



Judicial Council of California
Court Facilities Advisory Committee

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COURT FACILITIES ADVISORY COMMITTEE

MINUTES OF OPEN MEETING

March 22, 2023

12:00 PM – 3:00 PM

Public Videocast

Advisory Body Members Present: Hon. Brad R. Hill, Chair
Hon. Patricia M. Lucas, Vice-chair
Hon. JoAnn M. Bicego
Hon. Donald Cole Byrd
Mr. Anthony P. Capozzi
Hon. Keith D. Davis (Ret.)
Ms. Melissa Fowler-Bradley
Hon. William F. Highberger
Hon. Steven E. Jahr (Ret.)
Ms. Krista LeVier
Hon. Gary R. Orozco
Hon. David Edwin Power (Ret.)
Mr. Lee Seale
Mr. Larry Spikes
Hon. Robert J. Trentacosta
Mr. Thomas J. Warwick, Jr.

Advisory Body Members Absent: Mr. Stephan Castellanos, FAIA
Hon. Robert. D. Foiles

Others Present: The following Judicial Council staff/others were present:

Hon. J. David Markham, Presiding Judge, Superior Court of Lake County
Hon. Samantha P. Jessner, Presiding Judge, Superior Court of Los Angeles County
Hon. Sergio C. Tapia II, Assistant Presiding Judge, Superior Court of Los Angeles County
Mr. David W. Slayton, Court Executive Officer, Superior Court of Los Angeles County
Mr. Jeremy Cortez, Chief Deputy of Finance and Administration, Superior Court of Los Angeles County
Mr. Allen Leslein, Director of Facilities Services and Capital Projects, Superior Court of Los Angeles County
Hon. Alan V. Pineschi, Presiding Judge, Superior Court of Placer County
Mr. Jake Chatters, Court Executive Officer, Superior Court of Placer County
Ms. Cindy Gustafson, Chair of the Board of Supervisors and Supervisor of District 5, County of Placer
Mr. Morgan Gire, District Attorney, County of Placer
Mr. David Tellman, Chief Deputy District Attorney, County of Placer
Mr. Wayne Woo, Sheriff, County of Placer
Mr. Tamer Ahmed, Deputy Director, Judicial Council Facilities Services
Mr. Jack Collins, Manager, Judicial Council Facilities Services
Ms. Kristin Kerr, Supervising Attorney, Judicial Council Legal Services
Ms. Rose Livingston, Senior Analyst, Judicial Council Executive Office
Mr. Chris Magnusson, Supervisor, Judicial Council Facilities Services
Ms. Pella McCormick, Director, Judicial Council Facilities Services
Mr. Bruce Newman, Senior Facilities Analyst, Judicial Council Facilities Services
Ms. Deepika Padam, Manager, Judicial Council Facilities Services
Ms. Akilah Robinson, Associate Analyst, Judicial Council Facilities Services
Mr. Michael Sablich, Principal Manager, Judicial Council Facilities Services
Mr. Jagandeep Singh, Principal Manager, Judicial Council Facilities Services
Ms. Erin Stagg, Attorney II, Judicial Council Legal Services
Ms. Lynette Stephens, Senior Budget Analyst, Judicial Council Budget Services
Ms. Maggie Stern, Attorney II, Judicial Council Legal Services
Ms. Peggy Symons, Manager, Judicial Council Facilities Services
Ms. Sadie Varela, Facilities Analyst, Judicial Council Facilities Services
Mr. John Wordlaw, Chief Administrative Officer, Judicial Council Executive Office

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 12:00 PM, introductions were made, and roll was taken.

Public Videocast

A live videocast of the meeting was made available to the public through the advisory body web page on the California Courts website listed above.

