



Judicial Council of California

Trial Court Facility Modification
Advisory Committee

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TRIAL COURT FACILITY MODIFICATION ADVISORY COMMITTEE

MINUTES OF OPEN SESSION OF MEETING

July 17, 2023

10:00 AM - 1:47 PM

Judicial Council of California – Sacramento Office/Videocast for Public Access

Advisory Body Hon. Donald Cole Byrd, Chair
Members Present: Hon. William F. Highberger, Vice-Chair
Hon. John B. Ellis
Hon. Jennifer K. Rockwell
Hon. Vanessa W. Vallarta
Mr. Jarrod Orr
Mr. Darrel E. Parker
Ms. Nocona Soboleski

Advisory Body Hon. Brad R. Hill
Members Absent: Hon. Patricia M. Lucas

Staff Present: The following Judicial Council staff were present:

Mr. John Wordlaw, Chief Administrative Officer, Executive Office
Mr. Tamer Ahmed, Deputy Director, Facilities Services
Mr. Michael Sablich, Principal Manager, Facilities Services
Mr. Jagan Singh, Principal Manager, Facilities Services
Ms. Mary Bustamante, Manager, Facilities Services
Ms. Mimi Chung, Manager, Facilities Services
Mr. Jack Collins, Manager, Facilities Services
Ms. Nanci Connelly, Manager, Facilities Services
Mr. Zulqar Helal, Acting Manager, Facilities Services
Mr. Andre Navarro, Manager, Facilities Services
Ms. Peggy Symons, Manager, Facilities Services
Mr. Paul Terry, Manager, Facilities Services
Mr. Ed Ellestad, Supervisor, Facilities Services
Mr. Paul Fitzgerald, Supervisor, Facilities Services
Mr. Glenn Mantoani, Supervisor, Facilities Services
Mr. Steve Shelley, Supervisor, Facilities Services
Mr. Randy Swan, Supervisor, Facilities Services
Mr. Patrick Treanor, Supervisor, Facilities Services
Mr. Guillermo Urena, Supervisor, Facilities Services
Mr. Doug Walthour, Supervisor, Facilities Services
Mr. Hugh Diggins, Senior Facilities Analyst, Facilities Services
Ms. Kate Albertus, Facilities Analyst, Facilities Services
Ms. Sadie Varela, Facilities Analyst, Facilities Services
Ms. Mary Li, Associate Analyst, Facilities Services
Ms. Akilah Robinson, Associate Analyst, Facilities Services
Ms. Laura Stark, Associate Facilities Analyst, Facilities Services
Ms. Kristin Kerr, Supervising Attorney, Legal Services
Mr. Jeremy Ehrlich, Attorney, Legal Services
Ms. Erin Stagg, Attorney, Legal Services
Ms. Morgan Lardizarbal, Legislative Advocate, Government Affairs

OPEN SESSION OF MEETING

Call to Order, Opening Remarks, and Roll Call

The chair called the open session of the meeting to order at 10:03 AM, roll was taken, and opening remarks were made.

Approval of Minutes

The advisory committee voted to approve the open session minutes of its meeting held on May 19, 2023. (*Motion: Ellis; Second: Highberger*)

PUBLIC WRITTEN COMMENTS

No public comments were received.

DIRECTOR'S REPORT

The committee received the following updates:

1. 2023 Budget Act (FY 2023–24):

- The 2023 Budget Act (FY 2023–24) was signed on June 27, 2023, and includes:
 - Funding for signage for the Superior Court of Merced County’s newly named Charles James Ogletree, Jr. Courthouse (AB 2268);
 - Trailer bill language to delay the implementation of AB 1576 (Ch. 200, Stats. of 2022) to July 1, 2026, which requires the expansion of access to courthouse lactation facilities for court users. Funding will be provided in 2024–25 to comply with its requirements; and
 - \$6 million ongoing General Fund (GF) for increased trial court facilities operations and maintenance (O&M) costs in nine newly constructed courthouses projected to open in 2023–24.

