING OF PROJECTS**

Use of the needs-based criteria will enable the placement of every project into one of five priority groups: Immediate Need, Critical Need, High Need, Medium Need, and Low Need. The total points for the needs-based criteria will be 25. The 25 points will be allocated equally as follows, based on the five following criteria:

1	Facility Condition Index (FCI)	5 Points
2	Facility Seismic, Fire, Life and Safety (FLS), ADA, and Environmental Hazards	5 Points
3	Security	5 Points
4	Overcrowding	5 Points
5	Access to Court Services	5 Points
	<b>Total Points for Needs Based Criteria</b>	<b>25 Points</b>

**A. Facility Condition Index (FCI):** FCI is defined as the cost to repair divided by replacement cost; and is represented by a percentage.

Approach:

- A 10-year horizon will be used in applying the FCI; and
- A 5-point scale will be used, and points will be allocated in accordance with the following table:

Points	0	0.5	1.0	1.5	2.0	2.5	3.0	3.5	4.0	4.5	5.0
FCI Range %	0	1– <del>57</del>	<del>68</del> – 104	<del>115</del> – 1522	<del>1623</del> – 209	<del>2130</del> – 2356	<del>2637</del> – 430	<del>3144</del> – 3551	<del>3652</del> – 4058	<del>4159</del> – 465	> <del>4665</del>

**B. Physical Condition:** Seismic, Fire, Life and Safety (FLS), Americans with Disabilities Act (ADA), and Environmental Hazards will combine to contribute 5 points. These categories will be scored with a total score of 120 rating points, distributed as follows: Seismic 40, FLS 40, ADA 20, and Environmental Hazards 20. The total 120 rating points will be converted to a 5-point scale as will be explained below:

**1. Seismic Rating** is defined as the score calculated using the FEMA P-154 Rapid Visual Screening of Buildings for Potential Seismic Hazards.– FEMA P-154 will be used to establish consistent seismic scores for all 196 buildings.– FEMA P-154 is a procedure to identify and screen buildings that are potentially seismically hazardous.– This tool calculates a score based on the building’s structural system, age, visually identifiable deficiencies, Seismic seismicity and soil type.

**Risk Rating** is defined in the Seismic Risk Rating of California Superior Court Buildings Volume 1 and 2, dated October 23, 2017: <http://www.courts.ca.gov/documents/Seismic-Risk-Rating-of-California-Superior-Court-Buildings.pdf>

Approach:

- Points will be assigned based on FEMA P-154 scores. ~~categories described in Seismic Risk Rating of California Superior Court Buildings Volume 1 and 2, dated October 23, 2017.~~
- A 40-rating point scale will be used, and points will be distributed in accordance with the following table:

	Very High Risk	High Risk	Moderate Risk	Acceptable Risk	Minimal Risk <sup>2</sup>
<u>SRRFEMA P-154 Seismic Score</u>	<u>Score ≤ 0.6</u> <u>SRR &gt; 10</u>	<u>0.6 &lt; Score ≤ 1.5</u> <u>2 &lt; SRR &lt; 10</u>	<u>1.5 &lt; Score ≤ 2</u> <u>SRR &lt; 2</u>	<u>Score ≥ 2</u> <u>Retrofitted—meeting SB-1732 seismic safety-criteria</u>	<u>Score ≥ 2</u> <u>Not rated/built after 1997</u>
Rating Points <sup>1</sup>	40	<u>3220</u>	<u>2410</u>	<u>165</u>	<u>82</u>

**Please Table Footnotes:**

1. -The rating points listed above ~~for Acceptable Risk and Minimal Risk categories~~ may be adjusted downward based upon further evaluation.

~~2. Minimal Risk buildings are buildings that have been designed to more recent building codes (newer buildings). The expectation is that these buildings perform better in the case of a seismic event than buildings in the Acceptable Risk category. In the FEMA P-154 system, these buildings are also referred to as “Post-Benchmark Buildings.”~~

2. **Fire, Life & Safety** is defined as a combination of FLS systems: fire sprinklers, fire alarms, smoke evacuation, and site fire water tank and building height.

Approach:

- FLS systems will be a checklist of yes/no items based on the number of FLS systems in a building with extra emphasis on inclusion of fire sprinklers.
- Building Height will assume that the greater risk exists in taller buildings, based on fire ladder reach. The purpose of the definition of Highest Risk/Least safe (below) is consistency with the California Building Code, which defines a High-Rise building as more than 75 feet above the lowest level of fire department vehicle access. This definition does not include subterranean levels or open parking garages.
- A 40-rating point scale will be used, and points will be distributed in accordance with the following table:

	Highest Risk/Least Safe		Middle Risk		Lowest Risk/Safest
Number of “no” answers to: does the building have fire sprinklers (partial would be considered as “no”), digital fire alarms, smoke	4 “no” answers	3 “no” answers	“Yes” to fire sprinklers, but 2 other “no” answers	“Yes” to fire sprinklers, but 1 other “no” answer	“Yes” to all systems

evacuation, and site fire water tank?					
Rating Points	30	24	18	12	0
Building Height: High score = greater risk/taller building	Over 8 stories		4 to 7 stories		1 to 3 stories
Rating Points	10		6		2

3. **Environmental Hazards** include products that contain asbestos or lead, or other hazardous materials such as polychlorinated biphenyls (PCBs) and may be determined based on the age of the building or other existing data.

Approach:

- Ten rating points will be assigned to buildings that could contain materials made from asbestos-containing materials.
- Ten rating points will be assigned to buildings that could contain materials made from lead or other hazardous materials, such as PCBs.
- A 20–rating point scale will be used, and points will be distributed in accordance with the following table.

Environmental Hazards	Rating Points
Risk of Asbestos Containing Materials	10
Risk of Lead or Other Hazardous Materials (e.g., PCBs)	10
<b>Total Possible Points</b>	<b>20</b>

4. **Americans with Disabilities Act (ADA)** accessibility will be determined based on a checklist of yes/no items defined by ADA elements with emphasis on public areas (pathways, toilet rooms, etc.). The application of this methodology is not intended to produce a comprehensive ADA compliance survey. Rather, this scoring effort utilizes a checklist and visual inspection process to identify if accessible public spaces of a specific type exist in an individual building, thus providing a system for comparing one building to another.

Approach:

- Twenty rating points will be assigned based on whether areas are accessible. The more “no” answers, the less accessible the building is, and the more points are provided.
- A 20–rating point scale will be used, and points will be distributed in accordance with the following table.

Categories	Yes	No
Exterior Path of Travel	0	4
Building Entrances	0	4
Interior Accessible Routes; Stairways and Elevators	0	4
Courtroom: Jury Box, Witness Stand, Clerk's Station, Bench	0	4
Toilet Rooms– Public, Jury Deliberation	0	4
<b>Total Possible Points</b>		20

5. **Conversion of Rating Points:** As a final step, the accumulated physical condition rating points for each project, which can total up to 120, will be converted to the 5-point scale as follows:

Total: 5 Points	0.5	1	1.5	2	2.5	3	3.5	4	4.5	5.0
Total: 120 Rating Points	0-12	13-24	25-36	37-48	49-60	61-72	73-84	85-96	97-108	109-120

**C. Security:** The security criterion will be used to identify:

1. **the extent to which judicial/and staff circulation paths are separate from those for the public and in-custody individuals.** Judicial/staff circulation refers to the degree of compliance with guidelines for private circulation paths exclusively dedicated to permit the judiciary and staff to enter and move through the facility separate and secure from both the public and in-custody individuals;-
2. **the extent to which in-custody circulation paths are also separate.** Secure Circulation refers to the degree of compliance with guidelines for separate, secure means by which in-custody individuals are brought into the facility and moved from holding areas to the courtroom.– A secure circulation route is completely separated from areas used by the public and by the judiciary and court staff; and
3. **the capacity of the building entrance to accommodate security screening.**

Approach:

- Eighty rating points will be assigned based on whether there is an area at the facility entrance that can adequately accommodate a screening system and judicial/ staff circulation and secure circulation is:
  - Deficient: Functional condition fails in one or more major aspects.
  - Marginal: Functional condition has notable deficiencies.
  - Adequate: Functional condition is acceptable or better.

- Not Applicable: Functional element is not applicable for this facility, is separated, whether the in-custody population circulation is separated, and whether there is an area at the facility entrance that can adequately accommodate a screening system.
- The 80 rating points will be distributed as defined in accordance with the following table:

<del>Circulation separation—judicial staff</del> <u>Judicial/Staff Circulation</u>	<del>Circulation not-separated</del> <u>Circulation deficient</u>	<del>Circulation partially-separated</del> <u>Circulation marginal</u>	<del>Circulation separated</del> <u>Circulation adequate or not applicable to this facility</u>
Points	35	17	0
<del>Secure Circulation</del> <del>Circulation separation in custody-population</del>	<del>Circulation deficient not-separated</del>	<del>Circulation partially marginal separated</del>	<del>Circulation adequate or not applicable to this facility separated</del>
Points	35	17	0
Ability to <u>A</u> ccommodate <u>S</u> ecurity <u>S</u> creening	No space to provide screening	Space for minimal screening	Space available for screening <u>or not applicable to this facility</u>
Points	10	6	<u>02</u>

The following conversion table will then be applied to the total of the rating points:

Total: 5 Points	0.5	1	1.5	2	2.5	3	3.5	4	4.5	5.0
Total: 80 Rating Points	0-8	9-16	17-25	26-32	33-40	41-48	49-56	57-64	65-72	73-80

#### C.D. **Overcrowding**

The Overcrowding criterion is a measure of the difference between current component gross square feet (CGSF) of area occupied by a court and the area that the court should occupy, according to the *California Trial Court Facilities Standards*. In this methodology, this criterion is measured by information on current area compared to current standards. Overcrowding ratings range from a low of 0 to a high of 160.

Approach:

- The following calculation is performed to translate the space shortfall into a rating:

Formula	Weight	Rating Scale
$\text{Overcrowding} = \left[ 1 - \left( \frac{\text{Current Area}}{\text{California Trial Court Facilities Standards Area}} \right) \right] \times 160$	160 (in the formula)	0–160

- The following conversion table will then be applied to the total of the rating points:

Total: 5 Points	0.5	1	1.5	2	2.5	3	3.5	4	4.5	5.0
Total: 160 Rating Points	0-16	17-32	33-48	49-64	65-80	81-96	97-113	114-129	130-144	145-160

This criterion measures the extent to which a facility may be physically overburdened by court user traffic impairing court user access. Overcrowding reveals buildings that are overburdened because the space provided—for example in courtrooms, clerk offices, and jury rooms—is substandard.

#### **D.E. Access to Court Services**

This Access to Court Services criterion uses the relative deficiency in judicial resources among the 58 superior courts to measure relative access to current court services. The following data is compared to measure this deficiency for each court:

- Assessed Judicial~~g~~eship Needs (AJN)* is the need for judgeships based on the three-year average filings most recently available. This measure translates current filings into weighted caseload, based on the judicial workload standards adopted by the Judicial Council, and then translates the weighted caseload into an assessment of judgeship needs.
- Authorized Judicial Positions (AJP)* is the current number of judges, commissioners, and referees authorized under the law for each court. AJP does not account for vacancies or temporary subordinate judicial officers.

The ratio between the two will result in a countywide percentage rating for each court reflecting the deficiency in judicial resources.

The point range for the Access-to-Court-Services criterion, as denoted below, is from 0 to 5, in half-point increments that reflect the broad range of relative deficiency in judicial resources among the courts in the 58 counties.

<b>Rating Assigned to Project (Current Need–Percentage of AJP)</b>	<b>Points Assigned</b>
0% or below	0
1–10%	0.5
11–20%	1.0
21–30%	1.5
31–40%	2.0
41–50%	2.5
51–60%	3.0
61–70%	3.5
71–80%	4.0
81–90%	4.5
91–100%+	5.0

For a proposed project involving less than all of the court facilities within a county, there will be a rebuttable presumption that the countywide percentage deficiency and the corresponding points will be assigned to that project.

Like the Overcrowding criterion discussed in Section D above, Access to Court Services measures the extent to which a facility may be physically overburdened by court user traffic impairing court user access. The access to court services reveals buildings that are overburdened because the caseload justifies more space, including courtrooms, than is available.

## **VI. COST-BASED SCORING OF PROJECTS**

The cost-based scoring is used to rank projects within each of the five needs-based priority groups. Needs-based scoring and the cost-based scoring are entirely separate from one another. When combined, needs-based and cost-based scores do not change the priority group a project is placed in, *only the rank of the project within the priority group.*

This is because the prioritization methodology is primarily a needs-based instrument designed to detect physical deficiencies that endanger court users or restrict access to justice. The cost-based factors enable the most effective expenditure of public funds to overcome the physical deficiencies.

Cost-based criteria are scored on a 100-point scale, with the 100 points distributed per the following table:



1	Cost Avoidance or Savings Realized through Operational or Organizational Efficiencies	25
2	Minimization of Increases in Ongoing Security, Operations, and Maintenance Costs	25
3	Cost of Project per Court User	25
4	Total Costs Spent on a Project as of December 31, 2018	25
	<b>Total Points for Cost-Based Criteria</b>	100

As a final step, the accumulated cost-based rating points for each project, which can total up to 100, will be converted to the 2-point scale as follows:

Total: 2 Points	0.2	0.4	0.6	0.8	1.0	1.2	1.4	1.6	1.8	2.0
Total: 100 Rating Points	0-10	11-20	21-30	31-40	41-50	51-60	61-70	71-80	81-90	91-100

As previously stated, in the most essential terms the methodology can be described as:

- Needs-based criteria = Priority Group
- Needs-based and cost-based criteria = Rank within Priority Group

**A. Cost Avoidance or Savings Realized Through Operational or Organizational Efficiencies**

The CFAC and ~~the Judicial Council~~ Facilities Services ~~office~~ will engage with the courts to assess the potential cost avoidance or savings that may be realized based on the implementation of each project. Generally, it is expected that such savings may be realized based on consolidation of multiple facilities into one larger facility and elimination of certain short-term leases in exchange of building a new facility, or a combination of the consolidation of owned facilities and elimination of leases within the same project. Any cost savings due to staff efficiencies related to consolidation or any other factors will be identified by the courts. Cost savings information identified by various courts will be reviewed for general conformance and consistency. Any anomalies will be discussed with the courts for resolution. Any potential anomalies that are not resolved with the courts will be referred to the ~~CFAC Court Facilities Advisory Committee~~ for resolution.

The total identified cost avoidance or savings for each project will be “normalized” and converted to Cost Avoidance or Savings per Court User. This conversion will be accomplished taking into consideration the population of the county, the AJPs for the court, and the number of courtrooms that are impacted by the project.

Once the range of cost savings or avoidance per court user per year is identified, the maximum value will be assigned 25 points. Projects with no cost savings or avoidance will be awarded 0 points. All other values will be assigned points in proportion to their savings or avoidance.

## B. Minimization of Increases in Ongoing Security, Operating, and Maintenance Costs

Judicial Council Facilities Services will calculate any potential minimization of increases to court security costs, using existing building security systems data. The planning teams will engage with the local sheriffs, through the courts, to identify any minimization of increases to security costs due to the project. Minimization of planned increases to security costs is defined as the costs that will be incurred in the existing building(s) if it remains in operation and is not being replaced by an approved project.

Approach:

- The following formula will be used:

Cost (security cameras, access control, fencing and gates) + Screening Equipment Costs = Minimization of Increases in Ongoing Security Costs

Judicial Council Facility Services They will also calculate engage with the operations and maintenance managers to assess any potential for minimization of increases in ongoing operations and maintenance costs. Minimization of increases in ongoing operations and maintenance costs is defined as the cost of operating and maintaining the current facilities if the proposed project does not proceed compared to the cost of operating a new building designed to meet current codes. The delta is the minimization of costs. All such identified costs will be reviewed for consistency.

Approach:

- The following formula will be used:

Cost / SF of current maintenance + Cost / SF of utilities + Cost / SF of Deferred Maintenance - Cost of Operating and Maintaining the New Building = Minimization of Increases in Ongoing Operating and Maintenance Costs

The cost values will be converted to minimization of costs per court user. Once the range of cost minimization per court user is identified, the greatest cost minimization value will be awarded 25 points, with zero points awarded to no cost minimization. All values in between will be assigned points in proportion to their cost minimization per court user, rounded to the nearest whole number.

## C. Cost of Project per Court User

The cost per court user is calculated based on the population of the county, ~~and~~ the AJP's for the court, and the number of proposed project courtrooms. This value will be adjusted to

compensate for counties with minimal population that are awarded the statutory minimum AJP of 2.3. (Note: The judicial branch's smallest courts are statutorily provided with a minimum of two judgeships and are authorized to have at least 0.3 full-time equivalent [FTE] of a federally funded child support commissioner, for a total of 2.3 FTE judicial officers.)  
~~The use of magnetometer counts for determining the number of court users is also being evaluated.~~

The following formula will be used to determine the cost per court user:

$$\text{Cost per Court User} = \text{Cost} \div \left[ \text{County Population} \times \frac{\# \text{ Project Courtrooms}}{\text{AJP of Entire Court}} \right]$$

Once the range of project cost per court user is determined for all projects, points will be assigned with the lowest cost per court user receiving 25 points and the highest cost per court user receiving 1 point. The rest of the projects will receive points in proportion to their cost per court user, rounded to the nearest whole number.

#### **D. Total Costs Spent on a Project as of December 31, 2018**

The total costs spent as of December 31, 2018, on previously authorized projects that were placed on hold will be tabulated from the accounting records.

The maximum dollars spent on a project will be assigned 25 points. Projects that did not incur any expenditure as of that date will get zero points. Projects that had expenditures will be awarded points in proportion to their expenditure, rounded to the nearest whole number.

### **VII. FUNDING PROCESS**

#### **A. Establishment of a Statewide Project List**

The Judicial Council will adopt a list of projects categorized by Priority Group. This list will be reviewed by the ~~CFAC Court Facilities Advisory Committee~~, Executive and Planning Committee, and any other council-appointed body with responsibility for advising the Judicial Council on facility matters. In making a recommendation to the council on this list of projects, the ~~CFAC Court Facilities Advisory Committee~~ will follow these principles:

1. Projects will be prioritized on the needs-based program criteria established by this methodology, which ranks the projects into priority groupings. The cost-based criteria will be assigned points and will be used to sort projects within each priority group.
2. Those projects in the Immediate Need group shall have priority.
3. For submission to the California Department of Finance for consideration of inclusion in the Governor's Budget, the Judicial Council may select projects based on additional

economic opportunity considerations. Economic opportunities include, but are not limited to, free or reduced costs of land for new construction, viable financing partnerships or fund contributions by other government entities or private parties that result in lower project delivery costs, cost savings resulting from adaptive reuse of existing facilities, operational efficiencies from consolidation of court calendars and operations, operational savings from sharing of facilities by more than one court, and building operational costs savings from consolidation of facilities.

Consideration of economic opportunity allows the Judicial Council to request funding for projects that have documented capital or operating savings for the state. Judicial Council staff will work in collaboration with local courts to evaluate and document the economic opportunity of each eligible project.

## **B. Changes to Statewide Project List**

Any additions or deletions to the list of projects shall be adopted by the Judicial Council. The [CFACCourt Facilities Advisory Committee](#), Executive and Planning Committee, or any other council-appointed body with responsibility for advising the Judicial Council on facility matters will review recommended changes to the list.

## **C. Project Phase Adjustments**

The final draft list of project priority groups described above will be reviewed to identify any phased projects. Should the second-phase of a multiphase project fall in a higher priority group than its first phase, staff will switch the group assignment of those projects, in order to correct the phasing discrepancy. As a result, the first-phase project will move to the higher-priority group, and the second-phase project will take the place of the first in its lower-priority group.

These phasing corrections, if required, will be documented in a report to the Judicial Council that details the results of this methodology's application.

## **D. No Substitutions of Projects Between Groups**

Substitutions of projects between groups will not be allowed.

