

JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS
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Report

TO: Members of the Judicial Council

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DATE: April 24, 2009

SUBJECT: Court Facilities Planning: Revision to Facility Modifications Prioritization
Methodology (Action Required)

Issue Statement

On December 2, 2005, the Judicial Council adopted a policy for prioritizing, budgeting, funding, and implementing appellate and trial court facilities modifications. The sunset of the Interim Court Facilities Panel (the interim panel), the nature of funding resources in the appellate courts, and more than three years of implementation have necessitated that the policy be reviewed and updated. The updates to this policy support the mission and policy direction of the Judicial Council in its long-range strategic plan—Goal III, Modernization of Management and Administration, and Goal VI, Branchwide Infrastructure for Service Excellence—by improving existing court facilities to allow adequate, suitable space for the conduct of court business.

Recommendation

Staff of the Administrative Office of the Courts (AOC) recommends that the Judicial Council take the following actions:

1. Adopt the revised *Prioritization Methodology for Modifications to Court Facilities* and direct AOC staff to implement its revisions.
2. Direct AOC staff to report to the Judicial Council on the effectiveness of the above policy revisions at the time the remaining transfers of court facilities from the counties to the state are completed, or to report earlier should additional revisions to this policy be recommended for council approval.

Rationale for Recommendation

Recommendation 1

The Trial Court Facilities Act of 2002 (Gov. Code, § 70391(e)) specifies the authority and responsibility of the council to “[e]stablish policies, procedures, and guidelines for ensuring that the courts have adequate and sufficient facilities, including, but not limited to, facilities planning, acquisition, construction, design, operation, and maintenance.” In support of this responsibility, the council adopted the *Prioritization Methodology for Modifications to Court Facilities* in December 2005, a copy of which is attached.

Evolving practices since the adoption of the policy and its implementation have resulted in the need for it to be reviewed and revised. AOC staff has worked together to prepare a proposed revision, which is also attached.

The revised policy includes the following changes:

1. The Executive and Planning Committee (E&P Committee) would perform the stated functions previously assigned to the interim panel, as the review and approval authority for the annual reports of the Trial Court Facility Modifications Working Group (TCFMWG). This includes approval of the preliminary ranked lists of planned priorities 2–6 facility modifications prepared by AOC staff and recommended by the TCFMWG. Since the sunset of the interim panel in June 2007, the E&P Committee, per rule 10.15(a) of the California Rules of Court, has been fulfilling this role, and therefore, the policy should be revised to reflect this practice.
2. In addition to funds set aside for priority 1, planned priorities 2–6, and unforeseen priorities 2–6 facility modifications, a modest amount of the available funds also should be set aside for statewide facility modification planning. In fiscal year 2009–2010, it is estimated that about seven percent of the budget will be used for this purpose. These funds will be used for facility assessments, planning, investigations, and other activities related to the development of scope of work, cost and schedule estimates, conceptual plans of proposed modification projects, and long-range budget planning.
3. The Appellate Court Facility Modifications Working Group is discontinued. This group, composed of representatives from all six appellate districts, convened once and by consensus agreed that there is no prevailing need for an Appellate Court Facility Modifications Working Group, as each appellate court will, as they currently do, individually fund its needed and desired modifications. Also, these courts already work together to share funds and will continue to do so when the need arises.
4. The TCFMWG will continue to be composed of seven members of the branch, each of whom shall serve a three-year term. Its chair will establish an initial rotation process so that normally not more than three members are replaced in any fiscal year. Time served will not count as part of the three-year term, but no member will serve

for more than six consecutive years. In addition, the chair may be appointed to serve an additional year at the discretion of the Chief Justice.

Recommendation 2

In December 2005, the Judicial Council approved the *Prioritization Methodology for Modifications to Court Facilities*, recognizing the potential for it to evolve over time and directing AOC staff to report back on the effectiveness of one full year of its implementation. Due to the limited number of transfers during that year, the policy could not be fully evaluated. Over the past few years, facility modifications were performed and/or designed for more than 35 trial courts. The AOC staff's and the TCFMWG's experience in these matters, along with the resulting feedback from the trial courts, now form the basis for the recommended revisions to this policy.