2. 2024 Budget Act (FY 2024–25):

- Two facilities-related Budget Change Proposals (BCPs) will be reviewed by the Judicial Council this week, and if approved, they will be submitted to the state Department of Finance (DOF) for consideration in the Governor’s Proposed Budget for 2024–25:
 - Facility modification (FM) funding proposed for \$47.3 million GF in 2024–25, \$40.7 million GF ongoing beginning in 2025–26, \$11.4 million reimbursement authority, and 6.0 positions. The BCP includes \$6.6 million GF one-time in 2024–25 for electrical panel, circuit breaker, and switchgear replacement at four Los Angeles facilities (Alfred J. McCourtney Juvenile Justice Center and Santa Monica, Pomona South, and Whittier courthouses); \$48.1 million ongoing to provide FM oversight and address trial court needs statewide; and \$4.0 million for appellate court FMs; and
 - O&M funding proposed for \$68.0 million GF, \$16.1 million in reimbursement authority, and 3.0 positions to support facility maintenance, utility, and lease costs. The BCP includes \$78.8 million for trial court facilities O&M and utilities;

\$3.6 million for the Stanislaus—New Modesto Courthouse opening in 2024–25; \$669,000 for facility management oversight; \$721,000 for appellate court facilities O&M; and \$331,000 for administrative overhead.

3. Delegated Courts Intra-Branch Agreement (IBA):

- The IBAs for the three remaining Delegated Courts in Imperial, Orange, and Riverside counties have been signed. As of July 1, 2023, O&M for the Superior Court of San Luis Obispo County is provided by Enovity, the service provider. The maintenance model for the Delegated Courts has been upgraded to mirror the service provider model. This effort required two major changes: an updated IBA and an updated Computer Aided Facility Management (CAFM) system to align the Delegated Courts’ responsibilities with the Judicial Council’s Service Provider Facility Procedures Manual.

4. Statewide Solar and Battery Storage Program:

- Facilities Services is finalizing the solicitation for the Statewide Solar and Battery Storage Program’s Request for Proposal (RFP). It was revised to include lessons learned from the RFP’s initial posting. Most notably, the solicitation has been separated into four geographic regions to encourage local participation and reduced fees. The previous solicitation would have awarded all projects to one firm, and this new structure will allow opportunities for regionalized contractors. The team also reviewed all Requests for Information and revised the RFP to increase clarity on mandatory proposal requirements. Judicial Council Legal Services has reviewed all legal concerns of previous proposers to ensure agreement alignment with industry best practices.
- The solicitation is expected to be reposted in August, with proposal submissions due in December 2023. Contracts are expected to be finalized by the end of April 2024 and systems to be operational by April 2026.

5. Napa Legionella Update:

- The third testing for Legionella at the Napa Criminal Court Building took place in June 2023. The test results came back negative and have been shared with Napa County Public Health. One more testing is required and will be shared with the county when available. Judicial Council Facility Services will monitor for chlorine and bromine following the final testing.

6. 2023–24 Budget Update from Judicial Council Chief Administrative Officer:

- The Governor is relying on \$42 billion in additional tax revenue deferred until October. If revenues do not meet projections, the Administration and Legislature will have no choice but to consider reductions. The Judicial Council is closely monitoring the actuals coming in and is not seeing a reason for concern. Should the situation change, ample time will be provided to the courts to plan for reductions.
- Several BCPs, totaling over \$1 billion, will be reviewed by the Judicial Council this week, which includes nine proposals and almost \$900 million for operations, and six proposals and \$128 million for capital outlay. If approved, they will move forward to DOF the first week in September.