## **E. How Requests for Funding Will Be Determined**

Based on the Judicial Council's approved update to the *Trial Court Capital-Outlay Plan and Prioritization Methodology* and five-year infrastructure plan, ~~the~~ [Judicial Council Facilities Program Services](#) will prepare documentation to request approval of capital-outlay funding through the Judicial Council-approved budget change proposal process.

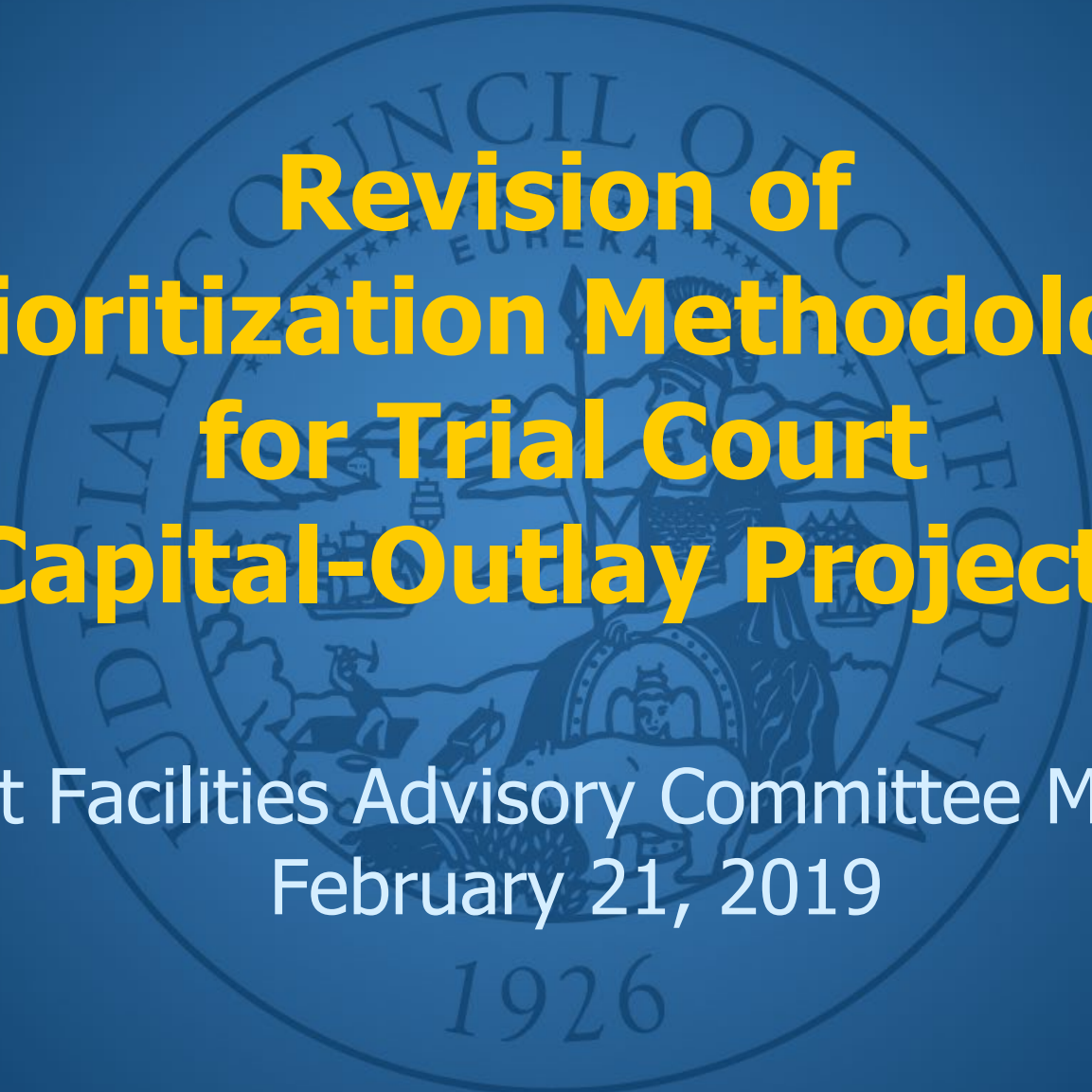
This process consists of submission of initial funding requests and budget change proposal

concepts for consideration of approval and prioritization through the [CFAC Court Facilities Advisory Committee](#) and the Judicial Branch Budget Committee, and finally the Judicial Council.

#### **VIII. PROCESS FOR ADDING OR DELETING PROJECTS IN THE TRIAL COURT CAPITAL-OUTLAY PLAN**

If a court wishes to add or delete projects in the [Trial Court Capital-Outlay Plan](#), the court may submit a written request including the project name; its description including size, number of courtrooms, and type of calendars planned; and other descriptive information about the project. The request shall be presented to [CFAC Court Facilities Advisory Committee](#), which has responsibility for advising the Judicial Council on facility matters for its consideration and direction. At the direction of the Judicial Council, staff will include any changes in the next annual update to the Trial Court Capital-Outlay Plan.

DRAFT

The background features a large, faint, circular seal of the Judicial Council of California. The seal contains the text "JUDICIAL COUNCIL OF CALIFORNIA" around the top and "1926" at the bottom. In the center, there is a figure holding a scale of justice, with the word "EUREKA" written above it. The seal is rendered in a light blue color that blends with the dark blue background.

# **Revision of Prioritization Methodology for Trial Court Capital-Outlay Projects**

Court Facilities Advisory Committee Meeting  
February 21, 2019

# SB 847 Capital Projects Reassessment

- Requires update of the 2008 *Prioritization Methodology for Trial Court Capital-Outlay Projects*
- Specifies use of existing Needs-based Criteria with addition of Cost-based Criteria
- Completion of report is a condition of any future funding requests for Capital-Outlay projects
- Report due to Legislature by December 31, 2019



# SB 847 Specified Criteria

## Needs-Based Criteria

- Physical Condition
- Security
- Overcrowding
- Access to Court Services

## Cost-Based Criteria

- Cost Avoidance
- Minimization of Ongoing Costs
- Project Costs per Court User
- Total Cost Spent to date

*A comparison of the cost to repair or renovate the existing facility versus the cost of replacement will be addressed in the Court Facility Plan and on the project list in terms of the type of project to be pursued (e.g., new construction vs. renovation).*





# Methodology Score Summary

Needs-Based Criteria = Priority Group

Needs-Based and Cost-Based Criteria = Rank in Priority Group

- When combined, Needs-based and Cost-based scores do not change the priority group a project is placed in, *only the rank of the project within the Priority Group.*





# **METHODOLOGY CHANGES DECEMBER 2018 TO FEBRUARY 2019**



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# Addition of a Definition of a Trial Court Capital-Outlay Project

**December 2018 Draft did not include a definition**

## **February 2019 Methodology**

Trial Court Capital-Outlay Projects are considered those that:

- increase a facility's gross area, such as a building addition,
- substantially renovate a major portion of a facility,
- comprise a new facility or an acquisition, or
- change the use of a facility, such as the conversions from non-court to court use



# Changes to the Needs-Based Criteria

<b>Facility Conditions Index (FCI)</b>	5 Points
<b>Facility Seismic, Fire, Life and Safety (FLS), ADA and Environmental Hazards</b>	5 Points
<b>Security</b>	5 Points
<b>Overcrowding</b>	5 Points
<b>Access to Court Services</b>	5 Points
<b>Total Points for Needs-Based Criteria</b>	<b>25 Points</b>

**Criteria highlighted in red have been revised based on comments received on the December 2018 Administrative Draft**



# Changes to the Cost-Based Criteria Scoring

Cost Avoidance or Savings realized through Operational or Organizational Efficiencies	25
Minimization of Increases in Ongoing Security and Operations & Maintenance (O&M) Costs	25
Cost of Project per Court User	25
Total Costs Spent on a Project as of December 31, 2018	25
<b>Total Rating Points for Cost-Based Criteria</b>	<b>100</b>

**Criteria highlighted in red have been revised based on comments received on the December 2018 Administrative Draft**



# Facility Condition Index (FCI)

## December 2018 Draft

- To achieve 5 points, a building had to receive a FCI percentage of 65 or higher.

## February 2019

- To achieve 5 points, a building has to receive a FCI percentage of 46 or higher.
- Results from a Pilot Project conducted by Facilities Services and research of other State and public agencies indicated that the previous range was set too high.



# Facility Condition Index

## December 2018 Draft

<b>Points Scored</b>	<b>0</b>	<b>0.5</b>	<b>1.0</b>	<b>1.5</b>	<b>2.0</b>	<b>2.5</b>	<b>3.0</b>	<b>3.5</b>	<b>4.0</b>	<b>4.5</b>	<b>5.0</b>
<b>FCI Range %</b>	0	1-7	8-14	15-22	23-29	30-36	37-43	44-51	52-58	59-65	>65

## February 2019

<b>Points Scored</b>	<b>0</b>	<b>0.5</b>	<b>1.0</b>	<b>1.5</b>	<b>2.0</b>	<b>2.5</b>	<b>3.0</b>	<b>3.5</b>	<b>4.0</b>	<b>4.5</b>	<b>5.0</b>
<b>FCI Range %</b>	0	1-5	6-10	11-15	16-20	21-25	26-30	31-35	36-40	41-45	>46



# Physical Condition - Seismic

## December 2018 Draft

- Points will be assigned based on categories described in "*Seismic Risk Rating of California Superior Court Buildings Volume 1 and 2*", dated October 23, 2017

## February 2019

- Points will be assigned based on FEMA P-154 Rapid Visual Screening of Buildings for Potential Seismic Hazards.
- Although Seismic Risk Rating (SRR) is a powerful tool, its application is limited to buildings with unacceptable seismic risk levels. Since not all buildings being assessed in this study have an unacceptable seismic risk level, the SRR could not be used to assess all buildings.





# Physical Condition - Seismic

## December 2018 Draft

	Very High Risk	High Risk	Moderate Risk	Acceptable Risk	Minimal Risk
<b>SRR</b>	SRR > 10	2 < SRR < 10	SRR < 2	Retrofitted – meeting SB 1732 Seismic Safety Criteria	Not rated / Built after 1997
<b>Rating Points</b>	40	32	24	16	8

## February 2019

	Very High Risk	High Risk	Moderate Risk	Acceptable Risk	Minimal Risk
<b>FEMA P-154 Score</b>	Score < 0.6	0.6 < Score < 1.5	1.5 < Score < 2	Score > 2	Score > 2
<b>Rating Points</b>	40	20	10	5	2



# Fire, Life and Safety (FLS)

## February 2019 – Explanatory Text Added

The purpose of the definition of Highest Risk/Least safe is consistency with the California Building Code, which defines a High-Rise building as more than 75 feet above the lowest level of fire department vehicle access. This definition does not include subterranean levels or open parking garages.



# ADA Accessibility

## February 2019 – Explanatory Text Added

The application of this methodology is not intended to produce a comprehensive ADA compliance survey. Rather, this scoring effort utilizes a checklist and visual inspection process to identify if accessible public spaces of a specific type exist in an individual building; thus providing a system for comparing one building to another.



# Security

## December 2018 Draft

Definitions of circulation separation for judicial staff and in custody population were: Circulation not separated; circulation partially separated and circulation separated.

## February 2019

Definitions of circulation separation for judicial staff and in custody population are changed to be consistent with 2008 Methodology: Circulation deficient; circulation marginal; and circulation adequate or not applicable to this facility.



# Security

## December 2018 Draft

<b>Circulation separation - Judicial Staff</b>	Circulation not separated	Circulation partially separated	Circulation separated
<b>Points</b>	35	17	0
<b>Circulation separation - In-custody population</b>	Circulation not separated	Circulation partially separated	Circulation separated
<b>Points</b>	35	17	0
<b>Ability to accommodate security screening</b>	No space to provide screening	Space for minimal screening	Space available for screening
<b>Points</b>	10	6	2

## February 2019

<b>Circulation separation - Judicial Staff</b>	Circulation deficient	Circulation marginal	Circulation adequate or NA
<b>Points</b>	35	17	0
<b>Circulation separation - In-custody population</b>	Circulation deficient	Circulation marginal	Circulation adequate or NA
<b>Points</b>	35	17	0
<b>Ability to accommodate security screening</b>	No space to provide screening	Space for minimal screening	Space available for screening
<b>Points</b>	10	6	2



# Minimization of Security Costs

## December 2018 Draft

The Planning Team will engage with the local Sheriffs, through the Courts, to identify any minimization of increases to security costs due to the project.

## February 2019

Judicial Council Facilities Services will calculate minimization of increases to court security costs, using existing building security systems data. Minimization of planned increases to security costs is defined as the costs that will be incurred in the existing building(s) if it remains in operation and is not replaced by an approved project.



# Minimization of Security Costs

The following formula will be used:

Cost of Equipment (security cameras,  
access control, fencing and gates) +  
Screening Equipment Costs =

Minimization of Increases in Ongoing  
Security Costs



# Minimization of O&M Costs

## February 2019 – Additional Explanatory Text

Judicial Council Facilities Services will also calculate any potential for minimization of increases in ongoing operations and maintenance costs. Minimization of increases in ongoing operations and maintenance costs is defined as the cost of operating and maintaining the current facilities if the proposed project does not proceed compared to the cost of operating a new building designed to meet current codes. The delta is the minimization of costs.





# Minimization of O&M Costs

The following formula will be used:

(Cost / SF of current maintenance +  
Cost / SF of utilities + Cost / SF of  
Deferred Maintenance) –

Cost of Operating and Maintaining  
the New Building) =

Minimization of Increases in Ongoing  
Operating and Maintenance Costs



# Cost of Project per Court User

## December 2018 Draft

The cost per court user is calculated based on the population of the county....The use of magnetometer counts for determining the number of court users is also being evaluated.

## February 2019 – Deletion of the sentence

Facilities Services research using the Alameda Court as a pilot indicated that magnetometer data was not consistent due to multiple uses in the building and differing security procedures. The sentence about magnetometer evaluation has been deleted.



# TIMELINE AND CURRENT ACTIVITIES



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# Timeline

A) Methodology

B) Building Assessments

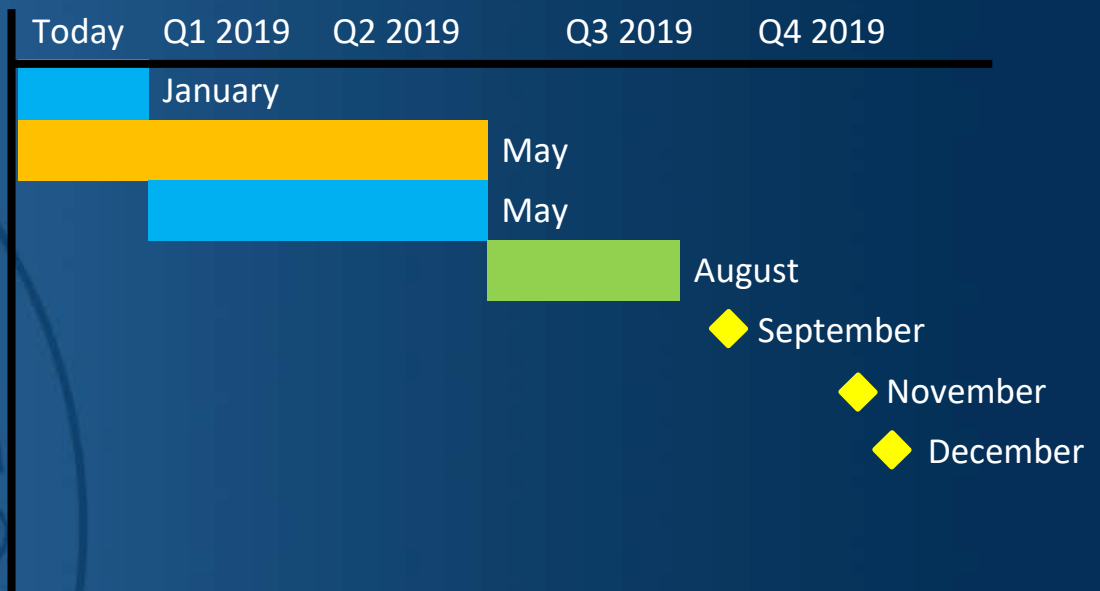
D) Court Facility Plans

E) Prioritize Projects

CFAC approval

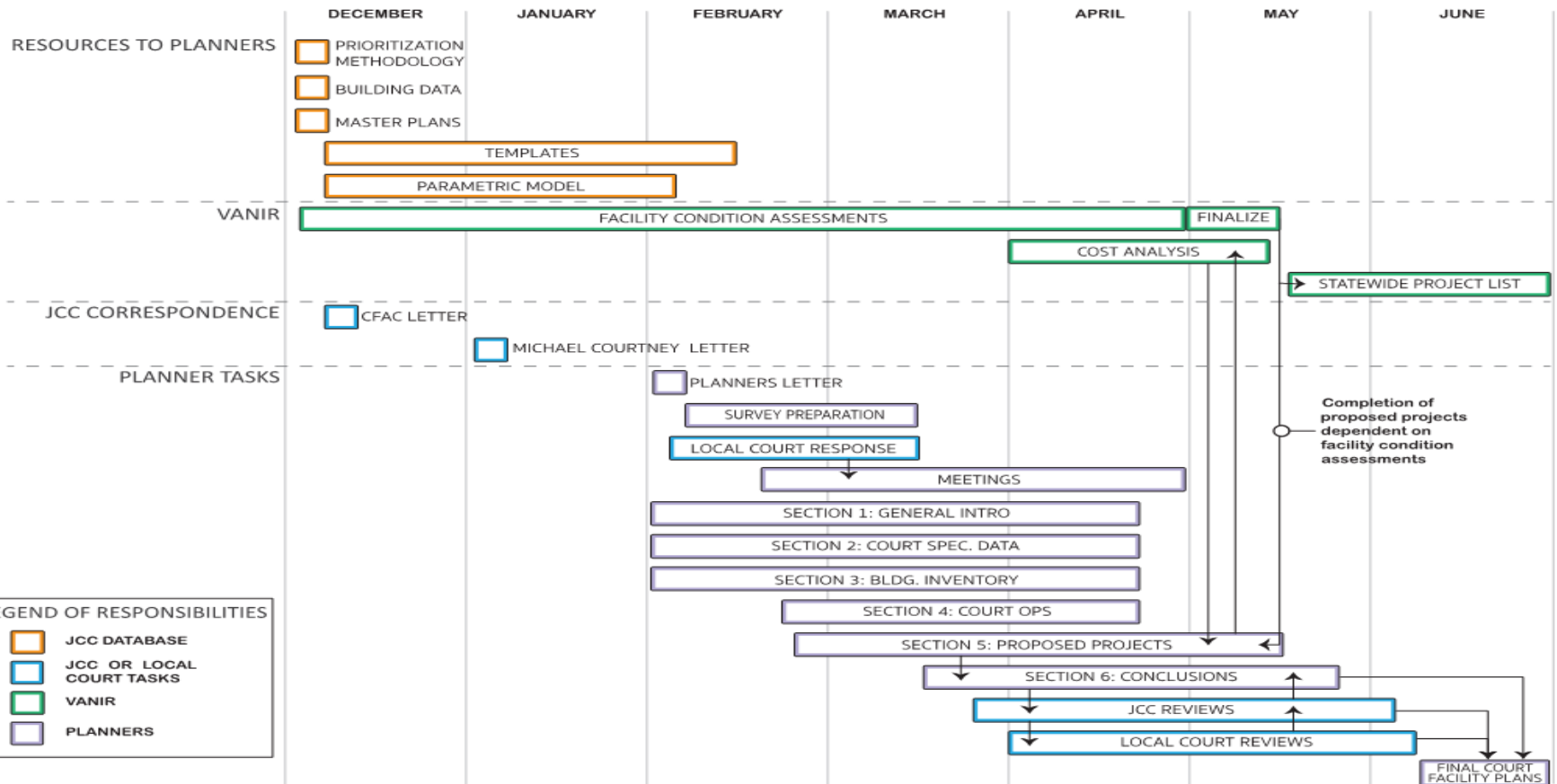
Judicial Council Approval

Submit to Legislature



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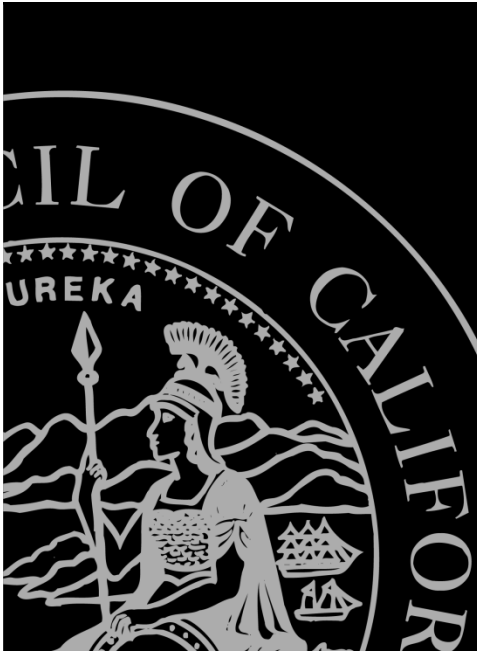
# Court Facility Plan Activities



**QUESTIONS?**



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# Pegasus Audit Implementation Status and Next Steps

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FEBRUARY 21, 2019

REVIEWED BY THE COURT FACILITIES  
ADVISORY COMMITTEE'S  
INDEPENDENT OUTSIDE OVERSIGHT  
CONSULTANT SUBCOMMITTEE:  
DECEMBER 12, 2018



JUDICIAL COUNCIL  
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ADMINISTRATIVE DIVISION  
FACILITIES SERVICES

## **Contents**

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  - 2.1 Background
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  - 3.1 Recommendation by Categories
  - 3.2 Categorization Methodology
  - 3.3 Status
  - 3.4 Major Areas of Progress
  - 3.5 Areas of Disagreement
    - 3.5.1 Recommendations “Not Accepted”
    - 3.5.2 Recommendations considered “Obsolete”
4. Actions to Close Audit

*Appendix A: Detailed Audit Recommendation Status and Resolution Plan*



## **1. Purpose and Recommendation**

### **1.1 Purpose**

Pegasus Global Holdings was selected on January 12, 2012, to assist the Judicial Council’s Court Facilities Working Group—now the Court Facilities Advisory Committee (CFAC)—in its oversight of the Judicial Council Capital Construction Program. Pegasus issued the California Courthouse Capital Program Management Audit Report (“audit”) on August 13, 2012. The report contained 137 recommendations. The Judicial Council adopted the findings and the 137 recommendations for implementation in October 2012.