DISCUSSION AND ACTION ITEMS (ITEMS 1–2)

Item 1**Update to the California Trial Court Facilities Standards**

Summary: The Court Facilities Advisory Committee (CFAC) discussed an update to the *California Trial Court Facilities Standards* (Standards) including the need for a committee workgroup to guide staff during the update process. Various code and best management practices changes over time necessitate an update to the Standards since they were adopted by the Judicial Council in 2020. Ms. Pella McCormick presented this item indicating the following:

- An update has been initiated to the Standards, which define the minimum space and the functional, technical, and security requirements for the design of trial court facilities in the state of California.
- The Standards are an essential contract document in the Design-build capital project delivery method, defining the quality and functional performance criteria the Design-build Entity must design and construct.
- Updates to the Standards will occur concurrent with the triennial cycle for building code updates.
- Examples of subject areas for update include:
 - Technical updates to hardware and holding areas and distributed antenna systems;
 - Legislative and code requirements for lactation rooms;
 - Technical parameters for hybrid audiovisual systems for courtrooms;
 - Sustainability goals; and
 - Implementation of lessons learned on ceiling panels, structural requirements, radiant floors, wire management solutions, combination drinking fountain/bottle filling stations, and curtain walls.
- The creation of a committee workgroup will assist facilities staff with incorporating code revisions and evaluating lesson learned, including distribution of the draft update to the Standards later this year for public comments.

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

1. Create a workgroup to move forward on the update to the *California Trial Court Facilities Standards*.
(Motion: Lucas; Second: Warwick)

Item 2**Draft Judicial Branch Five-Year Infrastructure Plan for Fiscal Year 2024–25**

Summary: The CFAC reviewed the capital projects proposed in the draft *Judicial Branch Five-Year Infrastructure Plan for Fiscal Year 2024–25*. This plan informs capital project funding requests for upcoming and outlying fiscal years.

Ms. Pella McCormick introduced this item, and Mr. Chris Magnusson presented this item consistent with materials (Tabs 2A–C) for Item 2 of the agenda, which were posted online for public viewing in advance of the meeting and available at www.courts.ca.gov/documents/cfac-20230322-materials.pdf. Following presentations from the superior courts of Lake, Placer, and Los Angeles counties and committee discussion, the CFAC took separate actions on the *Lake–New Clearlake Courthouse* and *Placer–New Tahoe Area Courthouse*, and as related to the projects in the five-year plan for the Superior Court of Los Angeles County.

Lake–New Clearlake Courthouse

From the Superior Court of Lake County, Presiding Judge J. David Markham and Ms. Krista LeVier, Court Executive Officer, co-presented the merits of the *Lake–New Clearlake Courthouse* and the need for its continued inclusion in the five-year plan. Their comments included:

- The project does remain a priority for the superior court and citizens of Lake County and needs to be kept in the five-year plan.
- The existing courthouse in the city of Clearlake operates five days per week, including:
 - Self-help services provided four days per week; and
 - Court calendars two days per week for countywide service to hear child support (Department of Child Support Services), unlawful detainers, small claims, infractions, and traffic cases—cases that are not also heard at the existing Lakeport Courthouse.
- Concerning the *New Lakeport Courthouse* project in the City of Lakeport:
 - It was not designed large enough to consolidate the calendars/operations of the existing Clearlake Courthouse, as during the 2019 capital outlay projects reassessment, the superior court determined the need for a separate capital project in the city of Clearlake based on the assurance the Judicial Council would review each capital project on its own merits and that it had not taken the position single-courtroom courthouses would not be funded.
- The project is also important to serve the population in the southern portion of the county.
- The superior court’s current Assessed Judicial Need exceeds its Authorized Judicial Positions by 18 percent.
- The project is scoped to purchase new property; however, the superior court is open to rebuilding, if feasible, on the existing state-owned courthouse site.

The following general comments were made:

- The existing Clearlake Courthouse has the same deficiencies (e.g., security, seismic risk, and overcrowding) as the existing Lakeport Courthouse.
- The County of Lake no longer occupies space within the existing Clearlake Courthouse.
- Driving time is approximately 30–40 minutes between the existing courthouses in the cities of Clearlake and Lakeport.

The advisory committee made the following comments:

- Application of the Facilities Standards has produced an anomalous outcome with respect to single-courtroom projects, as evidenced by the cost of this project scoped for new construction at just under \$30 million that does not diminish the need but creates an obstacle that cannot be overcome.
- Moreover, this approach must be responsibly reassessed for achieving the necessary outcome, focusing outside the Facilities Standards to find a means by which the project can be brought in at a materially lower cost.