This recommendation directs the AOC to report back to the Judicial Council on the effectiveness of the policy after the remaining transfers of court facilities from the counties to the state are completed, or to report earlier should additional revisions to this policy be recommended for council approval.

Alternative Actions Considered

The alternatives considered for replacement of the interim panel's functions were the Administrative Director of the Courts (ADOC) or the Judicial Council. When the sunset of the interim panel occurred on July 1, 2007, the E&P Committee, per rule 10.15(a) of the California Rules of Court, assumed responsibility for the interim panel's duties. The duties previously carried out under the interim panel primarily encompass review of planning allocations for the budget year and approval of the TCFMWG's Annual Report.

While the recommendation is for the E&P Committee to continue to carry out the interim panel's duties based on the reasons outlined above, the alternative of having the ADOC perform this function was also considered. The basis for this alternative is that the Judicial Council's role is to establish policy while the AOC's role is to implement the council's policies by managing the programs and budgets associated with them. Policy decisions affecting the overall budget for facility modifications and the criteria for prioritizing them are made by the Judicial Council through such actions as creating policy and directing AOC staff to make related budget change proposals to the Department of Finance. As specified in the current, approved policy, the primary tasks required by the interim panel are to approve the allocation of funds between the facility modification budget categories and to approve the annual prioritization of the list of facility modifications projects. These tasks could be considered policy implementation and management functions typically delegated to the AOC. The reason this alternative is not recommended is that it removes the council from the process and thus appears to conflict with the existing intent of the policy, which has a subset of the council involved in the process.

The alternative of having the Judicial Council review and approve the recommendations of the TCFMWG appeared to be inconsistent with the approach taken by them, when it delegated the oversight responsibility for the TCFMWG to the interim panel rather than retaining purview over the working group. Of the 17 courts that provided comments on the original policy in 2005, none indicated concern with the Judicial Council's decision to delegate its authority concerning modifications to court facilities. One particular court even questioned the need for oversight by the interim panel given that all decisions on facility modifications are made by the TCFMWG.

Comments From Interested Parties

The revised policy was posted for court comment on Serranus for a two-week period in January 2008. At that time, AOC staff received responses from only two courts, both supporting the revised policy. Since then, a focus on the transfer process and internal discussion on the alternative discussed above has delayed the presentation of this report. Furthermore, no additional formal or informal replies to the revised policy have been received in the past year. Informal communications with many courts and the continued support of the Trial Court Presiding Judges Advisory Committee and the Court Executive Advisory Committee in the appointment of new members to the TCFMWG indicate strong support for the program.

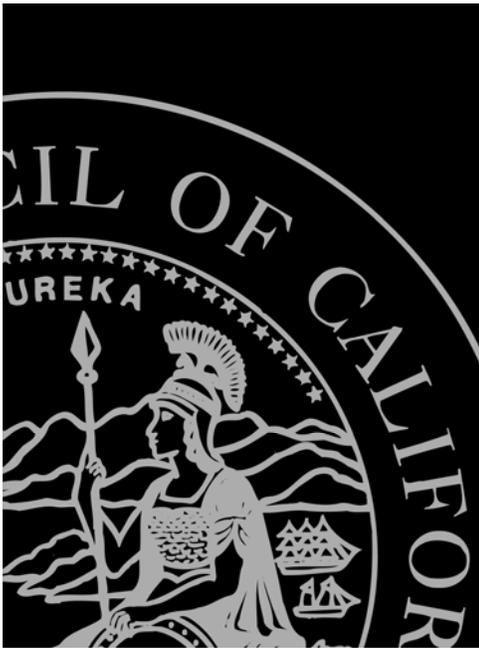
Implementation Requirements and Costs

Development of the revised policy was performed by AOC staff, and its implementation will incur no additional cost.