The purpose of this report is to provide the current status of all 137 recommendations, provide specific information related to recommendations considered “Complete,” and identify a plan of action to complete two recommendations remaining “In Process”. The attachment to this report (Appendix A: *Detailed Audit Recommendation Status and Resolution Plan*) provides the details for each recommendation.

### **1.2 Recommendation**

No further action items remain. It is recommended that the 137 Pegasus Audit recommendations be considered “Complete” and that the audit report is closed.

## **2. Background and Previous Status**

### **2.1 Background**

The Capital Program Office (CPO)—currently incorporated into Facilities Services (FS)—implemented many of the recommendations of the audit and reported on its progress on a quarterly basis to the Judicial Council’s Executive Office.

The Audit Services of the Judicial Council (Audit Services) was requested by the Judicial Council’s Executive Office to review and evaluate how the CPO was managing the implementation of the audit. Audit Services submitted its findings on December 11, 2015. The 2015 Audit Services assessment of the CPO status report significantly discounted the level of completion reported by the CPO. The CPO reported 77 (56%) of the recommendations as “Complete”. Audit Services considered only 14 (10%) of the recommendations to be complete, and reclassified 39 (28%) of the recommendations as partially complete. More details of the 2015 Audit Services findings are provided in the next section.

The CPO and the Real Estate and Facilities Management (REFM) have since been reorganized into one entity called Facilities Services. The leadership of CPO/REFM has changed since June 2016. The new leadership has continued implementation of the audit recommendations and, in some cases, taken a different approach to addressing the recommendations.

## 2.2 Previous Status of 137 Recommendations

As noted above, Audit Services evaluated the implementation of the audit in 2015. At that time, Audit Services reported on its findings related to the level of completion of the 137 recommendations.

As shown below, the table presents a summary of Audit Services’ 2015 review of the action status of the 137 recommendations:

<b>Complete</b>	<b>Partially Complete</b>	<b>In-Draft</b>	<b>In-Process</b>	<b>Others</b>	<b>Total</b>
14	39	20	53	11	137
10%	28%	15%	39%	8%	100%

Audit Services indicated that the number of items categorized as “Other” may increase because some of the recommendations may not be applicable due to the current execution environment, in terms of the organizational structure, role of CFAC, and the State Budget.

The following table presents the prioritization of the various recommendations by Pegasus, as reported by the Capital Programs Office in 2015:

<b>Priority Level</b>	<b>Recommendations</b>	<b>Total</b>	<b>%</b>
1	Add more horizontal organizational structure	4	3
2	Finalize policies, procedures, processes	52	38
3	Issue delegations of authority	19	14
4	Install comprehensive document control system	12	9
5	Implement a cohesive and comprehensive construction management and control systems	6	4
6	Adopt a uniform design review and approve policies, procedures, processes, practices and contracts	9	7
7	Finalize, adopt and distribute a program management manual	25	18
8	Finalize and distribute a project execution manual	7	5
9	Implement a formal lessons learned program	1	1
10	Evaluate execution of scope of work by architects, consultants and contractors	0	0
11	Evaluate management, control and relationship among all project stake holders	2	1
	<b>Total</b>	137	100

### 3. Current Status of 137 Recommendations

#### 3.1 Recommendation by Categories

The following is a grouping of recommendations into categories. As noted by the audit itself and Audit Services’ 2015 review, the majority of the recommendations revolve around policies and procedures. While it is essential to complete policies and procedures to address the bulk of the recommendations, the team has recognized that not all recommendations have equal weight and potential benefit upon implementation. Categories that are smaller, such as success measures, risk management, or controls can have more impact on performance than multiple procedures and policies combined. The implementation team has considered this in focusing the efforts towards implementing recommendations that will provide the greatest results. The implementation of the program and project control system—Judicial Council Program Information and Control system (JPIC)—that was discussed before is a major example of this approach. The team will continue to focus on the implementation of the two recommendations (Nos. 42 and 44 in Appendix A) until completed.

Procedures	58
Policy	16
Reporting	8
HR	3
FM	5
Controls	11
Organization	16
Roles & Resp	5
Contracts	7
Design	3
Success Measure	3
Risk Mgmnt	1
Other	1
Total	137

#### 3.2 Categorization Methodology

In developing the current status, it was determined necessary to modify the status categories as follows:

- a. Some of the recommendations are obsolete now due to the changes that have happened since the writing of the report five years ago and not applicable anymore. The 2015 Audit Services report itself recognized this possibility and stated that certain recommendations “may not be applicable due to the current environment” resulting in reclassification of the status. This report categorizes such recommendations as “Obsolete”.

- b. Even though the 137 recommendations were adopted at that time, certain recommendations, upon deeper review, are not consistent with the current approach of the Capital Program. Such recommendations are noted as “Not Accepted”.
- c. The category “In draft” was eliminated, and recommendations falling into this category were included in “In Process”.
- d. Due to the introduction of the “Obsolete,” “Not Accepted,” and “Impractical” categories, the “Other” category was eliminated.

**3.3 Status**

The following chart describes the number of recommendations falling into each category, consistent with Appendix A. For items deemed “Complete,” specific information and reference are provided as the basis for declaring them complete. For the categories “Obsolete,” “Not Accepted,” and “Impractical,” an explanation is provided stating the rationale behind that opinion. For recommendations that are “In Process,” information is provided as to what action is being taken and the targeted time frame related to when it will be completed.

No.	Status	Status Description
124	Complete	Completed
2	In Process	Facilities Maintenance items in the process of being completed
9	Not Accepted	Current FS management does not agree with the Pegasus recommendation
2	Obsolete	The recommendation is not relevant for current conditions
137	Total	

**3.4 Major Areas of Progress**

Since the completion of the 2015 review by Audit Services, as the chart indicates, significant progress has been made in important areas of the audit recommendations. Actions have been taken to focus on the major recommendations of the Pegasus audit.

Draft responses to the 137 Pegasus audit items were completed by management and provided to Audit Services for review in August 2018. The comments and recommendations provided by Audit Services were utilized to create final responses for each audit item. Facilities Services management reviewed the recommended final responses with Audit Services in September 2018 and deemed the status of each item to be accurate and the responses ready for publication.

The following are some of the key major accomplishments:

- a. The Facility Management and Capital Programs were consolidated into one unified organization called Facilities Services, with reorganization within each section, resulting in a flatter organization.
- b. Program Management consultant support was brought on board to advance the establishment of a project and program control system, and complete the procedures and processes.
- c. JPIC, the Judicial Council’s comprehensive program information and control system has been implemented. This system serves as the central repository of all information and documents for all Capital-Outlay Projects. It also serves as the central resource for all program standards, plans, policies, and procedures so all stakeholders can have easy access to the latest information.
- d. Program and project procedures are being developed, finalized, and implemented that provide practical information and guidance to the project teams to achieve results, with consistency across all projects.
- e. Specific success measures have been established for the program and all projects to drive actions that will produce results to meet established goals.
- f. Facilities Services reviewed the Project Management Manual (PMM) and procedures to ensure that the delegation of authority is clearly established. Due to the significance of this issue in the Pegasus Audit and the 2015 review by Audit Services, Facilities Services reviewed this item with Audit Services before completing the documents.

### **3.5 Areas of Disagreement**

Facilities Services recognizes and appreciates most of the recommendations by Pegasus and, as indicated before, has made major strides in implementing them. As shown in Appendix A, there were nine recommendations considered “Not Accepted” and two considered “Obsolete”. These recommendations and FS responses are summarized as follows:

#### **3.5.1 Recommendations “Not Accepted”:**

1. **Line 17:** *Specific, measurable goals and objectives for each position identified within the Program Management Plan (PMP) should be included in the PMP.*

**FS Response:** This is not feasible as measures and goals of individuals are dictated by their classification and measured by performance evaluation. Existing job classifications already fully mitigate the risks and weaknesses raised in the audit finding.

2. **Line 26:** *Reference those program level policies, procedures, and processes which govern the tasks enumerated within various sections of the Project Definition Report.*

**FS Response:** Program policies and procedures are readily accessible on JPIC and already fully mitigate the risks and weaknesses raised in the audit finding. Incorporation of this request would burden project teams with administrative effort to cross-reference. Such references will detract from the focus on the project’s goals and objectives.

3. **Line 93:** *OCCM (now Facilities Services) should consider adopting a policy to the effect that all project contingency belongs to the program and not to the individual projects.*

**FS Response:** This is not feasible as funding is project specific and controlled by the Department of Finance through the State Public Works Board for each project separately. Hence, the contingency belongs to the individual project and not the program. Existing policies and practices, such as those found on the JPIC site, already fully mitigate the risks and weaknesses raised in the audit finding.

4. **Line 97:** *To the maximum extent possible, the Program should limit the equipment choice of primary infrastructure equipment and systems which can be used within a facility.*

**FS Response:** This is not feasible as, for any project, the architect specifies equipment on the project that best conforms to the design standards and project requirements (such as equipment performance criteria). The specified equipment is purchased as a part of the construction project.

5. **Line 98:** *Once the suppliers have been identified, Pegasus-Global recommends that OCCM (now Facilities Services) consider entering into specific contracts (not purchase orders, if possible) with those suppliers to set the terms of initial purchase, with specific savings identified based on a specific number of units purchased.*

**FS Response:** This is not feasible as projects and the equipment within those projects are publicly bid, and the contracts for the projects are with a construction contractor and not with a specific equipment supplier.

6. **Line 104:** *Eliminate the role of contract CM within the project organization. If the position currently filled by the contract CM is limited to that normally identified as a "Clerk of the Works" then call the position by that title, which will to a great extent reduce the confusion created by having two CMs on a project.*

**FS Response:** The contract CM or CMA plays a critical role in managing the design and construction of a project. CMA contracts are in accordance with the industry standard on CM@Risk projects since the CM@Risk acts as general contractor during the construction phase of a project, and the CMA acts as the owner's representative.

7. **Line 105:** *Develop a specific standard contract for a CM@Risk which conforms with the industry expectations of the CM@Risk, thereby making the CM@Risk completely responsible for the execution of the project using their own means and methods (and makes them responsible for those means and methods) and with the full authority to act without the Project Manager's prior approval or consent except in situations where those actions have the potential to increase cost or schedule.*

**FS Response:** The CM@Risk functions as an advisor during the preconstruction phase and takes on the role of a general contractor during the construction phase. It is important for the Judicial Council project manager to retain the overall management functions and ensure that the CM@Risk is delivering the project in accordance with their contract obligations. Existing

CM@Risk contract language already fully mitigates the risks and weaknesses raised in the audit finding.

8. **Line 106:** *Consideration should be given by OCCM (now Facilities Services) to making the CM@Risk responsible to produce all of the formal project control documents and reports for submittal to the Clerk of the Works. This again shifts the responsibility for accurate, complete, and comprehensive project documentation to the CM@Risk.*

**FS Response:** Program management is to have a standard set of procedures for managing design and construction. Giving more management and control of any project is not recommended, and is inconsistent with the standards of the Construction Management Association of America.

9. **Line 112:** *Once that inventory recommended above is completed, Pegasus-Global recommends that Program Management turn its attention to how it structures and formalizes the duties and responsibilities of the architects and CM@Risk contractors. Those responsibilities which can be shifted under contract to the architects and CM@Risk contractors should be added to their scopes of work.*

**FS Response:** The CM at Risk (CMR) and the architect have clear roles and responsibilities as defined by their contracts. It is the project manager's job to ensure that each party fulfills the roles and responsibilities as defined by their contracts.

### 3.5.2 Recommendations considered "Obsolete":

1. **Line 30:** *This appears to be a situation that, while everyone understands the importance the Project Feasibility procedure and process, heretofore has not developed, codified, or distributed a formal policy, procedure, or process covering that requirement.*

**FS Response:** Facilities Services believes the recommendation is no longer relevant because the Judicial Council Capital Program has been established and funded using the existing master plan. A new master plan will be developed to determine the future feasibility of any courthouse project.

2. **Line 37:** *SB 1407 emphasized economic opportunity, as such Pegasus-Global recommends the prioritization methodology be updated to give preference to projects with one or more economic opportunities, and only if assured that the economic opportunity is viable and can be realized.*

**FS Response:** The 2008 Courthouse Prioritization Methodology has been superseded by SB 847. This requires the Judicial Council to develop a new court prioritization plan by December 2019.

#### **4. Actions to Close Audit**

The drafting and incorporation of the policies and procedures have been completed to address the audit items. The Program Management Manual has been revised and the Program Management Plan developed. Facilities Maintenance policies have been updated with definitions and are being presented to the director of Facilities Services for approval.

**Recommendation: No further action items remain. It is recommended that the 137 Pegasus Audit recommendations be considered “Complete” and that the audit report is closed.**



**Appendix A: *Detailed Audit Recommendation Status and Resolution Plan***

**Appendix A: Detailed Audit Recommendation Status and Resolution Plan**

Line #	Original Recommendation Text	Current Status	Status - Detail	Reference
1	V1-R-4.2-1 OCCM should prepare and adopt a formal Human Resource Plan which follows the industry Standard Of Care.	Complete	This recommendation focused on addressing weaknesses in JCC's current organizational structure. Facilities Services has reorganized, adopted recommendations and created new classifications. Facility Services has sufficient resources, has created horizontal structure, and has formed clear lines of responsibility and accountability to address the issue raised by the Pegasus auditors. Examples of these changes can be seen by reviewing Facilities Services completed Human Resources Plan.	Human Resources Plan
2	V1-R-4.2-2 OCCM should, where indicated by the Human Resource Plan, realign staff to ensure it is making the most effective and efficient use of the current staff either under the current organizational structure, or an alternative organizational structure that better aligns with current resources.	Complete	This recommendation focused on addressing weaknesses in JCC's current organizational structure. Facilities Services has reorganized, adopted recommendations and created new classifications. Facility Services has sufficient resources, has created horizontal structure, and has formed clear lines of responsibility / accountability to address the issue raised by the Pegasus auditors. Examples of these changes can be seen by reviewing the attached Human Resources Plan and Facilities Services Organization Chart.	Human Resources Plan, Organization Chart
3	V1-R-4.2-3 Using the Human Resource Plan OCCM should identify those vacant functional positions which are impacting OCCM's ability to achieve its functional responsibilities and showing how the decisions were made to staff some positions over other critical positions.	Complete	This recommendation focused on addressing weaknesses in JCC's Staffing. Facilities Services has implemented the current staffing plan which reorganizes the organization by creating horizontal structure as practically possible to address the issue raised by the Pegasus auditors. Examples of these changes can be seen by reviewing the Facilities Services Human Resources Plan on page 5.	Facilities Services staffing plan
4	V1-R-4.3-1 OCCM should adopt a formal, electronic document control system, preferably one of the commercially available systems which can be quickly installed. While various industry entities and agencies have developed and installed custom programmed electronic document control systems, it is expensive and time consuming to undertake such an effort. Given the urgent need to install and populate such a matrixed electronic system and the need to quickly train the users of the system, the commercially available systems represent a much more reasonable approach for the Court Capital Construction Program.	Complete	This recommendation focused on addressing weaknesses in JCC's document control system. Facilities Services developed a SharePoint based collaborative on-line document management system called as JPIC (Judicial Council Program Information and Controls) to address the issue raised by the Pegasus auditors. Examples of these changes can be seen by viewing the "Document" section on JPIC site. Link is provided for a typical project site document section.	<a href="https://www.jcc-cms.com/home">https://www.jcc-cms.com/home</a>  <a href="https://www.jcc-cms.com/AllProjects/New-El-Centro-Courthouse/Pages/Documents-Upload.aspx">https://www.jcc-cms.com/AllProjects/New-El-Centro-Courthouse/Pages/Documents-Upload.aspx</a>
5	V1-R-4.3-2 There should be a standard format for cross referencing the policies which site any function or create any link between the policy under review and all other intersecting policies.	Complete	This recommendation focused on addressing weaknesses in JCC's document control system. Facilities Services developed a Program Management Manual (PMM) to address the issue raised by the Pegasus auditors. Examples of these changes can be seen by reviewing the PMM and Procedure Cross Reference matrix in the PMM.	Program Management Manual (PMM) - updated June 2018 PMM cross reference matrix

