

Proposed Process for Selecting SB 1407 Projects to Move Forward

July 23, 2012

The Court Facilities Working Group (the Working Group) invites courts and the public to provide written comments on the decision-making process and the draft criteria to be used for re-evaluating [31 SB 1407 projects to move forward](#) with limited funds. The Working Group requests the courts provide information on each criterion as it relates to each court's project or projects.

Comments and information on each criterion as it relates to each project are due to the Working Group August 24, 2012 at 6:00 pm to the OCCM mailbox:

OCCMComments@jud.ca.gov.

Questions on the criteria or process can also be sent to the OCCM mailbox at the same address. All materials submitted by the deadline will be provided to the Working Group for its review in advance of the three-day public meeting in early-September.

Public meeting details

Dates: September 5–7, 2012. Each day of the meeting is open to the public.

Location: Judicial Council Board Room, 455 Golden Gate Avenue, San Francisco, CA

Presentation Format: Courts with SB 1407 projects are invited to make a 15-minute presentation to the Working Group on their project. When the Working Group discusses each project, the affected court will be invited to have a seat at the table.

Decision-making process

Draft Working Group recommendations posted for public comment: The results of the September 2012 deliberations (recommended list of projects to move forward and list of projects indefinitely delayed or canceled) will be posted for public and court comment for two weeks. All comments will be sent to Working Group members for their review.

Working Group finalizes recommendations: If needed, the Working Group will meet in late-September 2012, to review comments on preliminary recommendations to the Judicial Council and then confirm final recommendations. Otherwise, the Working Group will submit its recommendations directly to the Judicial Council for their consideration at a public meeting held before the end of year.

Judicial Council to consider the Working Group's recommendations and to finalize decisions: The Working Group expects to present its recommendations to the Judicial Council at their meeting on October 26, 2012.

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Below are proposed criteria to be used by the Court Facilities Working Group (CFWG) to select which SB 1407 projects move forward with the limited funding estimated to be available. The CFWG is requesting comments from the courts and the public on these criteria and that the courts provide information on the criteria relevant to their project or projects. Where noted, staff will provide information to the CFWG.

Rather than develop a numerical rating system that assigns points for each criterion, the working group will be considering the various aspects of each project in relation to the full set of criteria in making their determinations. The criteria are not listed in order of priority.

1. **Security.** Describe the security problems in the facility or facilities to be replaced or improved by the SB 1407 project (that can be resolved by the design of the proposed capital project), and the safety, operational, and public service impacts of these security problems.
2. **Overcrowding.** Describe the overcrowding in the facility or facilities to be replaced by the SB 1407 project, and the related safety, operational, and public service impacts.
3. **Physical Condition.** Describe the key physical problems of the facility or facilities to be replaced by the SB 1407 project, and the related safety, operational, and public service impacts of these conditions.
4. **Access to Court Services.** Describe how the proposed project will improve access to court services for court users. For example, describe how the project will expand or improve access to court services for an underserved population.
5. **Economic Opportunity.** This criterion is defined in the *Prioritization Methodology for Trial Court Capital Outlay Projects* adopted by the Judicial Council in 2008 (the methodology) as “free or reduced cost of land for new construction, viable financing partnerships or fund contributions by other government entities or private parties that results in lower project delivery costs, cost savings resulting from adaptive reuse of existing facilities, operational efficiencies from consolidation of court calendars and operations, savings from sharing of facilities by more than one court, and building operations cost savings from consolidating facilities.” This should be an opportunity that is already in place or confirmed. Please also indicate if the new project is located adjacent to a county jail facility or police station, and whether or not a direct connection will be provided for prisoner transport, which can result in savings to the county.
6. **Project status.** Refers to the current phase or stage of a project. Current project status is categorized as follows, with projects in reassessment noted by the term “Reassess” after the project name:
 - 6.1. **Site Selection.** These projects are in the process of identifying two potential sites for the planned new courthouse based upon criteria prioritized, and mutually agreed to, by the court and the AOC. The two sites that meet site selection criteria are submitted to the State Public Works Board (SPWB) for site selection approval. Site Selection activities have been paused and will restart if the project