Attachments

Prioritization Methodology for Modifications to Court Facilities, Approved December 2, 2005

Prioritization Methodology for Modifications to Court Facilities, Revised April 24, 2009
(Revisions to policy shown)



Prioritization Methodology for Modifications to Court Facilities

DECEMBER 2, 2005



ADMINISTRATIVE OFFICE
OF THE COURTS

OFFICE OF COURT CONSTRUCTION
AND MANAGEMENT

I. Purpose

This document presents a methodology and a process for prioritizing modifications to be made to appellate and trial court facilities for which responsibility or title has been transferred from county to state jurisdiction.

II. Definitions

A. Facility Modifications

A facility modification is defined as a generally planned, *physical modification* to a facility component or components that restores or improves the designed level of function of a facility or facility components. Such a modification can include, but is not limited to, a modification for fire and life safety, security, compliance with the Americans with Disabilities Act (ADA), or title 24 of the California Code of Regulations. A facility modification may also include a one-time modification of a building that is not expected to be repeated during the lifetime of the building, such as a seismic upgrade, or be an unplanned emergency response to failed systems or system components negatively affecting life safety or court operations, requires immediate attention, or requires substantial fund expenditures or scoping or design services to correct. Any collateral damage related to an emergency incident, or unknown finding discovered in the process of implementing any facility modification, will be corrected as part of the overall work performed. Facility modifications may or may not require design support. Facility modifications typically encompass additions of new systems, equipment, or other components not otherwise existing. Additionally, facility modifications involve alterations, renovations, replacements, or refurbishments to existing systems, equipment, or other components not considered routine maintenance and repair activities.

Facility modifications *exclude routine maintenance and repair activities* in that the latter include routine system parts replacement or repair on existing building components, as recommended by the manufacturers or industry-recommended service cycles to ensure the continued operation of systems. Maintenance activities may also include unplanned emergency repairs. Routine maintenance and repair activities include both minor activities, which involve unplanned and planned maintenance, and major activities, which are of a greater scope and typically require some design and engineering support.

Facility modifications are *distinguished from major capital outlay projects* in that the latter increase the facility's gross area, as in an addition to a structure; substantially renovate a major portion of the facility; comprise a new facility or an acquisition; or change the use of the facility, as in a conversion from another use to court use. Major capital outlay projects are contained in the Judicial Council Five-Year Infrastructure Plan Fiscal Year 2005–2006 available posted online at www.courtinfo.ca.gov/reference/fiveyear.htm.

B. Judicial Branch Facilities' Customer Service Center (CSC)

The CSC is a statewide, 24-hour service center created to receive, track, and control all work related to court facilities. This center is managed by the Facilities Management Unit of Real Estate and Asset Management Services in the Administrative Office of the Courts (AOC), Office of Court Construction and Management (OCCM). The CSC will be the primary contact point for

unplanned trial court facility modification requests and all maintenance services. The e-mail address is csc@jud.ca.gov.

III. Priority Categories

A. Priority Categories for Facility Modifications

Facility modifications will be assigned one of the following six priority categories. These priority categories are based on methods commonly used by private sector facility management firms. As described below, facility modifications will be prioritized based on priority category, specific justifications, the effect on court operations, public and employee safety, risk management and mitigation, funding availability, equity among the courts, implementation feasibility, cost/benefit analysis, and planning and design status of major capital improvements.

Facility modifications that are determined to be priority 1 will be addressed immediately and regardless of whether the court occupies a shared-use facility. Planned priorities 2–6 facility modifications requested for shared-use facilities will be assigned an appropriate priority category. Their prioritization and implementation may be dependent, however, on financial participation by the county that shares the building. Priority categories for facility modifications are:

1. **Priority 1—Immediately or Potentially Critical.** Condition requires immediate action to return a facility to normal operations, or a condition that will become immediately critical if not corrected expeditiously. Such conditions necessitate the need to stop accelerated deterioration or damage, to correct a safety hazard that imminently threatens loss of life or serious injury to the public or court employees, or to remediate intermittent function and service interruptions as well as potential safety hazards. Such conditions may include, but are not limited to, the following: major flooding; substantial damage to roofs or other structural building components; or hazardous material exposure. Depending on scope and impact, a severe deterioration in life safety protection may also be considered a priority 1 condition requiring a facility modification.