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6	<p>V1-R-4.3-3 Similar documents should have a common format, for example:</p> <p>Each policy should have on its front cover the policy name and, if the policies are to be numbered, a logically flowing numbering scheme, as the current numbering scheme for those with numbers does not provide a logical flow among policies or procedures. Then the original approval date, followed with any revisions and the revision dates should be added to the cover sheet of the policy. A standard policy template for the Program should be developed and agreed by AOC and OCCM - in short, the content sections should be identical across every policy. Once the standard template has been developed, all policies should be revised to be consistent with this standard template. It is recommended that this effort be done upon completion of the Program Management Manual so that the uniformity between policies can be done at the same time as the gap review between the policies and the Program Management Manual for efficiencies and to avoid any duplication of effort.</p>	Complete	This recommendation focused on addressing weaknesses in JCC's document control system. Facilities Services has adopted a common format and methodology for all project and program management procedures and will continue to implement this format for future projects to address the issue raised by the Pegasus auditors. Examples of these changes can be seen by reviewing the Procedures Manual and the Program Management Manual.	Procedures (Table of Contents), Program Management Manual (PMM) - updated June 2018
7	<p>V1-R-4.3-4 Pegasus-Global was given the policies and procedures in two formats: electronically by policy and in hard copy in two three ring binders. Neither the electronic or hard copy of policies and procedures were provided in a uniform organized structure. Polices should be filed (electronically and hard copy) in an order of precedence so that the reviewer is able to quickly and efficiently determine the order of precedence among multiple policies and procedures. The primary foundation document - the Program Management Manual - should include an Appendix which lists all subsequent policies and procedures in precedent number order, giving the policy or procedure title and showing the most current revision date.</p>	Complete	This recommendation focused on addressing weaknesses in JCC's document control system. Facilities Services has developed Program and Project procedures to address this comment, using a consistent format. All procedures are uploaded on JPIC and JCC staff and project teams have access to procedures and program resources libraries to address the issue raised by the Pegasus auditors. Examples of these changes can be seen by reviewing the Procedures Manual and the Program Management Manual.	Procedures (Table of Contents), <a href="https://www.jcc-cms.com/program-resources">https://www.jcc-cms.com/program-resources</a>
8	<p>V1-R-4.3-5 OCCM should take action to identify, gather and organize those documents critical to the Process Access Library ("PAL"), the Program Level operational requirements (i.e., Site Acquisition, Appropriations and Planning, etc.) and project execution for installation into an electronic document control system. This will serve two functions: (1) creation of a full catalogue of the critical program and project documents, and (2) enable OCCM to establish the structure and organization of the electronic document control system.</p>	Complete	This recommendation focused on addressing weaknesses in JCC's document control system. Facilities Services developed and implemented a collaborative web based SharePoint on-line portal (JPIC) to provide a consistent electronic document control system which addresses the issue raised by the Pegasus auditors. Examples of these changes can be seen by reviewing the JPIC site under the Program Resources tab. There are sub-tabs for "Standards and Guides", "Forms and Templates", "Procedures" and "Training Materials". The Procedures provide guidance on which standards, guides, forms and templates to access for the completion of the activity to be performed.	<a href="https://www.jcc-cms.com/program-resources">https://www.jcc-cms.com/program-resources</a>

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9	<p>V1-R-4.3-6                      OCCM Program Management should develop and issue a document preparation, management and control procedure which will ensure the timely and comprehensive preparation, distribution and capture (filing) of critical program and project document sets [there is no evidence that such a policy and procedure exists]. The document control requirements should include policy statements addressing the preparation and retention of program and project documents, and the procedures and processes by which program and project documents are prepared, distributed, captured and retrieved. The document control guidelines should clearly identify the party accountable for preparation, distribution, capture and retrieval of program and project documents, and just as importantly, identify those individuals empowered to edit, revise or update critical program or project documents (i.e., the Five-Year Plan, the DOF required reports, the project execution budget, etc.).</p>	Complete	<p>This recommendation focused on addressing weaknesses in JCC's document control system. Facilities Services drafted Procedures A-20 "Project Information Management" and E-11 "Project Records Archiving and Transfer" to implement policy established in Chapter 20 "Project Records Management Program" of the Program Management Manual to address the issue raised by the Pegasus auditors. Examples of these changes can be seen by reviewing Procedure A-20 and E-11.</p>	<p>Procedure A-20                      Procedure E-11</p>
10	<p>V1-R-4.3-7                      Policies and procedures which address similar topical areas (i.e. estimating, cost management and control, invoicing and project/program cost status) should be linked within the electronic and/or hard copy files and, if possible have a numbering order or format which enables the reviewer to efficiently pull all of those policies without having to review the titles or attempt to guess the relationship between the policies and procedures (i.e., the linked cost policies could have a predecessor number of "29", followed by a unique policy number - for example "estimating" could have a number of 29-001).</p>	Complete	<p>This recommendation focused on addressing weaknesses in JCC's document control system. Facilities Services developed a Program Management Manual (PMM) to address the issue raised by the Pegasus auditors. Examples of these changes can be seen by reviewing the PMM and Procedure Cross Reference matrix in the PMM. The Procedures are listed chronologically as they will be utilized on the project which will be logical to the Project Managers.</p>	<p>Program Management Manual (PMM) cross reference matrix</p>
11	<p>V1-R-4.4-1                      The Judicial Council in consultation with the AOC and in recognition of the legislative actions in effect, should clearly establish the ultimate Owner of the Program and all of the projects which comprise that mega program.</p>	Complete	<p>This recommendation focused on addressing weaknesses in JCC's identification of the project owner. The project owner is identified in the Program Management Manual, Section 2 "Governance of Capital Program" which addresses the issue raised by the Pegasus auditors. This identification can be seen by reviewing the Program Management Manual.</p>	<p>PMM, Section 2</p>
12	<p>V1-R-4.5-1                      Once the identification of the Owner has been resolved, the Owner, working with the AOC and OCCM should establish formal, detailed delegations of authority which clearly delineates the party within the Program and projects with the authority to make decisions and take actions on behalf of the Owner. Those delegations must also specifically identify the limits of each delegated authority.</p>	Complete	<p>This recommendation focused on addressing weaknesses in JCC's delegation of authority. The lines of authority are identified in the Program Management Manual, Paragraph 2.3.1.2 which addresses the issue raised by the Pegasus auditors. This item can be seen by reviewing the Program Management Manual on JPIC.</p>	<p>Program Management Manual (PMM) Chapter 2 - updated June 2018</p>

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13	<p>V1-R-4.6-1</p> <p>OCCM should finalize and in some cases develop or reissue its policies, procedures and processes in order to provide a complete set of relevant program and project policies, procedures and processes for the Court Capital Construction Program and its constituent projects. Such action will address a number of the issues raised by Pegasus-Global relative to the uniformity, transparency and accountability during this audit.</p>	Complete	<p>This recommendation focused on addressing weaknesses in the comprehensiveness of the JCC's policies, procedures and processes. Facilities Services developed comprehensive standard project procedures to address the issue raised by the Pegasus auditors. Examples of these procedures can be seen by reviewing the JPIC website.</p>	<p>Procedures Table of Contents  <a href="https://www.jcc-cms.com/program-resources">https://www.jcc-cms.com/program-resources</a></p>
14	<p>V1-R-4.7-1</p> <p>Establish a formal, comprehensive risk management program for the Court Capital Construction Program that extends through the Program to the project level.</p>	Complete	<p>This recommendation focused on addressing weaknesses in JCC's program and project risk management. Facilities Services drafted Procedure A-13 "Project Risk Management" to address the issue raised by the Pegasus auditors. Examples of these changes can be seen by reviewing Procedure A-13 and Program Management Manual Policy 16 "Program Risk Management".</p>	<p>Procedure A-13  PMM - Chapter 16</p>
15	<p>V1-R-4.8-1</p> <p>The Project Management Plan (PgMP) should be finalized, expanded and updated to reflect the following:</p> <ul style="list-style-type: none"> <li>o Expanded and consistent definitions across and throughout the Project Management Plan (PgMP) with regard to positions, functions, responsibilities, etc., based on the current operational parameters in effect (or to be developed) within the Program and projects.</li> <li>o Specific positions with roles and responsibilities should be defined along with a complete and comprehensive organizational chart that can be easily modified and be included as an Appendix to the Program Management Plan (PgMP) in replacement of an earlier organizational chart.</li> <li>o A specific listing with dates of original approval and any revisions should be included for all regulatory requirements, policies, procedures and processes currently in place and those regulatory requirements, policies, procedures and processes yet to be finalized, updated or developed in the future along with anticipated date of completion.</li> </ul>	Complete	<p>This recommendation focused on addressing weaknesses in JCC's Program Management Plan. Facilities Services developed a Program Management Plan (PgMP) to address the issue raised by the Pegasus auditors. Section I.D "Scope Statement" and Section IV.C "Program Responsibility Matrix" of the PgMP provide definitions with regard to positions, functions and responsibilities. Section IV.B "JCC Program Management Organizational Chart" and Section IV.C "Program Responsibility Matrix" address roles and responsibilities of the Program participants. Examples of these changes can be seen by reviewing the Program Management Plan.</p>	<p>Program Management Plan (PgMP)</p>
16	<p>V1-R-4.8-2</p> <p>Specific, measurable goals and objectives for the Program and the projects should be included in the PgMP.</p>	Complete	<p>This recommendation focused on addressing weaknesses in the Program Management Plan. Facilities Services has identified six success measures for the Program which include: Budget, Schedule, Scope, Quality, Team and Client Satisfaction. These success measures have been identified on JPIC and monitored for all projects in the program to address the issue raised by the Pegasus auditors. These six key success factors are also addressed on Pages 5 and 6 of the Program Management Plan.</p>	<p>Program Management Plan (PgMP),  <a href="https://www.jcc-cms.com/">https://www.jcc-cms.com/</a></p>
17	<p>V1-R-4.8-3</p> <p>Specific, measurable goals and objectives for each position identified within the PgMP should be included in the PgMP.</p>	Not Accepted	<p>This recommendation focused on addressing weaknesses in the Program Management Plan. Facilities Services respectfully disagrees that such weaknesses exist. This recommendation is not feasible as measures and goals of individuals are dictated by their classification and measured by performance evaluation. Existing job classifications already fully mitigate the risks and weaknesses raised in the audit findings.</p>	<p>PgMP (job classifications)</p>

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18	<p>V1-R-4.8-4</p> <p>The PgMP should define, formalize, and specify in greater detail the roles and functions of each of the Program sub-units, noting specific requirements, standards, and expectations for each Program sub-unit. The PgMP should contain statements of the relationship to, and interaction among, the various Program sub-units, which clearly delineate those functions which intersect and the required coordination with among the various Program sub-units.</p>	Complete	<p>This recommendation focused on addressing weaknesses in JCC's Program Management Plan. Facilities Services implemented a Program Management Plan to address the issue raised by the Pegasus auditors. Section 4 of the Program Management Plan outlines the roles and functions of Facilities Services as they relate to the Capital Outlay projects. These items can be seen by reviewing the Program Management Plan, Section 4 in JPIC.</p>	PgMP
19	<p>V1-R-4.8-5</p> <p>The PgMP should provide each functional position with direction to those policies, procedures and processes applicable and necessary to the achievement of that position's functions and responsibilities.</p>	Complete	<p>This recommendation focused on addressing weaknesses in JCC's Program Management Plan. Facilities Services implemented Procedure A-10 "Roles &amp; Responsibilities of Program Team" and included a Program Responsibility Matrix to address the issue raised by the Pegasus auditors. Examples of these changes can be seen by reviewing Procedure A-10 and the Program Responsibility Matrix on JPIC.</p>	PgMP Procedure A-10
20	<p>V1-R-4.8-6</p> <p>The PgMP should identify each of the functional systems in place and used to manage the Program and projects, in particular the following:</p> <ul style="list-style-type: none"> <li>o Document Control System;</li> <li>o General Program Procedures;</li> <li>o General Program Structure (i.e., relationship of OCCM to the Judicial Council and CFWG, AOC, regional offices, etc.);</li> <li>o Cost and Budget Control System;</li> <li>o Schedule Control System;</li> <li>o Design Phase Procedures;</li> <li>o Construction Phase Procedures;</li> <li>o Furnishings, Fixtures and Equipment ("FF&amp;E") Procedures;</li> <li>o Scope Control System;</li> <li>o Quality Control System;</li> <li>o Claims and Dispute Procedures;</li> <li>o Procurement Control System; and</li> <li>o Contracting Control System.</li> </ul>	Complete	<p>This recommendation focused on addressing weaknesses in JCC's Program Management Plan. Facilities Services drafted a Program Management Plan (PgMP) to address the issue raised by the Pegasus auditors. Examples of these changes can be seen by reviewing the Program Management Plan and Program Management Manual on JPIC (for example references, Document Control Systems can be found in Section III.D.6; General Program Procedures can be found in Section III.C, General Program Structure can be found in Section IV.A, etc.)</p>	PgMP
21	<p>V1-R-4.8-7</p> <p>A review of the PgMP should be undertaken to determine what gaps and/or inconsistencies exist among the issued and draft policies and procedures against the final approved PgMP.</p>	Complete	<p>This recommendation focused on addressing weaknesses in JCC's Program Management Plan. Facilities Services drafted a Program Management Plan and Program Management Manual to address the issue raised by the Pegasus auditors. Examples of these changes can be seen by reviewing the Program Management Plan and Program Management Manual on JPIC.</p>	PgMP PMM - updated June 2018
22	<p>V1-R-4.10-1</p> <p>Policy 3.40 Court Delivery Method and Contractor Selection should be formally retired as the acceptable delivery methods have been expanded by Policy 333.00.</p>	Complete	<p>This recommendation focused on addressing weaknesses in Memorandum Policy 3.40. Facilities Services has verified that Policy 3.40 was never approved, thus it is not necessary to formally retire the policy.</p>	

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23	<p>V1-R-4.10-2</p> <p>Policy 333.00, Construction Delivery Methods, should be expanded to provide the factors to be considered and the process by which the delivery method will be selected for each project. Policy 333.0 should include specific delegations of authority (by position) for each decision to be made and each action to be required in the process. Without that information Policy 333.00 serves no function other than to define the various delivery methodologies.</p>	Complete	<p>This recommendation focused on addressing weaknesses in the Construction Delivery Methods. Facilities Services has drafted Procedure A-23 "Choosing the Project Delivery Method" to address the issue raised by the Pegasus auditors. Examples of these changes can be seen by reviewing Procedure A-23 in JPIC.</p>	Procedure A-23
24	<p>V1-R-4.11-1</p> <p>Of the two separate sources of contracting policies and procedures the Judicial Council Contracting Manual is by far the more comprehensive and complete, and generally meets the industry Standard of Care. However, given the wording of some of the provisions contained within the Judicial Branch Contracting Manual it may not be applicable to certain elements of the Court Capital Construction Program. If the Judicial Branch Contracting Manual is not applicable to the Court Capital Construction Program, at a minimum the AOC Court Facilities Contracting Policies and Procedures should be updated, aligned, and coordinated with the Judicial Council Contracting Manual.</p>	Complete	<p>This recommendation focused on addressing avoiding conflicts in the two separate sources of contracting policies and procedures. Facilities Services contracting policies and procedures are governed by the Judicial Branch Contracting Manual. JCC has developed project procedures using JCC Contracting Manual to guide Project Managers on how to implement the requirements outlined in the manual. The contracting manual is provided on JPIC Program Resources under Standards and Guides. Procedures A-15, A-16 and A-23 were developed to further address the issue raised by the Pegasus auditors. Examples of these changes can be seen by reviewing these procedure on JPIC.</p>	<p>Procedure A-15            Procedure A-16            Procedure A-23            JCC Contract Administration            Procedure dated April 10, 2017</p>
25	<p>V1-R-4.12-1</p> <p>The Project Definition Report should have a section devoted to the establishment, management, and control of project scope. This is a critical element of any project and as such should involve all of the stakeholders identified within the Project Definition Report. Specific attention should be paid to the following scope elements:</p> <ul style="list-style-type: none"> <li>o Setting the scope of the project, including goals, objectives, size, budget, schedule, etc.</li> <li>o Communicating the project scope to Program Management and all stakeholders identified within the Project Definition Report.</li> <li>o Identifying the roles and responsibilities that each stakeholder identified within the Project Definition Report assume relative to managing and controlling project scope.</li> <li>o Defining "scope change" within the Project Definition Report and the role that each of the stakeholders assume relative to monitoring, reviewing and acting relative to proposed scope changes.</li> <li>o Identifying those processes by which the Program Manager and other stakeholders will manage and control scope.</li> </ul>	Complete	<p>This recommendation focused on addressing weaknesses in the JCC Project Definition Report related to project scope. The management of project scope is addressed in the Program Management Manual, Paragraph 6.3.2 "Program Funding". Additionally, Facilities Services has addressed this issue in Procedure A-9 "Project Management Plan", Section 1.C "Scope Management". Both of these documents can be viewed in JPIC under the Program Resources tab.</p>	Procedure A-9

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26	V1-R-4.12-2 Reference those program level policies, procedures and processes which govern the tasks enumerated within various sections of the Project Definition Report. By citing the program level policies, procedures and processes the volume of the Project Definition Report would increase only slightly, but critical information would be included in the Project Definition Report which would lay the foundation and provide a control source for many of the activities identified in the Project Definition Report.	Not Accepted	This recommendation focused on addressing weaknesses in the Project Definition Report. Facilities Services respectfully disagrees that such weaknesses exist. Program policies and procedures are readily accessible on JPIC and already fully mitigate the risks and weaknesses raised in the audit finding. Incorporation of this request would burden project teams with administrative effort to cross reference. Such references will detract from the focus on project's goals and objectives.	
27	V1-R-4.12-3 Ensure that the contents of the Project Definition Report are consistent with the policies, procedures and processes which exist at the program level. This includes consistency of content, terminology, direction and limitations.	Complete	This recommendation focused on addressing weaknesses in the Project Definition Report. Facilities Services has drafted Procedure A-9 "Project Management Plan" to address the issue raised by the Pegasus auditors. Examples of these changes can be seen by reviewing Procedure A-9 on JPIC.	Procedure A-9
28	V1-R-4.12-4 Identify the party (or parties) with the delegated authority to make decisions and be accountable for those decisions. This would include identification of any limitations on that decision making authority.	Complete	This recommendation focused on addressing weaknesses in the Project Definition Report. Facilities Services developed Procedure A-10 "Roles & Responsibilities of Program Team" to address the issue raised by the Pegasus auditors. Examples of these changes can be seen by reviewing Procedure A-10 on JPIC.	Procedure A-10
29	V1-R-4.12-5 Adding of a table that includes a summary of the responsibility and authority given to each Project Management Team, identification of the individuals within the Project Team(s) which are accountable for the decisions and actions of the Project Team(s) and citations to the program level policies, procedures and processes which guide the execution of each project team's scope of work and authority.	Complete	This recommendation focused on addressing weaknesses in the Project Definition Report. Facilities Services drafted Procedure A-11 "Roles & Responsibilities of Project Team" and included a "Project Team Responsibility Matrix" to address the issue raised by the Pegasus auditors. Examples of these changes can be seen by reviewing Procedure A-11 and the responsibility matrix on JPIC.	Procedure A-11
30	V1-R-4.13-1 This appears to be a situation that, while everyone understands the importance the Project Feasibility procedure and process, heretofore has not developed, codified or distributed a formal policy, procedure or process covering that requirement. This policy, procedure and process should be completed by OCCM.	Obsolete	This recommendation focused on addressing weaknesses in the JCC Feasibility Report. Facilities Services believes the recommendation is no longer relevant because the JCC Capital Outlay Program has been established and funded using the existing Master Plan. A new Project Feasibility procedure is being developed as part of the courthouse reassessment and prioritization effort.	
31	V1-R-4.17-1 As the State Administrative Manual (SAM) is a document created by the DGS outside of the AOC, Pegasus-Global does not provide recommendations to the specific procedures within the SAM. Pegasus-Global does recommend the role of the SAM as it is used by the OCCM be clearly established either by an over-arching policy statement, if possible, or by use of specific reference within the individual procedures that correlate to SAM policies, such as the COBCP examined above.	Complete	This recommendation focused on addressing weaknesses in identifying the role of the State Administrative Manual. Facilities Services drafted Procedure A-4 "Project Planning: COBCP" to address the issue raised by the Pegasus auditors. Examples of these changes can be seen by reviewing Procedure A-4 and the associated document "A-04 SAM 6818 Capital Outlay Budget Change Proposals (COBCP)" on JPIC.	Procedure A-4
32	V1-R-4.18-1 To make the courthouse naming policy uniform, it should be either incorporated to an existing procedure or provided a procedure number system that would establish where it fits in the overall Program.	Complete	This recommendation focused on addressing weaknesses in the Courthouse Naming Policy. Facilities Services incorporated the recommendations into Chapter 24 of the JCC Capital Program Management Manual which was approved by the Judicial Council in April 2014 to address the issue raised by the Pegasus auditors.	Chapter 24 of JCC Capital Program Management Manual, April 9, 2014