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is approved by the Judicial Council to continue. The following projects are in Site Selection:

- 6.1.1. Inyo – New Inyo County Courthouse – Reassess
 - 6.1.2. Kern – New Mojave Courthouse – Reassess
 - 6.1.3. Los Angeles – New Eastlake Juvenile Courthouse – Reassess
 - 6.1.4. Los Angeles – New Mental Health Courthouse
- 6.2. Site Acquisition. These projects have obtained Site Selection approval by the SPWB and are in the process of performing in-depth site due diligence, complying with the California Environmental Quality Act, negotiating acquisition terms, and performing test fit studies to confirm the site will accommodate the court's functional program within the project budget. After the preferred site has been thoroughly vetted and negotiations have been finalized, it will be submitted to the SPWB for acquisition approval and the site will be acquired. Site Acquisition activities have been paused and will restart if the project is approved by the Judicial Council to continue. The following projects are in Site Acquisition with sites not yet acquired:
- 6.2.1. El Dorado – New Placerville Courthouse
 - 6.2.2. Kern – New Delano Courthouse – Reassess
 - 6.2.3. Mendocino – New Ukiah Courthouse – Reassess
 - 6.2.4. Los Angeles – New Glendale Courthouse – Reassess
 - 6.2.5. Los Angeles – New Santa Clarita Courthouse – Reassess
 - 6.2.6. Los Angeles – New Southeast Los Angeles Courthouse – Reassess
 - 6.2.7. Nevada – New Nevada City Courthouse – Reassess
 - 6.2.8. Placer – New Tahoe Area Courthouse
 - 6.2.9. Plumas – New Quincy Courthouse
 - 6.2.10. Riverside – New Hemet Courthouse – Reassess
 - 6.2.11. Sacramento – New Sacramento Criminal Courthouse
 - 6.2.12. Santa Barbara – New Santa Barbara Criminal Courthouse – Reassess
 - 6.2.13. Stanislaus – New Modesto Courthouse
- 6.3. Property Purchased. These projects have acquired all necessary property for the planned new courthouse, but are on hold due to lack of funding for Preliminary Plans and pending outcome of the trial court operations review referred to in the FY 2012–2013 Budget Act. The following projects are in this category:
- 6.3.1. Shasta – New Redding Courthouse
 - 6.3.2. Siskiyou – New Yreka Courthouse
 - 6.3.3. Sonoma – New Santa Rosa Criminal Courthouse
 - 6.3.4. Tuolumne – New Sonoma Courthouse
- 6.4. Preliminary Plans. These projects have funding for preparation of Preliminary Plans, which includes schematic design and design development drawings. When completed and approved by the AOC and the court, Preliminary Plans are submitted to the SPWB for approval. Preliminary Plans for the following projects

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have been paused pending outcome of the trial court operations review referred to in the FY 2012–2013 Budget Act:

- 6.4.1. Fresno – Renovate Fresno Courthouse
 - 6.4.2. Glenn – Renovation and Addition to Willows Courthouse
 - 6.4.3. Imperial – New El Centro Family Courthouse – Reassess
 - 6.4.4. Merced – New Los Banos Courthouse
 - 6.4.5. Riverside – New Indio Juvenile and Family Courthouse
 - 6.4.6. Tehama – New Red Bluff Courthouse
- 6.5. Preliminary Plans Completed. These projects have received SPWB approval of Preliminary Plans, but cannot move forward because no funding is available for Working Drawings:
- 6.5.1. Lake – New Lakeport Courthouse
 - 6.5.2. Monterey – New South Monterey County Courthouse – Reassess
- 6.6. Working Drawings. These projects are in the process of preparing detailed construction documents, obtaining government agency approvals and preparing bid documents. Once Working Drawings have been completed and agency approvals are obtained, projects will be submitted to the state Department of Finance (DOF) for approval to bid. Each of the following projects, with the exception of the San Diego project, is in the Working Drawings phase and is scheduled to begin construction in FY 2012–2013:
- 6.6.1. Alameda – New East County Hall of Justice
 - 6.6.2. Butte – New North Butte County Courthouse
 - 6.6.3. Kings – New Hanford Courthouse
 - 6.6.4. San Diego – New San Diego Central Courthouse*
 - 6.6.5. San Joaquin – Juvenile Justice Center Renovation
 - 6.6.6. Santa Clara – New Santa Clara Family Justice Center
 - 6.6.7. Solano – Fairfield Old Solano Courthouse Renovation
 - 6.6.8. Sutter – New Yuba City Courthouse
 - 6.6.9. Yolo – New Woodland Courthouse
- *Scheduled for construction in FY 2013–2014
- 6.7. Construction. These projects have received approval to bid by DOF and will be included in an upcoming bond sale. They are in the process of bidding, awarding the construction contract, or are under construction. Currently no projects are in this category because no SB 1407 projects have actually started the construction phase.
- 6.8. Reassessment. In April 2012, the Judicial Council directed the AOC to reassess the scope and budget of 13 projects. These projects will be reassessed to confirm project scope and budget and identify significant ways to reduce costs, including where feasible, reducing square footage, undertaking renovations of existing buildings instead of new construction, evaluating lease options, and using lower

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cost construction methods. The Judicial Council directed the AOC to reassess the following projects:

- 6.8.1. Inyo – New Inyo County Courthouse
- 6.8.2. Imperial – New El Centro Family Courthouse
- 6.8.3. Kern – New Delano Courthouse
- 6.8.4. Kern – New Mojave Courthouse
- 6.8.5. Los Angeles – New Eastlake Juvenile Courthouse
- 6.8.6. Los Angeles – New Glendale Courthouse
- 6.8.7. Los Angeles – New Santa Clarita Courthouse
- 6.8.8. Los Angeles – New Southeast Los Angeles Courthouse
- 6.8.9. Mendocino – New Ukiah Courthouse
- 6.8.10. Monterey – New South Monterey County Courthouse
- 6.8.11. Nevada – New Nevada Courthouse
- 6.8.12. Riverside – New Hemet Courthouse
- 6.8.13. Santa Barbara – New Santa Barbara Criminal Courthouse

7. Court Usage. This criterion is determined by the extent to which all courtrooms are used in a county; the size of the estimated population served; and the estimated case load, which is defined as the number of filings, number of dispositions, and number of jury trials.

7.1. Courtroom Locations and Judicial Officer Calendar Assignments. For each courthouse in your county, please provide a listing identifying courtroom by department number and the name of the judicial officer assigned to that courtroom. If a courtroom is unused, please explain the reason for the vacancy (unfilled authorized position, retirement, medical leave, vacation, etc.).

7.2. Estimated Population Served. The estimated population served by a court may be calculated in several ways:

7.2.1. For courthouses serving the entire county, the estimated population served is the 2012 estimated county population. AOC staff will provide data to the CFWG (total estimate and estimate per Judicial Position Equivalent (JPE)).

7.2.2. For courthouses serving a portion of the county, the estimated population can be identified using county data on city and unincorporated areas. This information may be adjusted to include estimated population for courts that have seasonal increases in tourist population. The working group requests the court provide this information to the working group.

Sources of data: State of California, Department of Finance, E-1 Population Estimates for Cities, Counties, and the State with Annual Percent Change — January 1, 2011 and 2012. Sacramento, California, May 2012. Local data sources for court service areas may also be used.