Owing to their critical nature, priority 1 requests will be addressed immediately by AOC staff using internal procedures that ensure timely and effective responses to unplanned emergency or potentially critical conditions, including a method and a process for setting aside funds to address priority 1 conditions.

2. **Priority 2—Necessary, but Not Yet Critical.** Condition requires correction to preclude deterioration, potential loss of function or service, or associated damage or higher costs if correction is further deferred.

3. **Priority 3—Recommended.** Condition to be addressed will reduce long-term maintenance or repair costs or will improve the functionality, usability, and accessibility of a court. The condition is not hindering the most basic functions of a facility, but its correction will support improved court operations.

4. **Priority 4—Does Not Meet Current Codes or Standards.** Condition does not conform to current code requirements, yet it complied at the time of initial construction. Such conditions

are considered legally nonconforming and are generally not required to be modified to meet current code requirements.

5. **Priority 5—Beyond Rated Life, but Serviceable.** Condition is currently adequate but cannot be expected to function as designed in the future.

6. **Priority 6—Hazardous Materials, Managed but Not Abated.** Hazardous materials, such as asbestos or lead-based paints, which are currently managed in place but not yet remediated.

IV. Process for Requesting and Prioritizing Facility Modifications

A. Requesting Facility Modifications

Facility modifications priorities 2–6 will be identified by court and AOC personnel in advance of each fiscal year. Thereafter, emergency priority 1 items and unplanned requests are made to the CSC to initiate a facility modification. The AOC staff will work collaboratively with the local court to assign a priority category to each request, resolve any questions, develop a preliminary cost estimate, and finalize the scope of the request.

1. **Priority 1 Requests.** Owing to their critical nature, priority 1 requests will be addressed immediately by AOC staff using internal procedures that ensure timely and effective responses to unplanned emergency or potentially critical conditions, including a method and a process for setting aside funds to address priority 1 conditions. Priority 1 requests can be made by the courts' contact to the CSC, followed by submission of an online Facility Modifications Request Form to the AOC in the process described below. Each year, the AOC will issue a report to the Judicial Council describing priority 1 situations and their resolution.

2. **Priorities 2–6 Requests.** Priorities 2–6 requests will be annually developed by the AOC and each court. Thereafter for unplanned midyear needs, the court may initiate a request for facility modifications using an online Facility Modifications Request Form. The request will outline the problem to be addressed and state the impact if the problem is not addressed. The form will be e-mailed to csc@jud.ca.gov. If the court initiates a facility modifications request, the e-mail must originate from the presiding judge, the court executive officer, or their designees of record, as reported to the AOC. If AOC staff initiates a request, the e-mail must be approved by the OCCM director or an assistant director or manager.

The request form will be processed by the staff of the CSC and tracked in the Computer Aided Facilities Management (CAFM) database.

B. Prioritizing Requests for Priorities 2–6 Facility Modification

The superior courts and appellate courts will annually request priorities 2–6 facility modifications for each forthcoming fiscal year, and AOC staff will assign a priority category to each request, develop a preliminary cost estimate, and finalize the scope of the request. AOC staff will then prepare two reports—one on pending trial court and one on pending appellate court facility modifications. Each report will include a preliminary ranked list of all pending requests, including a summary of the rationale for the preliminary ranking. Preliminary ranked lists of all requests will be prepared by AOC staff based on the following factors: priority

category; specific justifications; the effect on court operations, and on public and employee safety; risk management and mitigation; funding availability; equity among the courts; implementation feasibility; cost/benefit analysis; design and plan status; and planned major capital improvements.

Two working groups—one for trial courts and one for appellate courts—will be established to review facility modification needs across the state. On an annual basis, each working group will review the AOC staff report, which includes a preliminary ranked list of all pending requests and a rationale for the ranking. The reports prepared by AOC staff will be submitted to the respective working group for their meetings in advance of each budget year cycle.