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33	V1-R-4.18-2 Expand the application of the courthouse naming policy to explain when it would be used on an existing courthouse and indicate the timing of using it on a new courthouse facility.	Complete	This recommendation focused on addressing weaknesses in the Courthouse Naming Policy. Facilities Services incorporated the recommendations into Chapter 24 of the JCC Capital Program Management Manual which was approved by the Judicial Council in April 2014 to address the issue raised by the Pegasus auditors.	PMM Chapter 24
34	V1-R-4.19-1 The prioritization methodology should be expanded to more clearly identify who is accountable for and who is delegated the authority to perform the scoring and evaluate, and update the prioritization methodology.	Complete	This recommendation focused on addressing weaknesses in the Prioritization Methodology for Capital-Outlay projects. Facilities Services drafted Procedure A-02 "Prioritization of Capital Projects" to address the issue raised by the Pegasus auditors. A new prioritization method for future courthouse construction will be determined in the new Courthouse Facilities Master Plan, making this recommendation no longer relevant. Examples of these changes can be seen by reviewing Procedure A-02 in JPIC. Facilities Services has elected to address the underlying issue noted by the Pegasus auditors by posting Procedure A-2 on JPIC.	Procedure A-02
35	V1-R-4.19-2 The Review of Capital Project (RCP) ratings, which are the foundation for the scoring and evaluation are explained fairly well, including examples of the RCP forms used, however it is unclear who has the delegated authority to perform the RCP ratings and when they are to be updated. It would be beneficial to establish a formal policy for assigning the RCP ratings to be performed at a set interval by a specific team.	Complete	This recommendation focused on addressing weaknesses in the Prioritization Methodology for Capital-Outlay projects. Facilities Services drafted Procedure A-02 "Prioritization of Capital Projects" to address the issue raised by the Pegasus auditors. A new prioritization method for future courthouse construction will be determined in the new Courthouse Facilities Master Plan, making this recommendation no longer relevant. Examples of these changes can be seen by reviewing Procedure A-02 in JPIC. Facilities Services has elected to address the underlying issue noted by the Pegasus auditors by posting Procedure A-2 on JPIC.	Procedure A-02
36	V1-R-4.20-1 The prioritization methodology should be updated to reflect that SB 1407 indicates funds are applied to both Immediate Need and Critical Need Priority Group projects (i.e., previously Immediate Need had priority over Critical Need).	Complete	This recommendation focused on addressing weaknesses in JCC's project prioritization methodology. Facility Services revised the language in section V "Funding Process" of the prioritization methodology in Chapter 25 of the Program Management Manual to address the issue raised by the Pegasus auditors.	Chapter 25 of JCC Capital Program Management Manual, April 9, 2014
37	V1-R-4.20-2 SB 1407 emphasized economic opportunity, as such Pegasus-Global recommends the prioritization methodology be updated to give preference to projects with one or more economic opportunities, and only if assured that the economic opportunity is viable and can be realized.	Obsolete	This recommendation focused on addressing weaknesses in JCC's project prioritization methodology. The 2008 Courthouse Prioritization Methodology has been superseded by SB847. This requires JCC to develop a new court prioritization plan by December 2019.	
38	V1-R-4.20-3 The Judicial Council may wish to consider delegating authority to the Administrative Director on when to submit projects from the list of 41 to the executive branch for funding approval, based on the updated methodology and the availability of project funding.	Complete	The Judicial Council did delegate approval of which SB 1407 projects were submitted for funding.	
39	V1-R-4.20-4 The Administrative Director should report to the Judicial Council annually at a minimum, and other times as deemed necessary as to whether or not the Prioritization Methodology reflects the current program objectives and goals as set by the Judicial Council.	Complete	This recommendation focused on reporting frequency for prioritization methodology for current program objectives. It is the Court Facilities Advisory Committee (CFAC) and not the Administrative Director who meets as required to oversee the prioritization of capital projects to make sure they are consistent with the program objectives and goals set by the Judicial Council. CFAC reports to the Judicial Council as required.	

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40	<p>V1-R-5.1.1-1                      Controversial sites and the process by which the controversy can be remedied and who has the ultimate authority to resolve and act to select a site when such controversies arise.</p>	Complete	<p>This recommendation focused on addressing weaknesses in JCC's Site Selection and Acquisition Policy. Facilities Services implemented Procedure A-17 "Site Acquisition" to address the issue raised by the Pegasus auditors. Examples of these changes can be seen by reviewing Procedure A-17 on JPIC.</p>	Procedure A-17
41	<p>V1-R-5.1.1-2                      How impacts to budget and schedule which occur during the site selection and acquisition are managed, especially relative to the project budget and schedule. For example, Pegasus-Global was informed of one site selection and acquisition which took six years from start to final acquisition (which coincidentally involved a controversial site selection). Such a delay had to have an impact on the project budget and schedule, and, ultimately may have impacted the program budget and schedule, which in turn may have impacted the ability of the program to meet some of the goals and objectives set for the Program.</p>	Complete	<p>This recommendation focused on addressing weaknesses in JCC's Site Selection and Acquisition Policy. Facilities Services implemented Procedures A-6 "Establishing the Project Budget" and A-7 "Establishing the Project Schedule" to address the issue raised by the Pegasus auditors. The procedures identify the Project Manager as being responsible to update the budget and schedules including the site selection and acquisition phase. Examples of these changes can be seen by reviewing Procedures A-6 and A-7 on JPIC.</p>	Procedure A-06 Procedure A-07
42	<p>V1-R-5.1.2-1                      In order for the relocation policy to address delegated authority and accountability, the positions within the AOC that are responsible for its implementation, including who engages the relocation consultant, who reviews and approves claims for payment, and who manages and disburses any relocation payments need to be identified. Additionally, elaborating on the "relocation case file" will provide for stronger document control on this policy.</p>	In Process	<p>This recommendation focused on addressing weaknesses in JCC's procedure for relocation payments. Facilities Services is in the process of updating the Rules and Regulations for Relocation Payments and Assistance as recommended in the Pegasus audit. The revised policy will be completed in 2019.</p>	
43	<p>V1-R-5.2.1-1                      OCCM should identify by positions the party with the formally delegated authority to calculate the gross area of a building, to make decisions, and the responsibility to execute the calculations in alignment with the BOMA process and at the scheduled points in the project phases.</p>	Complete	<p>This recommendation focused on addressing weaknesses in JCC's procedure for calculation of building area, namely not identifying who is responsible for performing the work and who is responsible within the JCC to ensure that the procedure is being followed. The responsibility for performing the work is identified in the architects contract, however the procedure did not identify who within the JCC is responsible for ensuring compliance with the procedures. Procedure A-25 "Building Area Calculations" was drafted to address the issues identified by the Pegasus auditors.</p>	A/E Contract Sample Procedure A-25
44	<p>V1-R-5.2.2-1                      Officially adopt the 2011 version of the California Trial Court Facilities Standard (Standards) to replace the prior 2006 version to eliminate any possible confusion in regards to which document is to be used.</p>	In Process	<p>This recommendation focused on adopting the 2011 version of the Standards, as the 2006 version of the Standards remain to date as default standards to guide design and construction of court facilities. By late-2019, Facilities Services intends to update the 2011 version of the Standards, presenting it to the CFAC for a recommendation that the Judicial Council adopt it to replace the 2006 version.</p>	

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Line #	Original Recommendation Text	Current Status	Status - Detail	Reference
45	<p>V1-R-5.2.2-2</p> <p>Include with the Standards other codes, standards, and guidelines as attachments, specifically those designed by or for the AOC, for example, the "Office of Court Construction and Management Facilities Design Guidelines - Instrumentation and Control for Heating, Ventilating Air Conditioning Systems - Building Automation Systems: Direct Digital Control, July 27, 2010 Program Requirements Overview" could easily be an attachment to this document.</p>	Complete	<p>This recommendation focused on addressing weaknesses in compiling applicable codes and guidelines with the California Trial Court Facilities Standards. Facilities Services developed and implemented the collaborative, on-line, SharePoint portal (JPIC) to provide and store standards and guidelines to address the issue raised by the Pegasus auditors. Specific standards such as the Courtroom Templates are loaded into JPIC's program resource library. Other standards referenced by Pegasus such as building codes will not be loaded into JPIC but are located in Facilities Services offices in San Francisco and Sacramento. Still other standards such as the one referenced in V1-R-5.2.2-2 are no longer in use.</p>	<p><a href="https://www.jcc-cms.com/program-resources">https://www.jcc-cms.com/program-resources</a></p>
46	<p>V1-R-5.2.2-3</p> <p>Integrate the Standards with other project policies and procedures. For example:</p> <ul style="list-style-type: none"> <li>o The Judicial Council issued a report which included "Guidelines for Energy Conservation in California Court Facilities" 148, which addresses energy usage and should be aligned with the requirements in the California Trial Court Facilities Standards to ensure the energy conservation goal from both documents does not result in a conflict or additional and unnecessary work.</li> <li>o The Capital Outlay Budget Change Proposal (April 27, 2011 - Initial Draft) is said to describe the project and the amount of the funding request. This could include designating whether the project is going to be LEED® Certified™ or LEED Silver®.</li> </ul>	Complete	<p>This recommendation focused on addressing weaknesses in compiling applicable policies and procedures with the California Trial Court Facilities Standards. Facilities Services developed and implemented the collaborative, on-line, SharePoint portal (JPIC) to provide and store standards, policy, and procedures to address the issue raised by the Pegasus auditors. Examples of these changes can be seen by reviewing the program resources stored on JPIC.</p>	<p><a href="https://www.jcc-cms.com/program-resources">https://www.jcc-cms.com/program-resources</a></p>
47	<p>V1-R-5.2.3-1</p> <p>Expand, enhance and complete the Design Plan Check Process. Policy 1301.30 as currently outlined and drafted to finalize and formalize the procedures and processes, including specific delegation of authority to decide to outsource the plan check, choose the firm to whom the plan check will be outsourced, give direction to the outsource firm as to how the plan check is to be executed, and ultimately accept or reject the results of the plan check.</p>	Complete	<p>This recommendation focused on addressing weaknesses in JCC's Design Plan Check Process. Facilities Services drafted and implemented Procedure B-04 "Design Review Process" with an expanded Design Review matrix to address the issue raised by the Pegasus auditors. Examples of these changes can be seen by reviewing Procedure B-04 on JPIC.</p>	<p>Procedure B-04 with Design Review Matrix</p>
48	<p>V1-R-5.3.1-1</p> <p>Policy 4.15, Selection, Procurement and Installation of Furniture (FFE) , should be finalized and issued as a formal policy.</p>	Complete	<p>This recommendation focused on addressing weaknesses in JCC's Selection, Procurement and Installation of Furniture Policy. Facilities Services implemented Procedure C-04 "Furniture Procurement" to address the issue raised by the Pegasus auditors. Examples of these changes can be seen by reviewing Procedure C-04 on JPIC.</p>	<p>Procedure C-04</p>
49	<p>V1-R-5.3.1-2</p> <p>As with all policies reviewed by Pegasus-Global, there should be a definition of terms used within the FFE policy.</p>	Complete	<p>This recommendation focused on addressing weaknesses in JCC's Selection, Procurement and Installation of Furniture Policy. Facilities Services implemented Procedure C-04 "Furniture Procurement" and included a section labeled "Definitions" to address the issue raised by the Pegasus auditors. Examples of these changes can be seen by reviewing Procedure C-04 on JPIC.</p>	<p>Procedure C-04</p>

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50	V1-R-5.3.1-3 OCCM may want to examine the 2007 Judicial Contracting Policy and the 2011 Judicial Council Contracting Manual to ascertain what, if any differences there are between those two documents, and if there are such differences, how best to address those differences.	Complete	This recommendation focused on reviewing 2007 and 2011 Judicial Contracting Policy and Manual. OCCM, Facilities Services has adopted the latest version of the Judicial Council Contracting Manual which is posted on JPIC.	Judicial Branch Contracting Manual 2017
51	V1-R-5.3.1-4 While it is possible that the two matrices cited in the FFE findings exist, as cited components of the policy the document control system should maintain all of those documents in a common Policy 4.15 common electronic folder and/or physical location.	Complete	This recommendation focused on addressing weaknesses in Selection, Procurement and Installation of Furniture. Facilities Services drafted Procedure C-4 "Furniture Procurement" to address the issue raised by the Pegasus auditors. Examples of these changes can be seen by reviewing the procedure on JPIC.	Procedure C-04
52	V1-R-5.4.1-1 Policy 4.10 Construction Management should be updated, expanded and issued as a formal statement of policy, with specific procedures and processes contained within the policy or cross referenced with to other relevant policies.	Complete	This recommendation focused on addressing weaknesses in the roles of the Construction Manager and Project Manager duties. Facilities Services drafted Procedure A-22 "Role of CMA and JCC PM on Utilizing CMA Support" to address the issue raised by the Pegasus auditors. Examples of these changes can be seen by reviewing the procedure on JPIC.	Procedure A-22
53	V1-R-5.4.1-2 A definitive process should be set for the CM relative to their role in the resolution of claims to ensure uniformity in the process and then to provide a point of contact for resolution should the CM not be successful. It should align with the chain of command defined in the Program Management Manual which would typically follow a step process through a specific line of communication through the Project Manager, and then at a higher authority should the Project Manager not be able to resolve. In addition, there is typically a dollar level of authority for change order and resolution of claims with increased authority required for increased claim amounts. Further a dispute resolution process is typically tied to the Change Order policy.	Complete	This recommendation focused on addressing weaknesses in the roles of the Construction Manager during resolution of claims. Facilities Services implemented Procedure D-19 "Disputes" to be used in conjunction with PMM Chapter 18 to address the issue raised by the Pegasus auditors. Examples of these changes can be seen by reviewing the procedure on JPIC.	Procedure D-19
54	V1-R-5.4.1-3 The updated Construction Management (CM) policy should be based on lessons learned during the execution of the initial Court Capital Construction projects.	Complete	This recommendation focused on addressing weaknesses in the roles of the Construction Manager and incorporating lessons learned. Facilities Services drafted Procedure A-22 "Role of CMA and JCC PM on Utilizing CMA Support" and has developed a Knowledge Sharing Module (lessons learned) on JPIC to address the issue raised by the Pegasus auditors. Examples of these changes can be seen by reviewing the procedure and Knowledge Sharing Module on JPIC.	Procedure A-22 <a href="https://www.jcc-cms.com/KnowledgeSharing/">https://www.jcc-cms.com/KnowledgeSharing/</a>
55	V1-R-5.4.1-4 The updated CM policy should contain a clear delegation of authorities and responsibilities with specific limits set on the CM's approval and acceptance authorities. The authorities and responsibilities should not duplicate nor impinge on the authorities or responsibilities of the Project Manager or Program Management.	Complete	This recommendation focused on addressing weaknesses in the roles of the Construction Manager and Project Manager duties. Facilities Services drafted Procedure A-22 "Role of CMA and JCC PM on Utilizing CMA Support" to address the issue raised by the Pegasus auditors. Examples of these changes can be seen by reviewing the procedure on JPIC.	Procedure A-22

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56	<p>V1-R-5.4.2-1</p> <p>As noted previously in this audit and immediately above, the policies and procedures for management of construction are confusing, and based on Pegasus- Global's experience do not conform within the industry standards from a number of perspectives, which have been discussed at length within the body of this Report. The OCCM needs to re-consider all of its current policies and procedures regarding the CM, the "CM@Risk" and the actual roles and responsibilities necessary to manage, control, and execute a project through design and construction to completion.</p>	Complete	<p>This recommendation focused on addressing weaknesses in the CM at Risk (CMR) Process. Facilities Services has reviewed all of the applicable policies and procedures. Procedures A-10, A-11, and C-02 now clearly state the roles and responsibilities of a the various parties involved in the design and construction of courthouses.</p>	<p>Procedure A-10 Procedure A-11 Procedure C-02</p>
57	<p>V1-R-5.4.2-2</p> <p>Once OCCM has determined the full role of a CM@Risk (or has decided to drop the CM@Risk delivery method), a set of consolidated, coordinated policies and procedures needs to be developed which when linked will lay out the entire construction management process, from determination of construction management methodology to be adopted, through engagement of the CM (or CM@Risk), to actual construction management, and ultimately, to project close out and acceptance.</p>	Complete	<p>This recommendation focused on addressing weaknesses in the CMR Process. Facilities Services developed and implemented the collaborative, on-line, SharePoint portal (JPIC) to provide and store standards and guidelines to address the issue raised by the Pegasus auditors. Additionally, the project procedures loaded into JPIC address the roles of the CMR contractor and the Judicial Council staff/consultants managing a project. Examples of these procedures include: Procedures, A-11, C-1, C-2, C-3. These changes can be seen by reviewing the program resources stored on JPIC.</p>	<p>CMA Contract CMR Contract Procedures Table of Contents Procedure D-01</p>
58	<p>V1-R-5.4.3-1</p> <p>OCCM should develop a comprehensive, formal quality management program consisting of linked and mutually supportive policies, procedures and processes for both the Program and project level which addresses both quality control and quality assurance as practiced within the industry at large. PMI, CMAA and AIA have all addressed quality management at some length and Pegasus-Global suggests that OCCM reference to those three standards as a guide while expanding and completing a quality management plan for the Program at- large and the individual projects.</p>	Complete	<p>This recommendation focused on addressing weaknesses in the Quality Management Program. Facilities Services implemented Procedure A-14 "Quality Management Plan" to address the issue raised by the Pegasus auditors. Examples of these changes can be seen by reviewing Procedure A-14 on JPIC.</p>	<p>Procedure A-14</p>
59	<p>V1-R-5.4.4-1</p> <p>Complete Policy 1106.00, Facility Performance Evaluation, as currently outlined and drafted to finalize and formalize the procedures and processes. Pegasus- Global also recommends that OCCM examine the lessons learned Standard of Cares promulgated by PMI and CMAA as a check guide of standard industry practices while completing Policy 1106.00.</p>	Complete	<p>This recommendation focused on addressing weaknesses in the Facility Performance Evaluation Program. Facilities Services combined the Facility Performance and Post Occupancy Evaluations into one Procedure E-15 "Facility Performance (Post Occupancy) Evaluation Program" to address the issue raised by the Pegasus auditors. Examples of these changes can be seen by reviewing Procedure E-15 on JPIC.</p>	<p>Procedure E-15</p>
60	<p>V1-R-5.4.5-1</p> <p>Complete and expand Policy 1106.10, Post Occupancy Evaluation, as currently outlined and drafted to finalize and formally adopt the procedures and processes summarized in the policy. Pegasus-Global also recommends that OCCM examine the lessons learned Standard of Cares promulgated by PMI and CMAA as a check guide of standard industry practices while completing Policy 1106.10.</p>	Complete	<p>This recommendation focused on addressing weaknesses in the Post Occupancy Evaluation. Facilities Services combined the Facility Performance and Post Occupancy Evaluations into one Procedure E-15 "Facility Performance (Post Occupancy) Evaluation Program" to address the issue raised by the Pegasus auditors. Examples of these changes can be seen by reviewing Procedure E-15 on JPIC.</p>	<p>Procedure E-15</p>