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- 7.3. Number of Filings. The number of cases filed with the court to initiate legal action. Source of data: Judicial Council of California, 2011 Court Statistics Report, Statewide Caseload Trends, 2000–2001 through 2009–2010. AOC staff will provide data to the CFWG (total estimate and estimate per JPE).
 - 7.4. Number of Dispositions. The number of cases that have been resolved by a determination by the court. Source of data: Judicial Council of California, 2011 Court Statistics Report, Statewide Caseload Trends, 2000–2001 through 2009–2010. AOC staff will provide data to the CFWG (total estimate and estimate per JPE).
 - 7.5. Number of Jury Trials. A jury trial is counted when the jury is empanelled. Source of data: Judicial Council of California, 2011 Court Statistics Report, Statewide Caseload Trends 2000–2001 through 2009–2010. AOC staff will provide data to the CFWG (total estimate and estimate per JPE).
 - 7.6. Weighted Filings Data. 2011 judicial officer study case weights used in evaluating statewide judicial workload and used in the biennial judicial needs assessment. AOC staff will provide data to the CFWG.
- 8. Type of Courthouse** refers to either Main or Branch courthouses.
- 8.1. Main Courthouses. Refers to courthouses typically located in the county seat or in a major population center that is not the county seat. Main courthouses typically offer a full range of court services.
 - 8.2. Branch Courthouses. Refers to court facilities that are not located in the county seat or a major population center. Branch courthouses may have formerly been municipal courthouses and may be located in more rural locations. Branch courts may not offer a full range of court services. If a project is a branch court, please provide information on what calendar case types will be heard. Describe special geographic issues that require branch court locations.
- 9. Disposition of Existing Court Space or Facility**. Refers to an agreement between the state and another party, which will be responsible for space currently occupied by a court that will be vacated once the capital project has been completed. AOC staff will provide information to the CFWG.
- 10. Consolidation of Facilities**. Refers to the replacement or consolidation of disparate leased or owned space that will improve operational efficiencies. Leased or owned spaces, such as modular buildings, should be included.
- 11. Extent to Which Project Solves a Court’s Facilities Problems**. Refers to the degree to which the court’s identified facilities problems in a specific county can be solved by constructing a new courthouse.

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12. **Expected Operational Impact.** Refers to savings or cost increases in areas such as staffing, janitorial, security, and building operations.
 - 12.1. Estimate and document one-time and ongoing cost impacts to the court related to moving in and operating the new facility. These estimates will include increased and decreased costs, detailed by each specific cost item (e.g. moving, or janitorial, etc.)
 - 12.2. Document the funding source(s) planned to be used to address any net cost increases.
 - 12.3. Document potential ongoing cost savings through elimination of “court funded” lease costs, consolidation and reduction of staff, etc. Provide quantitative savings estimates whenever possible.
 - 12.4. AOC staff to provide data on elimination of AOC funded lease costs and impacts to AOC funded building operational costs, to include offset from County Facility Payment.
13. **Qualitative statement of need to replace a facility or facilities.** Refers to key aspects of the proposed project that may not be reflected in the project’s assignment to a priority need group based on the methodology employed by the Judicial Council in 2008 to select projects for funding by SB 1407.
14. **Courtroom and courthouse closures.** These are defined in two ways:
 - 14.1. Courthouses or courtrooms that have been officially closed by the court, where the court has issued a closure notice in compliance with Government Code Section 68106 (Budget Act of 2010). All courts’ notices are listed and posted at <http://www.courts.ca.gov/12973.htm>. Please provide an explanation of how the closure is affecting court operations. Confirm whether the courtroom or courthouse is needed in the future and if the closure is temporary or permanent. Please explain why a new courthouse is still needed when one or more courthouses or courtrooms have been officially closed by the court.
 - 14.2. Courtrooms that are not fully scheduled based on item 7.1. If a courtroom is unused, please explain the reason for the vacancy (unfilled authorized position, retirement, medical leave, room functionality, location, etc.).
15. **“Outside the Box Thinking”.** Refers to ideas regarding how to reduce project scope and budget, and an examination of creative and potentially less costly ways to address safety, security and functional problems of the courthouse or courthouses to be replaced by the capital project. For example, such ideas to reduce project scope and costs could include renovating rather than constructing a new building, reorganizing services to increase utilization of existing facilities, use of hearing rooms instead of full size courtrooms, use of video conferencing for hearings and arraignments, and limiting the construction of fully flexible courtrooms (no jury boxes or connection to in-custody areas).

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16. **Expended Resources.** Refers to the amount of time and money spent by the AOC, the court, and local communities on the SB 1407 project. Note that the AOC will provide the working group with data on SB 1407 fund expenditures as of June 30, 2012 for each project being evaluated.