Based on a review of the AOC reports and any other additional information, each working group will develop an annual report that includes a preliminary prioritized list of planned priorities 2–6 facility modifications for funding. These preliminary prioritized lists for funding will utilize the same factors indicated above. Each working group’s annual report, including a list of all requested facility modifications received and under consideration for ranking and the preliminary ranked list of planned priorities 2–6 facility modifications, will be made available to courts by posting on Serranus for comments. All comments will be considered and addressed by the appropriate working group. All comments and working group responses will be presented to the Interim Panel, as part of the final report of the working groups.

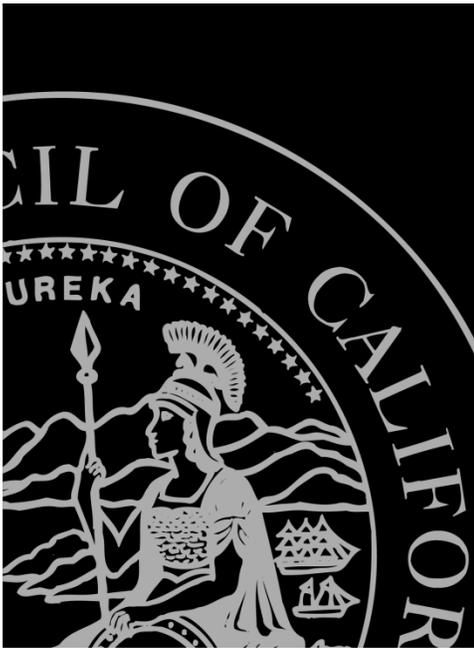
Persons selected for the working groups will be members of the judicial branch (the branch) affiliated with any court in the state and possessing knowledge of or interest in facilities management or construction. Members of the branch affiliated with any court in the state will include justices, judges, subordinate judicial officers, and court staff. The appellate court working group will be composed of three members of the branch selected by the Administrative Presiding Justices Advisory Committee and two members of the branch selected by the members of the California Appellate Court Clerks Association. The trial court working group will be composed of four members of the branch selected by the Trial Court Presiding Judges Advisory Committee and three members of the branch selected by the Court Executives Advisory Committee. The chair of each working group will be appointed by the Chief Justice from the membership of the group. These working groups are envisioned to confer as often as necessary to review and prioritize requests for planned priorities 2–6 facility modifications.

On an annual basis, each working group will provide a full briefing to the Interim Panel on pending priorities 2–6 facility modifications requests, including an analysis of each request and a rationale for the preliminary ranked list of modifications. Annually, the Interim Panel will approve two final ranked lists of priorities 2–6 facility modifications: one for trial courts and one for appellate courts.

To develop a final ranked list, the Interim Panel will consider those factors used by the working groups, including priority category; specific justifications; the effect on court operations, and on public and employee safety; risk management and mitigation; funding availability; equity among the courts; implementation feasibility; cost/benefit analysis; design and plan status; and planned major capital improvements. The final ranked list will be based on an analysis of these factors, the annual report prepared by each working group, additional information requested by the

Interim Panel as necessary to determine a final list, and the funds available for addressing priorities 2–6 conditions as defined by the Judicial Council in the process of establishing the annual budget. The ranked lists approved by the Interim Panel will be the basis on which the AOC will proceed to implement facility modifications. AOC staff will manage the work from design through construction, inspection, and acceptance. The AOC will work collaboratively with local courts to implement facility modifications.

There may be justifiable reasons for making adjustments to the prioritization of planned priorities 2–6 requests and reallocating of funds among the three facility modification budgets—priority 1, planned priorities 2–6, and unforeseen or out-of-cycle priorities 2–6—during the course of a year. Therefore, each working group has the authority to make adjustments to the prioritized list of priorities 2–6 facility modifications and adjust funds among the three budgets for facility modifications as necessary. Each working group will make a quarterly report to the Interim Panel on any such midyear adjustments.



Prioritization Methodology for Modifications to Court Facilities

REVISED: APRIL 24, 2009



ADMINISTRATIVE OFFICE
OF THE COURTS

OFFICE OF COURT CONSTRUCTION
AND MANAGEMENT

POLICY REVISED: April 24, 2009

I. Purpose

This document presents a methodology and a process for prioritizing modifications to be made to ~~appellate and~~ trial court facilities for which responsibility or title has been transferred from county to state jurisdiction.