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61	<p>V1-R-5.4.6-1 Expand, enhance and complete Policy 1302.10, Informal Inspection Process, as currently outlined and drafted to finalize and formalize the procedures and processes, including specific direction as to how the plan check is to be executed, when it is to be executed, by whom it will be executed, etc.</p>	Complete	<p>This recommendation focused on addressing weaknesses in the Informal Inspection Process. Facilities Services implemented Procedure D-16 "Quality Assurance" and D-17 "Inspection and Testing" to address the issue raised by the Pegasus auditors. Examples of these changes can be seen by reviewing Procedure D-16 and D-17 on JPIC.</p>	<p>Procedure D-16 Procedure D-17</p>
62	<p>V1-R-5.4.7-1 Expand, enhance and complete Policy 1301.20, Inspection Request Process, as currently outlined and drafted to finalize and formalize the procedures and processes, including specific direction as to how the inspections are to be executed, when they are to be executed, and by whom it will be executed.</p>	Complete	<p>This recommendation focused on addressing weaknesses in the Inspection Request Process. Facilities Services implemented Procedure D-16 "Quality Assurance" and D-17 "Inspection and Testing" to address the issue raised by the Pegasus auditors. Examples of these changes can be seen by reviewing Procedure D-16 and D-17 on JPIC.</p>	<p>Procedure D-16 Procedure D-17</p>
63	<p>V1-R-5.4.8-1 Rather than simply completing each of the policies which have been potentially identified by Pegasus-Global as elements of a broader quality management program as individual pieces, Pegasus-Global recommends that OCCM consider merging Policies 341.00, 1106.00, 1106.10, 1301.30, 1301.10, 1302.20 and 1302.30 into a more complete and comprehensive quality management program under which each of those discrete policies could be expanded and, to some extent, merged into a full quality control/quality assurance program.</p>	Complete	<p>This recommendation focused on addressing weaknesses in the Quality Management Program. Facilities Services implemented Procedure A-14 "Quality Management Plan" which provides guidance to PM's for managing quality on all capital outlay projects to address the issue raised by the Pegasus auditors. Examples of these changes can be seen by reviewing Procedure A-14 on JPIC.</p>	<p>Procedure A-14</p>
64	<p>V1-R-5.4.9-1 Although Policy 4.20, Change Order Process, is in many respects an acceptable administrative process it does not meet the industry Standard of Care regarding management or control of change on a project. For that reason Pegasus-Global recommends that Policy 4.20 be expanded with the full input of the primary stakeholders (Judicial Council, AOC, and OCCM) during the development, formalization and adoption of a change control and a management program. As noted earlier, both PMI and CMAA have addressed change management and control at some length, setting forth the elements of what constitutes a change management and control system which meets the expected Standard of Care.</p>	Complete	<p>This recommendation focused on addressing weaknesses in the Change Order Process. Facilities Services implemented Procedure D-13 "Proposed Change Orders / Change Orders" to address the issue raised by the Pegasus auditors. Examples of these changes can be seen by reviewing Section 8 of the Program Management Manual and Procedure D-13 on JPIC.</p>	<p>Procedure D-13 PMM Section 8</p>
65	<p>V1-R-5.4.10-1 Pegasus-Global has no recommendations relative to this specific Risk Assessment Template.</p>	Complete	<p>This recommendation focused on addressing weaknesses in Risk Assessment. No actions were required in the recommendation raised by the Pegasus auditors.</p>	

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66	<p>V1-R-5.4.11-1</p> <p>The only recommendation is that the format used for all policies, procedures and processes across all topical or issues areas should be uniform across the entire Program. Although Pegasus-Global had no issues with the format used for the Project Safety Manual and found that the contents included what Pegasus-Global would expect in a program policy and procedure manual, and further found that the format used had a logical flow and was easy to navigate, it is up to the Judicial Council and AOC to determine the format and template to be applied to all policies, procedures and processes.</p>	Complete	<p>This recommendation focused on addressing uniformity in format for all policies, procedures and processes. Facilities Services developed and implemented the collaborative SharePoint based portal (JPIC), providing consistent format, standards and procedures, and electronic document control system to address the issue raised by the Pegasus auditors. Examples of these changes can be seen by reviewing the JPIC site.</p>	<p><a href="https://www.jcc-cms.com/program-resources">https://www.jcc-cms.com/program-resources</a></p>
67	<p>V1-R-5.4.12-1</p> <p>Pegasus-Global recommends that OCCM prepare a short introductory document which describes the reason an OCIP was put into effect; the benefits expected from establishing an OCIP; the process by which OCCM (or AOC) solicited for and OCIP agent; in broad terms the responsibilities assigned to each of the OCIP parties (including the Judicial Council, AOC, OCCM, PM's, Willis, etc.); and, finally the date the OCIP was adopted. This recommendation is made as a way of expanding the transparency of the decision and the process followed in developing, adopting and installing the OCIP.</p>	Complete	<p>This recommendation focused on addressing weaknesses in Risk Assessment. No actions were required in the recommendation raised by the Pegasus auditors.</p>	Procedure A-26
68	<p>V1-R-5.5.2-1</p> <p>This appears to be a situation where everyone understands the critical importance of the Capital Outlay Budget Change procedure and process, but heretofore has not developed, codified or distributed a formal policy, procedure or process covering that requirement. Given the critical importance of requesting a change in budget it is imperative that this policy, procedure and process be completed as quickly as possible.</p>	Complete	<p>This recommendation focused on addressing uniformity in format for all policies, procedures and processes. Facilities Services developed and implemented the collaborative SharePoint based portal (JPIC), providing consistent format, standards and procedures, and electronic document control system to address the issue raised by the Pegasus auditors. Examples of these changes can be seen by reviewing the JPIC site.</p>	Procedure D-13
69	<p>V1-R-5.5.3-1</p> <p>As a process the Augmentation and 20 Day Letter Request directive should be included in the formal policies, procedures and processes which address augmentation and scope change decisions and actions taken by the OCCM under the SAM requirements.</p>	Complete	<p>This recommendation focused on addressing weaknesses in the OCCM Approval Process for Augmentations and 20-Day Letter Requests. Facilities Services implemented Procedure A-21 "20-Day Letter Process" to address the issue raised by the Pegasus auditors. Examples of these changes can be seen by reviewing Procedure A-21 on JPIC.</p>	Procedure A-21
70	<p>V1-R-5.5.4-1</p> <p>The Standard of Care (SOC) for reporting Program and project progress are easily available within various published industry sources and easily customized to the needs of a mega program like the Court Capital Construction Program. Pegasus-Global recommends that OCCM identify a suitable set of Monthly Progress Report (MPR) standards and templates, and then customize those templates so as to meet both the Project Management and Program Management needs.</p>	Complete	<p>This recommendation focused on addressing weaknesses in Program and Project Reporting. Facilities Services implemented Procedure D-11 "Project Status Report" and implemented a monthly/quarterly report utilizing JPIC, approved and accepted by the Department of Finance, to address the issue raised by the Pegasus auditors. Examples of these changes can be seen by reviewing the quarterly reports for individual projects on the JPIC site.</p>	<p>Procedure D-11 Project Status / Monthly / Quarterly Report (sample)</p>

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71	<p>V1-R-5.5.4-2</p> <p>The MPR templates for the projects and the Program should be presented as part of a full, detailed statement of policies, procedures and processes so that there is a full understanding of not only how to fill in the blanks in a specific project MPR, but also how to use that report to forecast conditions at completion, how to anticipate problems before they fully manifest and how to develop specific mitigation actions in response to those potential problems.</p>	Complete	<p>This recommendation focused on addressing weaknesses in Program and Project Reporting. Facilities Services implemented Procedure D-11 "Project Status Report" and implemented a monthly/quarterly report utilizing JPIC, approved and accepted by the Department of Finance, to address the issue raised by the Pegasus auditors. Examples of these changes can be seen by reviewing the quarterly reports for individual projects on the JPIC site.</p>	<p>Procedure D-11 Project Status / Monthly / Quarterly Report (sample)</p>
72	<p>V1-R-5.5.4-3</p> <p>While the MPR is founded on reporting data from the past (the month just past) an MPR's greatest value is as a predictor of the future; simply reporting historical events has little real time anticipatory management or control value to project or Program Management.</p>	Complete	<p>This recommendation focused on addressing weaknesses in Program and Project Reporting. Facilities Services drafted Procedure D-11 "Project Status Report" and implemented a monthly/quarterly report utilizing JPIC, approved and accepted by the Department of Finance, to address the issue raised by the Pegasus auditors. The reports compare actual project costs to originally budgeted and current budgeted amounts. Examples of these changes can be seen by reviewing the quarterly reports for individual projects on the JPIC site.</p>	<p>Procedure D-11 Project Status / Monthly / Quarterly Report (sample)</p>
73	<p>V1-R-5.5.4-4</p> <p>Because it is simply a template for reporting data from a specific project it has limited value to the Owner or Program Management as they attempt to make mid- Program decisions in an effort to preserve the goals and objectives of the entire Program. For that reason, the Monthly Project Report and the resulting Monthly Program Report should be aligned so that critical data can be efficiently and effectively "rolled up" to the program level from the project level. There must be a transparent link between the Monthly Project Reports and the Monthly Program Reports so that the Owner and management at all levels can clearly identify negative trends and events and react in time to mitigate those trends and events. To that end a consolidated Progress Reporting Policy, Procedure and Process Manual should be developed.</p>	Complete	<p>This recommendation focused on addressing weaknesses in Program and Project Reporting. Facilities Services drafted Procedure D-11 "Project Status Report" and implemented a monthly/quarterly report utilizing JPIC, approved and accepted by the Department of Finance, to address the issue raised by the Pegasus auditors. JPIC establishes information updates and reporting protocols that standardizes reporting for all projects and summarized the project level info to program summary. Examples of these changes can be seen by reviewing the quarterly reports for individual projects on the JPIC site. The JPIC site rolls up the project information for all success measures and displays them on the Program Summary tab as a graphic. These rolled up summaries allow the user to "drill down" into the details which were obtained from each individual project.</p>	<p>Procedure D-11 Project Status / Monthly / Quarterly Report (sample)</p>
74	<p>V1-R-5.5.5-1</p> <p>The Project Description Template should be reviewed in conjunction with other policies which at least in part seem to be duplicative of the procedure. If possible those duplications should be deleted in order to reduce such duplication of effort by OCCM staff.</p>	Complete	<p>This recommendation focused on addressing weaknesses in Project Description. Facilities Services implemented JPIC which has defined Project Information section requiring specific information for Project Description to address the issue raised by the Pegasus auditors. Examples of these changes can be seen by reviewing Project Information &amp; Project Description section on JPIC.</p>	<p>Screen shot of JPIC Project Info and Project Description section for a project</p>
75	<p>V1-R-5.5.5-2</p> <p>The Project Description Template should be revised and expanded to include information which will improve the uniformity and transparency of the procedure.</p>	Complete	<p>This recommendation focused on addressing weaknesses in Project Description. Facilities Services implemented JPIC which has defined Project Information section requiring specific information for Project Description to address the issue raised by the Pegasus auditors. Examples of these changes can be seen by reviewing Project Information &amp; Project Description section on JPIC.</p>	<p>Screen shot of JPIC Project Info and Project Description section for a project</p>



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76	<p>V1-R-5.6-1 The Facilities Management (FM) policies would benefit from a Definitional Section following the Goal, Scope and Purpose Section which would define the various terms applicable and used within the specific policy. This would also include the various units that are discussed in the Scope Section that would be informed by the policy, would be guided by the policy or would be directed by the policy.</p>	Complete	<p>This recommendation focused on addressing weaknesses in policies for modifications to existing facilities. Facilities Maintenance policies have been updated to include the Definitional Section as recommended by the audit and was submitted to the Director of Facilities Services for approval. On February 13, 2019, and with recommendation from the Trial Court Facility Modification Advisory Committee, a revised FM policy was adopted by the Judicial Council's Executive and Planning Committee on behalf of the Judicial Council.</p>	
77	<p>V1-R-5.6-2 An overall recommendation of the FM policies in development completion is the need for specific identification of positions within the various steps outlined in the policies that is accountable for assuring the overall policy and the various steps are actually undertaken and performed in accordance with the steps outlined in the policy.</p>	Complete	<p>This recommendation focused on addressing weaknesses in policies for modifications to existing facilities. Facilities Services merged Facilities Maintenance and Capital Outlay Project Management resources, and positions are accounted for in a combined staffing plan to address the issue raised by the Pegasus auditors. The Human Resources Plan addresses the staffing needs for staff being assigned to FM projects. Additionally, Policies and Procedures compliance is outlined in PMM and PMP and examples of these changes can be seen by reviewing the PMM and PMP on JPIC.</p>	Human Resources Plan
78	<p>V1-R-5.6-3 Pegasus-Global recommends that the FM policies be finalized and adopted for use on the Program which will provide a uniform and transparent set of policies that will provide the accountability of execution of each step within the FM process and within each policy of the FM process.</p>	Complete	<p>This recommendation focused on addressing weaknesses in policies for modifications to existing facilities. Facilities Maintenance policies were adopted by the Trial Court Facility Modification Advisory Committee in 2015 and were reviewed again in late-2018/early-2019. On February 13, 2019, and with recommendation from the Trial Court Facility Modification Advisory Committee, a revised FM policy was adopted by the Judicial Council's Executive and Planning Committee on behalf of the Judicial Council.</p>	
79	<p>V2-R-4.1-1 Pegasus-Global recommends that OCCM utilize the core Project Management cadre, which has gained considerable experience with the intricacies of the Court Capital Construction Program, including lessons learned, as a valuable source for formalizing delegations of authority and establishing boundaries on autonomy for the Project Management position.</p>	Complete	<p>This recommendation focused on addressing weaknesses in policies for modifications to existing facilities. The Policies and Procedures written and published within JPIC and the Program Management Manual confirm the formalize the authority of Project Mangers. A project manager's authority has been established based on lessons learned from past projects, the authority given to project managers within other state agencies and from industry standards.</p>	JCC Audit Services Memo, December 11, 2015 ; PMM ; PMP
80	<p>V2-R-4.1-2 Pegasus-Global recommends OCCM take advantage of that stable condition and the knowledge gained on projects to date to develop formalized delegations of authority for Project Management.</p>	Complete	<p>This recommendation focused on addressing weaknesses in Delegation of Authority. Facilities Services believes the recommendation is no longer relevant because the roles and responsibilities and delegation of authority for PM's are defined including the procedures they are to follow empowering the PM's. Nevertheless, Facilities Services has elected to address the underlying issue noted by the Pegasus auditors by posting the procedures and developing a Lessons Learned section to JPIC.</p>	
81	<p>V2-R-4.1-3 Starting with the Owner, Pegasus-Global recommends there be an unambiguous formalized definition of each stakeholder's role, authority and responsibility on every project with respect to project execution, from initial site selection through to project completion and commissioning and that this formalized definition be formally issued to both the stakeholders and Project Management.</p>	Complete	<p>This recommendation focused on addressing weaknesses in Delegation of Authority. Facilities Services implemented Procedure A-10 "Roles &amp; Responsibilities of Program Team" and A-11 "Roles &amp; Responsibilities of Project Team" to address the issue raised by the Pegasus auditors. Examples of these changes can be seen by reviewing the Procedures on JPIC.</p>	Procedure A-10 Procedure A-11

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82	<p>V2-R-4.2-1                      Develop and implement a standard document control system to be used for all projects. This document control system should be uniform in how individual project files are maintained. The uniformity will increase the efficiency and transparency for each individual who utilizes the project documents.</p>	Complete	<p>This recommendation focused on addressing weaknesses in the Document Control System. Facilities Services developed and implemented a collaborative on-line document control system (JPIC) using a SharePoint based portal to address the issue raised by the Pegasus auditors. Examples of these changes can be seen by reviewing the JPIC site.</p>	List of Document Categories and Tags
83	<p>V2-R-4.2-2                      Clearly define what documents are to be produced for the project-side and the document control system side and who will produce them (and at what frequency) to provide accountability relative to each parties responsibilities for document control.</p>	Complete	<p>This recommendation focused on addressing weaknesses in the Document Control System. Facilities Services developed and implemented a collaborative on-line document control system (JPIC) where all documents are filled and controlled by the project team, led by the project manager to address the issue raised by the Pegasus auditors. Our project procedures define how often certain documents or data is required to be provided. For example, Procedure D-14 requires that the contingency report be updated and reviewed monthly.</p>	List of Document Categories and Tags
84	<p>V2-R-4.2-3                      Some documents (e.g., meeting minutes, inspection reports) should be standardized (prepared in a required template) and filed in a standard, easily identified file within every project.</p>	Complete	<p>This recommendation focused on addressing weaknesses in the Document Control System. The format of meeting minutes, inspection reports, etc. are based on the CMR project management software being used on each project. The CMR is responsible to provide these documents and is allowed to use their standard management software (with approval by JC). Facilities Services has developed and implemented a collaborative on-line document control system (JPIC) containing a Program Resources tab which contains forms and templates (under sub-tab "Forms and Templates") to address the issue raised by the Pegasus auditors. Further construction phase modules require certain level of data reporting which will further ensure consistency. Procedure A-11 "Project Records Archiving and Transfer" describes where each document is to be filed. Examples of these changes can be seen by reviewing the JPIC site.</p>	
85	<p>V2-R-4.3-1                      The Judicial Council and CFWG may wish to consider development and adoption of a formal methodology to more quickly resolve site selection disputes and thus limit the amount of potential delay and the increased costs which flow from such prolonged disputes.</p>	Complete	<p>This recommendation focused on addressing weaknesses in the Site Selection and Acquisition Standards and Practices. Facilities Services believes the recommendation is no longer relevant because the sites for all remaining SB1407 projects are identified or owned by the JCC and there are no relocation issues. Nevertheless, Facilities Services has elected to address the underlying issue noted by the Pegasus auditors by implementing Procedure A-2 "Prioritization of Capital Projects" and A-17 "Site Acquisition".</p>	Procedure A-02 Procedure A-17
86	<p>V2-R-4.4.1-1                      While Pegasus-Global found that design reviews are being conducted by Project Managers, Pegasus-Global recommends that based on lessons learned during the design review processes used to date a formal design review policy and procedure should be developed to improve the uniformity and transparency of that process.</p>	Complete	<p>This recommendation focused on addressing weaknesses in the Design Standards Review and Approval Process. Facilities Services implemented Procedure B-4 "Design Review Process" to address the issue raised by the Pegasus auditors. Examples of these changes can be seen by reviewing Procedure B-4 posted on JPIC.</p>	Procedure B-04
87	<p>V2-R-4.4.1-2                      A formal design review procedure should set guidelines establishing the points in the design process when the reviews should be conducted and include a process for formally documenting the results of each design review and action taken as a result of that review.</p>	Complete	<p>This recommendation focused on addressing weaknesses in the Design Standards Review and Approval Process. Facilities Services implemented Procedure B-4 "Design Review Process" to address the issue raised by the Pegasus auditors. Examples of these changes can be seen by reviewing Procedure B-4 posted on JPIC.</p>	Procedure B-04