Action 1: The advisory committee—with abstention of Ms. Krista LeVier and exceptions of judges Donald Cole Byrd and William F. Highberger, Ex-Officio non-voting members, and members absent as shown above—voted to approve the following motion:

1. The *Lake–New Clearlake Courthouse* be removed from the *Judicial Branch Five-Year Infrastructure Plan* and be referred to Judicial Council staff to work with the Superior Court of Lake County to consider an array of alternatives, which would, in the end, produce an outcome of improved service in Clearlake and not just focus on improvement to the existing building but certainly focus on it as well.

(Motion: Highberger; Second: Power)

Placer–New Tahoe Area Courthouse

From the Superior Court of Placer County, Presiding Judge Alan V. Pineschi introduced the *Placer–New Tahoe Area Courthouse* project as well as the presenters to discuss its merits and the need for its continued inclusion in the five-year plan. Presenters included Mr. Jake Chatters, Court Executive Officer of the Superior Court of Placer County, Ms. Cindy Gustafson, Placer County Chair of the Board of Supervisors and Supervisor of District 5, Mr. Morgan Gire, Placer County District Attorney, Mr. David Tellman, Placer County Chief Deputy District Attorney, and Mr. Wayne Woo, Placer County Sheriff. Consistent with materials (Tabs 3A and B) for Item 2 of the agenda, which were posted online for public viewing in advance of the meeting and available at www.courts.ca.gov/documents/cfac-20230322-materials.pdf, Presiding Judge Pineschi presented slides 1–2 and 35, Mr. Chatters presented slides 3–6, and 14–34, Ms. Gustafson presented slides 7–8, Mr. Woo presented slide 9, Mr. Gire presented slides 10–12, and Mr. Tellman presented slide 13.

The following general comments were made:

- Tahoe City has 10,000 full-time residents and 30,000 part-time residents.
- The existing Tahoe Courthouse’s courtroom operates all day, with a full-time judicial officer presiding, three days per week on Wednesdays, Thursdays, and Fridays:
 - The morning calendars are full and afternoon calendars could also be full or taper off.
 - In 2022, there were 3,003 hearings involving all case types.
 - Video appearances are offered in all case types where allowed by law; however, the superior court is prohibited from *requiring* appearances by video.
 - Misdemeanor jury trials are held in the existing Tahoe Courthouse:
 - Pre-pandemic counts were 2–3 per year, with jurors summoned one week per month to the North Tahoe Event Center.

- Owing to the closure of the North Tahoe Event Center during the pandemic, the court could not conduct jury trials until social distancing ended and the facility reopened last summer.
 - Preliminary hearings for felonies are heard in the existing Tahoe Courthouse; however, if the matter continues to trial, then that trial is heard in Roseville:
 - Felony trials cannot be heard owing to a lack of security in the courthouse and courtroom, as its layout has jurors sitting in very close proximity around the defendant with no means of separation.
 - Even hearing out-of-custody felony trials would be difficult.
 - In a new courthouse with adequate security, the superior court could consider hearing felony trials, as there were 76 felony filings at the existing Tahoe Courthouse in 2022.
- Owing to a lack of space in the existing Tahoe Courthouse, jury selection is held at different facility (the North Tahoe Event Center):
 - The superior court operates two separate jury pools:
 - North county residents are summoned to the existing Tahoe Courthouse, and
 - South county residents are summoned to serve in Auburn or Roseville.
- The County of Placer will vacate space within the existing courthouse to proceed with its project for the New Tahoe Justice Center, whether the Judicial Council proceeds with its project.

The advisory committee made the following comments:

- The superior court appears willing to consider departure from the Facilities Standards (e.g., size of new building proposed at 15,000 SF) for the sake of ensuring the project can be approved.
- Like the cost of the *New Lakeport Courthouses*, the cost of this project is untenable.
- There is still time to solve the problem at hand with a smaller footprint and maybe an alternative that constitutes a departure from the Facilities Standards.
- The committee is confronted with the dilemma of spiraling inflated costs, which are already high to begin with as courthouses are an entirely different breed of structure from Class A office buildings.
- Something further can be done by way of assessment prior to the committee's final recommendation to the Judicial Council.