- The Judicial Council plans to request early meetings with DOF in August to discuss key priorities, and to arrange for site visits, particularly of the larger facilities in Los Angeles that are consuming a large portion of maintenance funds.
- Next fiscal year, another \$10 billion deficit is anticipated, which is beyond the \$31 billion deficit the Legislature solved with the Governor for the current fiscal year. Also, another \$10 billion deficit is anticipated in each of the two years that follow.
- With the closing of 2022–23, healthy reserves of court operations funds not spent are anticipated and possibly exceed the \$132 million in prior year reserves. Courts will use those dollars in three different buckets:
 - Three percent cap of allowable reserves;
 - Court Funded Facilities Requests (CFRs); and
 - Funds-held-on-behalf (utilized by courts for a wide variety of purposes).
- Part of the conversations with DOF will include the three percent cap on reserves and whether there is ability for courts to save larger reserves to offset General Fund dependence.

OPEN SESSION - ACTION ITEMS (ITEMS 1–6)

Action Item 1 – Fiscal Year 2023–24 Facility Modification Budget

The committee approved the proposed 2023–24 FM budget.

(Motion: Highberger; Second: Ellis)

Action Item 2 – List A – Emergency Facility Modification Funding (Priority 1)

The committee approved 150 projects for a total of \$2,833,263 to be paid from FM program funds to be encumbered for Priority 1 projects. *(Motion: Ellis; Second: Highberger)*

Action Item 3 – List B – Facility Modifications Under \$100K (Priority 2)

The committee approved 133 projects for a total of \$1,433,795 to be paid from FM program funds to be encumbered for Priority 2 projects under \$100K. *(Motion: Ellis; Second: Orr)*

Action Item 4 – List C – Facility Modification Cost Increases Over \$50K

The committee approved cost increases over \$50K for five projects for a total of \$453,703 to be paid from FM program funds. *(Motion: Highberger; Second: Ellis)*

Action Item 5 – List D – Facility Modifications Over \$100K (Priority 2)

The committee approved four Priority 2 FMs over \$100K for a total cost to the FM program budget of \$790,856. *(Motion: Vallarta; Second: Ellis)*

Action Item 6 – Trial Court Facility Modifications Report for Quarter 4 and Annual Summary of Facility Modifications for Fiscal Year 2022–23

The committee approved the *Trial Court Facility Modifications Report for Quarter 4 and Annual Summary of Facility Modifications Report for Fiscal Year 2022–23* for submission to the Judicial Council. (*Motion: Vallarta; Second: Parker*)

**OPEN SESSION - DISCUSSION ITEMS (ITEMS 1–3)
(NO ACTION REQUIRED)**

Discussion Item 1 – List F – Funded Facility Modifications on Hold

The committee reviewed the list of previously funded FMs on hold.

Discussion Item 2 – Facilities Maintenance Performance Report

The committee reviewed the facilities maintenance performance report.

Discussion Item 3 – Trial Court Real Estate Portfolio Expense and Revenue Forecast for Fiscal Year 2023–24

The committee received an update on the Trial Court Real Estate Portfolio Expense and Revenue Forecast for 2023–24.

**OPEN SESSION - INFORMATION ONLY ITEMS (ITEMS 1–4)
(NO ACTION REQUIRED)**

Information Item 1 – Deferred Maintenance Funding – DMF-2 Projects Update

The committee received an update on the status of DMF-2 projects.

Information Item 2 – Deferred Maintenance Funding – DMF-3 Projects Update

The committee received an update on the status of DMF-3 projects.

Information Item 3 – Deferred Maintenance Funding – DMF-4 Projects Update

The committee received an update on the status of DMF-4 projects.

Information Item 4 – Architectural Revolving Fund Projects Update

The committee received an update on the status of FMs in the Architectural Revolving Fund.

ADJOURNMENT TO CLOSED SESSION AND ADJOURNMENT

There being no further open session business, the open session of the meeting was adjourned at 1:47 PM, and the advisory committee moved to the closed session of the meeting. The closed session of the meeting—which was closed to the public for discussion of security-related items (per Cal. Rules of Court, Rule 10.75(d))—was adjourned at 2:25 PM.

Approved by the advisory body on August 28, 2023.