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88	<p>V2-R-4.4.1-3</p> <p>As part of the design review procedure the cost and schedule established for the execution of design should be routinely monitored to establish the exact status of each project during the design phases of a project. Pegasus-Global notes that the data relative to design cost and schedule could be used to establish normative design execution costs and schedule data from which abnormalities in those conditions on a given project can be immediately identified and addressed in order to mitigate cost or schedule impacts. The data should be used as part of an evaluation of the performance of an architect so that OCCM can identify those firms which consistently meet or exceed the expectations set for design and those firms who habitually fail to meet those expectations.</p>	Complete	<p>This recommendation focused on addressing weaknesses in the Design Standards Review and Approval Process. Facilities Services implemented Procedure B-8 "Budget and Cost Management During Design" and Procedure B-9 "Schedule Management During Design" to address the issue raised by the Pegasus auditors. Examples of these changes can be seen by reviewing Procedures B-8 and B-9 on JPIC.</p>	<p>Procedure B-08 Procedure B-09</p>
89	<p>V2-R-4.4.1-4</p> <p>A more formal and inclusive review process of the design QA/QC should be developed specifically intended to identify and communicate deviations from the facility design standards to the Project Manager for resolution.</p>	Complete	<p>This recommendation focused on addressing weaknesses in the Design Standards Review and Approval Process. Facilities Services implemented Procedure A-14 "Quality Management Plan" and D-16 "Construction Quality Assurance" to address the issue raised by the Pegasus auditors. Examples of these changes can be seen by reviewing Procedure A-14 and D-16 on JPIC.</p>	<p>Procedure A-14 Procedure D-16</p>
90	<p>V2-R-4.4.1-5</p> <p>QA/QC reports should be formalized, in writing, and maintained in the project document files.</p>	Complete	<p>This recommendation focused on addressing weaknesses in the Design Standards Review and Approval Process. Facilities Services implemented Procedure A-14 "Quality Management Plan" and D-16 "Construction Quality Assurance" to address the issue raised by the Pegasus auditors. The last section (Documentation and Tracking) of Procedure D-16 identifies the documentation required, tracking methodology and filing requirements for the QA/QC documents.</p>	<p>Procedure A-14 Procedure D-16</p>
91	<p>V2-R-4.4.1-6</p> <p>OCCM should formally establish each stakeholder's role and responsibility during the project planning, design review, comment and design approval elements of the facility design plans. Further, Pegasus-Global recommends that the Project Managers not be placed in a position in which they are responsible to impose design standards in a case where the <b>PJs</b> or individual judges resist the imposition of a design standard; that task should be left to Program Management, the CFWG or the Judicial Council.</p>	Complete	<p>This recommendation focused on addressing weaknesses in the Design Standards Review and Approval Process. Facilities Services implemented Procedure B-4 "Design Review Process" including a Design Review Matrix identifying roles and responsibilities for all stakeholders including the Court User to address the issue raised by the Pegasus auditors. The procedure identifies that the Project Manager will present any requested design deviations to the Director, Facilities Services to resolve the deviation with the requestor.</p>	<p>Procedure B-04</p>
92	<p>V2-R-4.4.1-7</p> <p>All requests for deviation from the design standards should be accompanied by a written rationale for that deviation and an identification of the expected cost and schedule impacts resulting from that deviation. Deviations should be approved solely on the basis that project contingency is available to cover the cost of a deviation. Pegasus-Global recommends that all deviations requested should be rejected or approved by Program Management, the CFWG or the Judicial Council.</p>	Complete	<p>This recommendation focused on addressing weaknesses in the Design Standards Review and Approval Process. Facilities Services implemented Procedure B-4 "Design Review Process". Section D of this procedure identifies that requested design deviations are to be brought to the attention of the CCRS during review of the project scope/budget for approval.</p>	<p>Procedure B-04</p>

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93	<p>V2-R-4.4.1-8                      OCCM should consider adopting a policy to the effect that all project contingency belongs to the program and not to the individual projects. This is necessary to ensure that contingency is used only as absolutely necessary to overcome unforeseen or unforeseeable conditions and not simply to accommodate desired, but non-essential changes to a project. Program Management should set an objective which returns the maximum contingency set for a project to the program budget in order to address other program needs.</p>	Not Accepted	<p>This recommendation focused on addressing weaknesses in the Design Review Process. Facilities Services respectfully disagrees that such weaknesses exist. This recommendation is not feasible as funding for projects in the state budget is project specific and controlled by the Department of Finance through the State Public Works Board for each project separately. Hence, the contingency belongs to the individual project and not program. Existing policies and practices, such as those found on the JPIC site, already fully mitigate the risks and weaknesses raised in the audit finding.</p>	
94	<p>V2-R-4.4.2-1                      Pegasus-Global has no specific recommendation in support of the use of a prototype as that is an Owner's decision. However, the concept should be considered in terms of weighing the relative impacts on the program and project goals and objectives.</p>	Complete	<p>This recommendation focused on addressing weaknesses in Prototype Design. Facilities Services has no action required to address the issue raised by the Pegasus auditors.</p>	
95	<p>V2-R-4.4.3-1                      To the extent possible Pegasus-Global recommends that the architectural contracts contain standardized provisions which set scheduled design review meetings, each with a list of specific deliverables to be reviewed during those design reviews. An attachment to the contract should be checklists of the required deliverables for each design review meeting.</p>	Complete	<p>This recommendation focused on addressing weaknesses in Contracts with Architects. Facilities Services included template architect contracts which include standardized templates and deliverables at various standard stages of design development on JPIC to address the issue raised by the Pegasus auditors. Examples of these changes can be seen by reviewing the contract templates on JPIC.</p>	A/E Contract Sample
96	<p>V2-R-4.5-1                      Project Management should move to capture, consolidate and communicate those lessons learned relative to Facility Management during the design, construction, commissioning, and operation of new court facilities. The critical lessons learned should be further organized into infrastructure design standards and design review checklists, which can be used specifically to ensure that infrastructure designs meet the standards and that design mistakes are not repeated in subsequent projects. The setting of standards and the use of an FMG checklist during design would lessen the direct involvement of FMG personnel during schematic design; however, FMG should still conduct a review of the infrastructure design prior to the finalization and release of the working design.</p>	Complete	<p>This recommendation focused on addressing weaknesses in Project Management's relationship with the Facilities Maintenance Group. Facilities Services has developed a Best Practices database and will also include lessons learned relative to Facility Management as these are entered by project teams on JPIC to address the issue raised by the Pegasus auditors. Project Managers will log any lessons learned from Facility Management into the Knowledge Sharing site on JPIC. Per Procedure E-15, Post Occupancy Evaluations are currently being performed and the data from those evaluations and the Team and Client Satisfaction Surveys will be reviewed with lessons learned being input into JPIC. Program Management will recommend appropriate revisions to the Program based on the comments and issue revisions/updates to the Project teams.</p>	Procedure B-04 - Design Review Process <a href="https://www.jcc-cms.com/KnowledgeSharing/">https://www.jcc-cms.com/KnowledgeSharing/</a>
97	<p>V2-R-4.5-2                      To the maximum extent possible, the Program should limit the equipment choice of primary infrastructure equipment and systems which can be used within a facility. This should have an immediate impact on the cost of design, the cost of the equipment and systems, construction and, long term facility management. Without limiting the equipment choices to the greatest extent possible the Judicial Council and Program may not meet their economies of scale objectives set for long term FMG.</p>	Not Accepted	<p>This recommendation focused on addressing weaknesses in the relationship with Facilities Maintenance Group. This recommendation is not feasible as, for any project, the architect specifies equipment on the project that best conforms to the design standards and project requirements (such as equipment performance criteria). The specified equipment is purchased as a part of the Construction project. The public bidding process requires "or equal" equipment to be allowed as a part of the CMR bid proposal according to state law.</p>	

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98	<p>V2-R-4.5-3</p> <p>Once the suppliers have been identified, Pegasus-Global recommends that OCCM consider entering into specific contracts (not purchase orders if possible) with those suppliers to set the terms of initial purchase, with specific savings identified based on a specific number of units purchased. Consideration should be given to having the contracts show extended warranty and repair provisions which may also be extended (or reflect a cost reduction) for a specific number of units purchased. It is also suggested that the contracts contain specific provisions for the cost of repair and routine replacement materials, again reflecting a reduction in unit cost based on each equipment unit purchased under the contract.</p>	Not Accepted	<p>This recommendation focused on addressing weaknesses in the relationship with Facilities Maintenance Group and recommends that contracts be issued for certain pieces of equipment after a supplier has been identified. This recommendation is not feasible as projects and the equipment within those projects are publicly bid and the contracts for the projects are with a construction contractor and not with a specific equipment supplier. Once the warranty period for a project or a piece of equipment expires, we do not have the ability to enter into a longer term agreement, any effort to do so is not consistent with the JCC Contracting Manual and for the most part not allowed by state law.</p>	
99	<p>V2-R-4.5-4</p> <p>Consideration should be given for the equipment supply contract to include a number of training slots to be provided at no cost to the Program; if possible, those slots should not be time limited, but would be stated in a total number, which can be used by FMG at any time (in order to train staff hired after the initial procurements and commissioning activities).</p>	Complete	<p>This recommendation focused on addressing weaknesses in the relationship and the knowledge of the Facilities Maintenance Group of a project as it is being completed and transitioned to operations. Training of various building equipment and systems is required and does occur on every new courthouse construction project for the Facilities Management team who will maintain and operate the courthouse. The amount of training is dependent of the type of equipment and complexity of the building systems.</p>	
100	<p>V2-R-4.6.1-1</p> <p>Pegasus-Global recommends that OCCM consider limiting the scope of work provisions to the scope of work actually authorized under the CM at Risk contract.</p>	Complete	<p>This recommendation focused on addressing weaknesses in the CMR Contracts. Facilities Services implemented a template CMR contract containing the appropriate scope of work and posted it on JPIC. The Project Management staff have been trained to use the standard template and are familiar with where in the template the scope of work is contained. The template contract can be viewed on JPIC.</p>	CMR Contract Template
101	<p>V2-R-4.6.2-1</p> <p>OCCM should examine the statements of work which are not authorized in the original CM@Risk contracts to determine if those statements are necessary. If the determination is that those statements are necessary, then OCCM should confirm that the statements of work between the two contracts are consistent.</p>	Complete	<p>This recommendation focused on addressing weaknesses in the CMR Contracts. Facilities Services implemented a template CMR contract containing the appropriate scope of work and posted it on JPIC. The Project Management staff have been trained to use the standard template and are familiar with where in the template the scope of work is contained. The template contract can be viewed on JPIC.</p>	JCC Audit Services Memo, December 11, 2015 ; CMR Contract Template
102	<p>V2-R-4.6.2-2</p> <p>Pegasus-Global recommends that the OCCM consider revising Section 4 of Exhibit D to reflect and conform to the actual progression of a project through the four phases established.</p>	Complete	<p>This recommendation focused on addressing weaknesses in the CMR Contracts. Facilities Services implemented a template CMR contract containing the appropriate scope of work and posted it on JPIC. The Project Management staff have been trained to use the standard template and are familiar with where in the template the scope of work is contained. The template contract can be viewed on JPIC.</p>	JCC Audit Services Memo, December 11, 2015 ; CMR Contract Template
103	<p>V2-R-4.6.3-1</p> <p>As a contract is one of the most critical of the total project document management and control process, copies should be maintained by both the Project Manager and Regional Manager, with the original maintained by the Program D &amp; C Director's Office.</p>	Complete	<p>This recommendation focused on addressing weaknesses in the document management of contracts. Facilities Services implemented the collaborative on-line document storage site (JPIC) where all documents will be maintained for stakeholders to have access to address the issue raised by the Pegasus auditors. Examples of these changes can be seen by reviewing contract documents on JPIC for each project.</p>	

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104	<p>V2-R-4.6.4-1</p> <p>Eliminate the role of contract CM within the project organization. If the position currently filled by the contract CM is limited to that normally identified as a "Clerk of the Works" then call the position by that title, which will to a great extent reduce the confusion created by having two CMs on a project. Pegasus-Global found no draft OCCM policy or procedure which fully described what would be considered a "Clerk of the Works," but can recommend sources from which such a policy and procedure could be developed. Potential benefits from renaming the position from CM to Clerk of the Works and hiring an individual to fill that job:</p> <ul style="list-style-type: none"> <li>o Almost certainly firms contracting to provide a CM at their normal rate for a CM will be based on a CM's traditional scope of work. The hourly rate for a Clerk of the Works may be significantly less than what is normally charged by a firm for a CM.</li> <li>o A Clerk of the Works can be hired under a personal services contract rather than through a large architectural, construction, or CM firm. Those positions are usually filled with mid-level individuals with experience and understand construction at a detailed management and control level.</li> </ul>	Not Accepted	<p>This recommendation focused on addressing weaknesses in the Construction Manager's (CMA) Functions. Facilities Services respectfully disagrees that such weaknesses exist. The construction manager or CM is a consultant and advises the owner's project manager and or is an extension of the owners project management team. A CM typically possess skills which the owner's project manager does not have. Additionally, the CM is housed on site during construction where as the owners project manager is located at the owners office which can by hundreds of miles from the jobsite. Owners must have the staff resources with the expertise. A CM provides those resources.</p>	
105	<p>V2-R-4.6.4-2</p> <p>Develop a specific standard contract for a CM@Risk which conforms with the industry expectations of the CM@Risk, thereby making the CM@Risk completely responsible for the execution of the project using their own means and methods (and makes them responsible for those means and methods) and with the full authority to act without the Project Manager's prior approval or consent except in situations where those actions have the potential to increase cost or schedule.</p>	Not Accepted	<p>This recommendation focused on addressing weaknesses in the Construction Manager's Functions. Facilities Services respectfully disagrees that such weaknesses exist. The CMR functions as an advisor during the preconstruction phase and takes on the role of a general contractor during the construction phase. It is critical for the JCC PM to retain the overall management functions and ensure that the CMR is delivering the project consistent with their contract obligations. Existing CMR contract language already fully mitigate the risks and weaknesses raised in the audit finding. The Construction Management Association of America defines At-Risk Construction Management in their glossary as "A delivery method which entails a commitment by the construction manager to deliver the project within a Guaranteed Maximum Price (GMP). The construction manager acts as consultant to the owner in the development and design phases, but as the equivalent of a general contractor during the construction phase. When a construction manager is bound to a GMP, the most fundamental character of the relationship is changed. In addition to acting in the owner's interest, the construction manager also protects him/herself".</p>	CMR Contract

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106	<p>V2-R-4.6.4-3</p> <p>Consideration should be given by OCCM to making the CM@Risk responsible to produce all of the formal project control documents and reports for submittal to the Clerk of the Works. This again shifts the responsibility for accurate, complete and comprehensive project documentation to the CM@Risk. The recommended method would be to allow the CM@Risk to use its own standard report forms consistent with the California Court Construction program policies, procedures and processes, including templates (which are generally much more detailed than that currently required by OCCM), but insuring that the CM@Risk format includes a template which enables the Clerk of the Works to summarize into the currently established OCCM forms.</p>	Not Accepted	<p>This recommendation focused on addressing weaknesses in the Construction Manager's Functions. Facilities Services respectfully disagrees that such weaknesses exist. Program management is to have a standard set of procedures for managing Construction. JCC will not achieve consistency if CMR is allowed to use their own standards. The standard CM contract and project procedures will permit all projects to be administered consistently.</p> <p>The Construction Management Association of America defines At-Risk Construction Management (CMR) in their glossary as "A delivery method which entails a commitment by the construction manager to deliver the project within a Guaranteed Maximum Price (GMP). The construction manager acts as consultant to the owner in the development and design phases, but as the equivalent of a general contractor during the construction phase. When a construction manager is bound to a GMP, the most fundamental character of the relationship is changed. In addition to acting in the owner's interest, the construction manager also protects him/herself".</p> <p>Construction Manager (CMA) is defined as "A professional Construction Manager (CM) acts as an extension of staff to the Owner and manages the entire project with pre-planning, design, construction, engineering and management expertise that can assure the best possible project outcome no matter what type of project delivery method used. A CM is NOT a general contractor. few Owners maintain the staff resources necessary to pay close, continuing attention to every detail--yet these details can "make or break" a project. CM is often used interchangeably with Project Manager."</p>	
107	<p>V2-R-4.6.4-4</p> <p>Pegasus-Global suggests making the CM@Risk the responsible party for the execution of construction to the standards established and the designs provided; do not reduce that responsibility by converting the CM@Risk to a traditional general contractor function. While OCCM may have reasons for bifurcating the design portion of the CM@Risk scope of work and the construction portion of the CM@Risk scope of work into two separate contracts, consideration should be given to establishing a single, integrated contract in which the construction scope may not be fully authorized unless and until a full notice to proceed with construction has been issued by OCCM. The construction scope of work can be altered by agreement prior to the full notice to proceed if for some reason project conditions have changed (e.g., scheduled completion of the project); should the CM@Risk reject the modifications to that portion of the full scope the contract can be repackaged and awarded to another contractor as a CM or General Contractor. This will enable OCCM to rationalize and extend the CM@Risk's responsibility to achieve all project objectives identified throughout the entire project or face a penalty.</p>	Complete	<p>This recommendation focused on addressing weaknesses in the Construction Managers function. Facilities Services has developed an integrated contract for the CMR. The CMR provides its insights including but not limited to constructability, value engineering, cost estimating, and scheduling during the pre-construction phase of the project for a set fee, and is responsible to deliver and manage the construction of the project within a Guaranteed Maximum Price during the Construction Phase. The CMR is responsible for timely completion of the project.</p>	JCC Audit Services Memo, December 11, 2015

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108	<p>V2-R-4.6.4-5</p> <p>Given the shortage of Project Managers, OCCM, with the Project Manager, should consider establishing a “standard oversight routine” which matches the size and complexity of the project assigned. Those routines should be established to focus on specific milestones and specific topical issues raised at each milestone. Certain elements of the routine should be identified that would benefit from the involvement of program level staff and functional program staff who share topical oversight responsibilities during certain phases of a project.</p>	Complete	<p>This recommendation focused on addressing weaknesses in the Project Manager's function. Facilities Services implemented a new reorganization structure which provides "standard oversight routine" including change order procedures, design review procedures, cost management, schedule, and master schedule with milestones to address the issue raised by the Pegasus auditors. Examples of these changes can be seen by reviewing Procedure A-11 "Roles &amp; Responsibilities of Project Team", the HR Plan and Staffing Plan.</p>	<p>HR Plan, Staffing Plan, Procedure A-11, Matrix for PM responsibilities cross referenced with procedures</p>
109	<p>V2-R-4.7-1</p> <p>Pegasus-Global recommends that Program Management complete and implement as many formal, comprehensive and efficient policies, procedures and processes as possible in as short a time practical. Formal repetitive systems and processes can relieve the routine burdens demanded of Project Management staff, freeing time to be expended on more critical Project Management concerns and demands. Also, to the extent possible contractors should be engaged to their full potential in the execution of the individual projects.</p>	Complete	<p>This recommendation focused on addressing weaknesses in Project Manager workload. Facilities Services implemented standard project procedures providing a "standard oversight routine" which includes change order procedures, design review procedures, cost management, schedule, and master schedule to address the issue raised by the Pegasus auditors. Examples of these changes can be seen by reviewing the HR and Staffing Plan showing balanced workload for PM's and other JCC staff.</p>	<p>HR Plan Staffing Plan</p>
110	<p>V2-R-4.7-2</p> <p>Given that increasing staff and the re-sequencing and extension of the project execution schedule are currently unlikely options, Pegasus-Global recommends the functional Program and Project Management staff are given the most complete tools possible through the completion and adoption of strong policies, procedures and processes designed to provide the maximum support during the execution of a project.</p>	Complete	<p>This recommendation focused on addressing weaknesses in Project Manager workload. Facilities Services implemented standard project procedures providing complete set of tools to their PM's for managing their projects and workload efficiently. Facilities Services has reorganized, adopted recommendations and created new classifications, and has enough resources, has created horizontal structure, and formed clear lines of responsibility and accountability to address the issue raised by the Pegasus auditors. Examples of these changes can be seen by reviewing the attached Human Resources Plan.</p>	<p>HR Plan Staffing Plan</p>
111	<p>V2-R-4.7-3</p> <p>OCCM should develop a complete inventory of the tasks and responsibilities of the Project Managers so that the completion of the policies, procedures and processes can be aligned with those responsibilities and reflect the valuable lessons learned through the execution of the projects completed and currently underway.</p>	Complete	<p>This recommendation focused on addressing weaknesses in Project Manager workload. Facilities Services implemented Procedure A-9 "Project Management Plan" and A-11 "Roles &amp; Responsibilities of Project Team" including a responsibility matrix to address the issue raised by the Pegasus auditors. Examples of these changes can be seen by reviewing the procedures and responsibility matrix in JPIC.</p>	<p>Procedure A-09 Procedure A-11</p>
112	<p>V2-R-4.7-4</p> <p>Once that inventory recommended above is completed, Pegasus-Global recommends that Program Management turn its attention to how it structures and formalizes the duties and responsibilities of the architects and CM@Risk contractors. Those responsibilities which can be shifted under contract to the architects and CM@Risk contractors should be added to their scopes of work. This shifts a portion of Project and Program Management roles from direct control by OCCM to more of an oversight and verification (auditing) and enforcement role.</p>	Not Accepted	<p>This recommendation focused on addressing weaknesses in Project Manager workload. Facilities Services respectfully disagrees that such weaknesses exist. The CM At Risk (CMR) and the Architect have clear roles and responsibilities as defined by their contracts. It is the project managers job to ensure that each party fulfills the roles and responsibilities as defined by their contracts.</p>	