Action 2: The advisory committee—with exceptions of judges Donald Cole Byrd and William F. Highberger, Ex-Officio non-voting members, and members absent as shown above—voted to approve the following motion:

2. For the *Placer–New Tahoe Area Courthouse*, Judicial Council staff provide the CFAC with information on rescoping or site alternatives (possibly a modular building or a leasehold) by the June 2023 meeting. Project rescoping should not attempt to comply with the current *California Trial Court Facilities Standards*. At the June 2023 meeting, a determination can be made whether the project is removed from the *Judicial Branch Five-Year Infrastructure Plan*.

(Motion: Highberger; Second: Orozco/Power)

Judge Highberger's Verbatim Statements Clarifying the Motion:

This is a part-time branch court. It should not be expected to comply with Judicial Council design standards. It is possible that when it is rescoped there is some kind of existing commercial structure that could be leased or renovated. And further, I would be willing to suggest that Judicial Council should be prepared to enter into a long-term lease despite its general distaste for long-term leases, if that is the best solution for this project. Alternatively, come back with something to be put on this parcel that the county owns, particularly if the county is willing to give us the parcel, if they understand how hard it's going to be to get this building built in Tahoe City, and basically that it be stripped of everything except adequate security, a courtroom, a Clerk's Office, and a multi-purpose space. Quite probably have no chambers—let the multi-purpose space or some portion of the Clerk's Office function as Chambers. No Chambers bathroom. Probably two uni-sex bathrooms in the hallway and one uni-sex bathroom for staff. But absolutely strip this thing down to the bare bones and see if that can be brought in in a fashion that looks cost effective to the committee. I don't think we are going to get anything back that looks like a concrete suggestion in June or July or August; so, I think unfortunately, it would require that the project be delayed at best case for a start in FY 2026–27.

Superior Court of Los Angeles County Five-year Plan Projects

From the Superior Court of Los Angeles County, Presiding Judge Samantha P. Jessner introduced representatives present (listed above), including Judge Highberger, from the Superior Court of Los Angeles County. She described the superior court's operational model and made statements consistent with the points in Mr. Slayton's letter, which is under Tab 4 of the meeting materials. Her comments included:

- The superior court's operations are contained within 15 of the 26 most seismically at-risk buildings in the Judicial Council's portfolio, including 4 of the top 5 buildings:
 - The Mosk and Foltz courthouses on this list and together represent 35 percent of the most seismically vulnerable square footage in the state of California.
- The Stanley Mosk Courthouse, with 100 courtrooms, presents the greatest seismic liability, with its potential annual loss from fatalities in a catastrophic seismic event calculated over 30 percent higher than the next most at-risk facility in the Judicial Council's portfolio.
- The superior court has a significant backlog in deferred maintenance, and as reported in the Judicial Council's August 2022 report, the superior court has approximately 6,200 deferred maintenance projects at the projected cost of approximately \$1.4 billion or one-third of the total Judicial Council projects backlog.
- The superior court has had the opportunity to more carefully consider the service delivery model for decentralization upon which the court's 2019 facility plan was based.
- The court reviewed data regarding case filings to determine where the workload originates to evaluate whether different rules might produce different efficiencies and convenience.
- Pursuing a 47-courtroom Mosk replacement would significantly reduce operational efficiencies achieved by centralization (e.g., requiring duplication of spaces and staff) and significantly inconvenience attorneys and litigants who might not have access to similar services if located elsewhere.
- The court believes that the optimal number of courtrooms that could be displaced is approximately 24 and seeks to retain 100 of the 124 courtrooms in downtown Los Angeles—such that 24 courtrooms may be relocated including 19 to the New Santa Clarita Courthouse, as previously proposed, and the remaining 5 courtrooms to a location to be determined.

Action 3: The advisory committee—with exceptions of judges Donald Cole Byrd and William F. Highberger, Ex-Officio non-voting members, and members absent as shown above—voted to approve the following motion:

3. Judicial Council facilities staff work with Los Angeles Superior Court leadership to determine how the Los Angeles Superior Court Plan is to be leveraged for their efficiencies of their current centralized delivery service model and report back to the committee at the June 2023 meeting.

(Motion: Byrd; Second: Warwick)

ADJOURNMENT

There being no further business, the meeting was adjourned at 3:00 p.m.

Approved by the advisory body on June 27, 2023.