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113	<p>V2-R-4.7-5                      Functional Program and Project Management staff be relieved of as many administrative functions as possible by using contract employees. It is possible to contract for Clerk of the Works services; scheduling reviews; audit, alert and recommendation service; cost and budget control review; a number of other services which are typically thought of as project administration roles and not project management roles.</p>	Complete	<p>This recommendation focused on addressing weaknesses in Project Sequencing. Facilities Services has adapted the practice of using a Construction Management Firm or CMA to assist JCC PM's with the day to day management of a courthouse design and construction project. Procedure A-22 "Role of CMA and JCC PM on Utilizing CMA Support" has been drafted to address the issue raised by the Pegasus auditors. The amount of support from the CMA firm varies by project but is typically 1/2 to 1 person per year. Examples of these changes can be seen by reviewing the procedure in JPIC.</p>	Procedure A-22
114	<p>V2-R-4.7-6                      Pegasus-Global recommends that OCCM not place the contracts for these services with a single firm, unless that firm can: 1) supply those services without inflating the cost by using position descriptions which exceed the actual need for, and requirements of the positions to be filled; and 2) the services firm agrees not to seek nor accept any contract to design, manage or construct a project under the Court Capital Construction Program. Pegasus-Global further recommends that firms must, to the extent possible, not be a major competitor of any of the architects or construction contractors (or CM specialty firms) involved in the execution of a project under the Program. Although this recommendation may prove difficult to meet, the appearance of any conflict of interest needs to be avoided if at all possible. It may be possible to identify a service firm outside of California which would be willing to employ (or otherwise engage) qualified service staff resources locally, but place those staff under its umbrella contract for services to the program. That is not a simple process but does enable the program to centralize the service contract and avoid any appearance of a conflict of interest.</p>	Complete	<p>This recommendation focused on weakness in contracting methodologies. OCCM, now Facilities Services contracted with a Program Management Firm (Program Manager) in 2016. The Program Manager has assisted Facilities Services in the development of procedures, training, and a project controls/document management system as recommended by Pegasus. Additionally, the Program Manager is not a competitor with Architects or Construction Contractors so there is not a conflict of interest.</p>	
115	<p>V2-R-4.8-1                      Program Management should work with their counterparts in the other California state agencies to establish a basic understanding of the parties' respective duties, responsibilities, functional parameters and processes. That information should then be used to formalize the points at which the program and project management interact with their counterparts in other California state agencies without destroying the personal relationships which currently exist, but will overall improve those relationships while enabling the respective agencies to improve the effectiveness and efficiency of those interactions.</p>	Complete	<p>This recommendation focused on addressing weaknesses in coordination across various state agencies in understanding their duties, responsibilities and functional processes. Facilities Services implemented/changed its organization structure, lines of responsibilities and delegation of authority to address the issue raised by the Pegasus auditors. Examples of these changes can be seen by reviewing JCC organization chart, HR Plan, PMM and PMP. Additionally The Association of Capital Outlay Managers (ASCOM) meets every quarter to discuss duties and responsibilities across various state agencies.</p>	Human Resources Plan , Staffing Plan

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Line #	Original Recommendation Text	Current Status	Status - Detail	Reference
116	<p>V2-R-4.9-1</p> <p>As noted earlier above, architects and CMs or contractors generally have processes and systems for reporting project progress at a very detailed level. Those detailed schedules and progress reports should be a standard requirement for every architect and contractor and should be produced monthly during the execution of a project. Once received the Clerk of the Works can audit the progress claimed or the impacts asserted, then summarize that information in the current Monthly Progress Report, adding only such detail needed to identify delays and the root cause for the each delay.</p>	Complete	<p>This recommendation focused on addressing weaknesses in Project Scheduling. Facilities Services implemented a new quarterly report using JPIC which has been approved and accepted by DOF to address the issue raised by the Pegasus auditors. The same format in JPIC is used for the monthly progress report. JPIC establishes information updates and reporting protocols that standardizes reporting for all projects and summarized the project level info to program summary. Examples of these changes can be seen by reviewing the quarterly reports in individual projects in JPIC.</p>	<p>Monthly/Quarterly Report</p>
117	<p>V2-R-4.9-2</p> <p>OCCM may wish to consider development of a standardized monitoring and control process which would create a higher degree of uniformity in the monitoring and control of the project and program schedules across all projects.</p>	Complete	<p>This recommendation focused on addressing weaknesses in Project Scheduling. Facilities Services implemented Procedure A-7 "Establishing the Project Schedule" and provided a Project Template Schedule on JPIC to address the issue raised by the Pegasus auditors. Examples of these changes can be seen by reviewing Procedure A-7, B-9 and D-5, and the Project Template Schedule on JPIC.</p>	<p>Procedure A-07 Procedure B-09 Procedure D-05</p>
118	<p>V2-R-4.10-1</p> <p>Project and Program Management should use the data already collected by Project Manager's during the development of the original estimates and budgets, and the final actual costs to execute a project to analyze the accuracy of the original estimates; the root causes for any variations in line item costs over or under the original cost estimate; any common trends in cost estimating or management and control of project costs which should be addressed at a program level; and capture, consolidate and communicate the cost estimating, management and control lessons being learned as projects are executed.</p>	Complete	<p>This recommendation focused on addressing weaknesses in Estimating and Cost Control. Facilities Services developed and implemented the collaborative SharePoint based portal (JPIC) providing master budget tracking and reporting, and budget and cost management system at project level to address the issue raised by the Pegasus auditors. JPIC displays dashboards for the project budgets that identify the Original Authorized Amount, Current Authorized Amount and Current Estimate for each phase of the project and calculates a variance. This information is rolled up and summarized for all projects in the program. Examples of these changes can be seen by reviewing individual project budgets in JPIC.</p>	<p>Project Budget and Cost Management Report (sample)</p>
119	<p>V2-R-5.1-1</p> <p>Pegasus-Global has no substantial recommendations beyond those provided in Section 5.2.1. However, OCCM may wish to consider developing a book of Program Foundation Documents similar to the Strategic Plan for distribution to every OCCM employee and manager in order to establish a shared sense of purpose under the Program.</p>	Complete	<p>This recommendation focused on addressing weaknesses in the Strategic Plan. Facilities Services developed and implemented the Program Management Plan to address the issue raised by the Pegasus auditors. Examples of these changes can be seen by reviewing the Program Management Plan in JPIC.</p>	<p>PgMP</p>
120	<p>V2-R-5.2-1</p> <p>With Project Feasibility Reports successfully being created years before the draft version of this policy there appears not be an immediate or critical need to formally implement this policy. However, the policy should ultimately be finalized and implemented in order to properly track each projects use and completion of the project feasibility report.</p>	Complete	<p>This recommendation focused on addressing weaknesses in Project Feasibility Reports (PFR). Facilities Services implemented Procedure A-24 "Project Feasibility Report" to address the issued raised by the Pegasus auditors. This procedure can be seen by accessing JPIC.</p>	<p>PFR (Butte - sample) Procedure A-24</p>

**Appendix A: Detailed Audit Recommendation Status and Resolution Plan**

Line #	Original Recommendation Text	Current Status	Status - Detail	Reference
121	<p>V2-R-5.4-1                      Along with the formal contract (and amendment) documents the bid and award documents are some of the more important documents generated by the project. Occasionally, in disputes those documents must be reviewed to demonstrate what the contractor actually bid rather than simply assuming that a particular scope of work was included in the bid submitted. Pegasus-Global recommends that as part of a formal document control system copies of those bid and award documents be maintained on the project, in the regional office files, and the originals maintained in the D&amp;C Management files.</p>	Complete	<p>This recommendation focused on addressing weaknesses in Contracting Policies and Procedures. Facilities Services developed and implemented a collaborative SharePoint based portal (JPIC) providing a consistent electronic document control system and complete project filing abilities to address the issue raised by the Pegasus auditors. Examples of these changes can be seen by reviewing contract documents for individual projects in JPIC.</p>	
122	<p>V2-R-5.5-1                      Pegasus-Global recommends that all submittals to the State Department Of Finance, including the original Program Management supplied data and information, be added to, and retained within, a formal document control system.</p>	Complete	<p>This recommendation focused on addressing weaknesses in implementation of the State Administrative Manual. Facilities Services developed and implemented a collaborative SharePoint based portal (JPIC) providing consistent electronic document control system and compiling complete project files to address the issue raised by the Pegasus auditors. All project documentation including Department of Finance submittals for each project are being uploaded to JPIC and retained per JCC policy. Examples of these changes can be seen by <u>reviewing the JPIC site.</u></p>	
123	<p>V2-R-5.6-1                      Although a minor finding, having a signed copy of the Project Definition Report in the project files would provide an indication that the report had been reviewed and accepted by the primary stakeholders in the project.</p>	Complete	<p>This recommendation focused on addressing weaknesses in the Management Plan and Project Definition Report. Facilities Services implemented new policy for all new courthouse construction projects to be overseen by CFAC and that Project Definition Report are included as part of project files to address the issue raised by the Pegasus auditors. Examples of these changes can be seen by reviewing individual project files in JPIC.</p>	<p>Link is to Sacramento Courthouse draft Project Definition Report</p>
124	<p>V2-R-5.6-2                      OCCM should consider a formal numbering system for each draft and revision to the report in order to make it easier to determine which of the versions is most current and to enable a reviewer to track the evolution of the Project Definition Reports over time.</p>	Complete	<p>This recommendation focused on addressing weaknesses in a formal numbering system for draft and revised versions of a report. Facilities Services has implemented an online portal (JPIC) for document management which tracks version history of each document. For Draft documents only the most current version of the document is displayed, but JPIC has the ability to view the history of all past versions. Published documents contain a version number in the footer of the document.</p>	
125	<p>V2-R-5.7-1                      Based on the activity recorded by Susanville, the Selection, Procurement and Installation of Furniture policy appears to be working effectively and should continue to be utilized as current and future projects reach the point of needing to procure furniture.</p>	Complete	<p>This recommendation focused on addressing weaknesses in The Selection, Procurement and Installation of Furniture. Facilities Services determined that no action was required on this item as all staff follow the existing procedure which is now part of all project procedures posted in JPIC. See Procedure C-04, in JPIC.</p>	<p>JCC Audit Services Memo, December 11, 2015</p>
126	<p>V2-R-5.8-1                      Pegasus-Global recommends that OCCM finalize, adopt and apply the Quality Assurance Consultant Management policy and procedure.</p>	Complete	<p>This recommendation focused on addressing weaknesses in Design and Construction Quality Assurance Consultant Management. Facilities Services implemented Procedures A-14 "Quality Management Plan" and D-16 "Quality Assurance" to address the issue raised by the Pegasus auditors. Examples of these changes can be seen by reviewing the procedures in JPIC.</p>	<p>Procedure A-14                      Procedure D-16</p>

**Appendix A: Detailed Audit Recommendation Status and Resolution Plan**

Line #	Original Recommendation Text	Current Status	Status - Detail	Reference
127	V2-R-5.9-1 Pegasus-Global recommends that OCCM finalize, adopt and apply the Facility Performance Evaluation policy and procedure.	Complete	This recommendation focused on addressing weaknesses in the Facility Performance Evaluation. Facilities Services implemented Procedure E-15 "Facility Performance (Post Occupancy) Evaluation Program" to address the issue raised by the Pegasus auditors. Examples of these changes can be seen by reviewing the procedure in JPIC.	Procedure E-15
128	V2-R-5.10-1 Pegasus-Global recommends that OCCM finalize, adopt and apply the Post Occupancy Evaluation policy and procedure.	Complete	This recommendation focused on addressing weaknesses in the Facility Performance Evaluation. Facilities Services drafted Procedure A-15 "Facility Performance (Post Occupancy) Evaluation Program" to address the issue raised by the Pegasus auditors. Examples of these changes can be seen by reviewing the procedure in JPIC.	JCC Audit Services Memo, December 11, 2015; Procedure A-15
129	V2-R-5.11-1 Pegasus-Global recommends that OCCM finalize, adopt and apply the Informal Inspection Program policy and procedure.	Complete	This recommendation focused on addressing weaknesses in the Informal Inspection Program. Facilities Services implemented Procedures D-16 "Construction Quality Assurance" and D-17 "Testing and Inspection" to address the issue raised by the Pegasus auditors. Examples of these changes can be seen by reviewing the procedures in JPIC.	Procedure D-16 Procedure D-17
130	V2-R-5.12-1 Pegasus-Global recommends that OCCM finalize, adopt and apply the Inspection Request Process policy and procedure.	Complete	This recommendation focused on addressing weaknesses in the Inspection Request Process. Facilities Services implemented Procedure D-17 "Testing and Inspection" to address the issue raised by the Pegasus auditors. Examples of these changes can be seen by reviewing the procedure in JPIC.	Procedure D-17
131	V2-R-5.13-1 OCCM may want to clarify what, if any, role the Project Management Team fill in regard to the report when it is finalized and becomes part of the Project Closeout Process.	Complete	This recommendation focused on addressing weaknesses in the Final Verification Report Process. Facilities Services implemented Procedure D-16 "Construction Quality Assurance" identifying the Project Manager responsibility to verify that all critical documents including the Project Final Verification Report are being tracked and filed to address the issue raised by the Pegasus auditors. Examples of these changes can be seen by reviewing Procedure D-16 in JPIC and Sample Report (attached).	Procedure D-16 Project Final Verification Report (Stockton - sample)
132	V2-R-5.14.1-1 Similar to the recommendations from the Part I review of Change Order Process policy, Pegasus-Global finds that the process defined by this policy is acceptable for the administration of change orders; however, both the Program and the projects would benefit from a formal policy that addresses change control and management. Additionally, the incorporation of the flow chart as described in the findings above would be a beneficial tool for the policy.	Complete	This recommendation focused on addressing weaknesses in the Change Order Process. Facilities Services implemented Procedure D-13 "Proposed Change Orders/Change Orders" and included standard forms and templates on JPIC to address the issue raised by the Pegasus auditors. Examples of these changes can be seen by reviewing the procedure and templates in JPIC.	Procedure D-13 forms / templates
133	V2-R-5.14.2-1 If the IProcurement Extension to the Change Order Process is intended to be implemented by the projects, it should first be formalized and incorporated into Procedure 4.20 Change Order Process. At that point the recommendations provided for Procedure 4.20 Change Order Process would still apply, but it would provide a formal structure for this policy to be utilized.	Complete	This recommendation focused on addressing weaknesses in the Change Order Process. Facilities Services implemented Procedure D-13 "Proposed Change Orders / Change Orders" to address the issue raised by the Pegasus auditors. Examples of these changes can be seen by reviewing the procedure in JPIC.	Procedure D-13
134	V2-R-5.15-1 Project-level controls would benefit from the formalization of invoice documentation procedures. Standardizing how each invoice is to be filed as well as recorded in an inventory log is critical for the control and tracking of invoices to be successful.	Complete	This recommendation focused on addressing weaknesses in the Invoice Payment Procedure. Facilities Services has implemented Procedure B-3 "Contract Payment Administration" and D-6 "Progress Payments" to address the issue raised by the Pegasus auditors. Examples of these changes can be seen by reviewing the procedures in JPIC.	Procedure B-03 Procedure D-06

**Appendix A: Detailed Audit Recommendation Status and Resolution Plan**

Line #	Original Recommendation Text	Current Status	Status - Detail	Reference
135	V2-R-5.16-1 As was suggested in Section 5.3.5.3, a formal adoption of the Augmentation and 20 Day Letter Requests process into those policies, procedures and processes which address 20-day letter and augmentation requests would aid in ensuring this process is utilized uniformly across all projects.	Complete	This recommendation focused on addressing weaknesses in the Budget Augmentation Process. Facilities Services has implemented Procedure A-21 "20-Day Letter Process" to address the issue raised by the Pegasus auditors. Examples of these changes can be seen by reviewing the procedure in JPIC.	Procedure A-21
136	V2-R-5.17-1 The Progress Report Template, as its name suggests, is a template and not an actual policy. Therefore, there is little policy to gauge the projects on in this area; however, Pegasus-Global was able to ascertain that the template is being used uniformly across the projects and if the template were to be integrated into a formal policy it would assist in maintaining the uniformity of the progress reports.	Complete	This recommendation focused on addressing weaknesses in Progress Report Template. Facilities Services implemented a new quarterly report using JPIC which has been issued, approved and accepted by DOF to address the issue raised by the Pegasus auditors. The same format for monthly and periodic progress report is provided using JPIC. Examples of these changes can be seen by reviewing the quarterly reports for individual projects in JPIC.	Quarterly/Progress Status Report (sample)
137	V2-R-5.18-1 As much of the information is found in the Progress Report, and the remainder of the information (e.g. Construction Related Agreements, Project Location Address) should be easily obtainable, the utilization of this Project Description template can be straight-forward with the completion and introduction of a formal supporting policy. Such a policy should identify the need for this document, as opposed to reformatting the Progress Reports to contain all the information required by a Project Description.	Complete	This recommendation focused on addressing weaknesses in the Progress Description Report. Facilities Services implemented Procedure D-11 for project status reports to be established at a frequency (monthly or quarterly) as directed by the Director of Facilities Services. The new quarterly report is generated from JPIC and has been issued, approved and accepted by DOF to address the issue raised by the Pegasus auditors. The Project Description template was a part of the old reporting system and will no longer be utilized. Examples of these changes can be seen by reviewing the quarterly reports for individual projects in JPIC.	Quarterly/Progress Status Report (sample) Procedure D-11

No.	Status
124	Complete
2	In Process
9	Not Accepted
2	Obsolete
<b>137</b>	<b>Total</b>

The background features a large, faint, circular seal of the Judicial Council of the State of Oregon. The seal contains the text "JUDICIAL COUNCIL OF THE STATE OF OREGON" around the perimeter and "1926" at the bottom. The central emblem depicts a figure holding a scale of justice, surrounded by various symbols of law and order.

# **Pegasus Audit Implementation Status and Next Steps**

Court Facilities Advisory Committee Meeting

February 21, 2019

# Background

- In August 2011, CFAC's Independent Outside Oversight Consultant (IOOC) Subcommittee was formed to oversee selection of the consultant to assess the Judicial Council's Courthouse Construction Program
- In January 2012, Pegasus-Global Holdings was selected
- In October 2012, Pegasus' report of 137 audit recommendations was adopted by the Judicial Council
- In December 2015, JC Audit Services reviewed progress made on the 137 audit recommendations
- Since 2012, staff has been reporting completion of recommendations to the JC Executive Office



# Status of Recommendations

No.	Status	Description
124	Complete	Recommendations completed
2	In Process	Items Nos. 42 and 44 are in process of being completed in 2019
9	Not Accepted	JC Facilities Services disagrees with Pegasus' recommendations
2	Obsolete	Recommendations not relevant for current conditions
<b>137</b>	<b>Total</b>	





# Areas of Disagreement with Pegasus

- Nine recommendations are considered *Not Accepted* as shown under report Section 3.5.1
- Two recommendations are considered *Obsolete* as shown under report Section 3.5.2



# Recommendations *In Process*

- Two recommendations are considered *In Process* and to be completed in 2019 as shown on Page 9 of report Appendix A
  - #42: Update to the Rules and Regulations for Relocation Payments and Assistance
  - #44: Update to the 2011 version of the *California Trial Court Facilities Standards*



# IOOC Subcommittee and Next Steps

- The report was reviewed by the CFAC's IOOC Subcommittee in December 2018 and a recommendation was made to the full CFAC as follows:
  - Final disposition of all 137 audit recommendations, as presented in the report, should be approved and moved forward to the Judicial Council



**QUESTIONS?**



JUDICIAL COUNCIL  
OF CALIFORNIA

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As of February 4, 2019

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# **Court Facilities Advisory Committee**

As of February 4, 2019

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