II. Definitions

A. Facility Modifications

A facility modification is defined as a generally planned, *physical modification* to a facility component or components that restores or improves the designed level of function of a facility or facility components. Such a modification can include, but is not limited to, a modification for fire and life safety, security, compliance with the Americans with Disabilities Act (ADA), or title 24 of the California Code of Regulations. A facility modification may also include a one-time modification of a building that is not expected to be repeated during the lifetime of the building, such as a seismic upgrade, or be an unplanned emergency response to failed systems or system components negatively affecting life safety or court operations, requires immediate attention, or requires substantial fund expenditures or scoping or design services to correct. Any collateral damage related to an emergency incident, or unknown finding discovered in the process of implementing any facility modification, will be corrected as part of the overall work performed. Facility modifications may or may not require design support. Facility modifications typically encompass additions of new systems, equipment, or other components not otherwise existing. Additionally, facility modifications involve alterations, renovations, replacements, or refurbishments to existing systems, equipment, or other components not considered routine maintenance and repair activities.

Facility modifications *exclude routine maintenance and repair activities* in that the latter include routine system parts replacement or repair on existing building components, as recommended by the manufacturers or industry-recommended service cycles to ensure the continued operation of systems. Maintenance activities may also include unplanned emergency repairs. Routine maintenance and repair activities include both minor activities, which involve unplanned and planned maintenance, and major activities, which are of a greater scope and typically require some design and engineering support.

Facility modifications are *distinguished from major capital outlay projects* in that the latter *significantly* increases the facility's gross area, as in a *major* addition to a structure; substantially renovate ~~a major portion~~ *the majority* of the facility; comprise a new facility or an acquisition; or change the use of the facility, as in a conversion from another use to court use. ~~Major capital outlay projects are contained in the Judicial Council Branch AB 1473 Five Year Infrastructure Plan Fiscal Year 2005-8-2006-9, available posted online at www.courtinfo.ca.gov/reference/programs/occm/five_5year.htm.~~

B. Judicial Branch Facilities' Customer Service Center (CSC)

The CSC is a statewide, 24-hour service center created to receive, track, and control all work related to court facilities. This center is managed by the Facilities Management Unit of Real Estate and

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Asset Management Services in the Administrative Office of the Courts (AOC), Office of Court Construction and Management (OCCM). The CSC ~~will be~~ is the primary contact point for unplanned trial court facility modification requests and all maintenance services. The e-mail address is csc@jud.ca.gov.

C. Statewide Facility Modifications Planning Budget

The portion of the Facility Modifications budget set aside for planning, investigations, and other activities related to the identification, solution analysis and/or the development of Facility Modifications requirements, estimates, and plans. This does not include detailed design work for specific facility modifications. Design work is included in the cost of the individual Facility Modifications.

D. Planned Priority 2–6 Budget

The portion of the Facility Modifications budget set aside for work identified during the annual gathering of requirements or for work carried over from the previous fiscal year that was not funded.

E. Unforeseen or Out-of-Cycle Priority 2–6 Budget

The portion of the Facility Modifications budget set aside for work requested out of the normal annual-requirement gathering period or for work that is of a lower priority than the work in the Planned Priority 2–6 Budget, which may be funded during the year based on available funds and the priority of the requirement.

III. Priority Categories

A. Priority Categories for Facility Modifications

Facility modifications will be assigned one of the following six priority categories. These priority categories are based on methods commonly used by private sector facility management firms. As described below, facility modifications will be prioritized based on priority category, specific justifications, the effect on court operations, public and employee safety, risk management and mitigation, funding availability, equity among the courts, implementation feasibility, cost/benefit analysis, and planning and design status of major capital improvements.

Facility modifications that are determined to be priority 1 will be addressed immediately and regardless of whether the court occupies a shared-use facility. Planned priorities 2–6 facility modifications requested for shared-use facilities will be assigned an appropriate priority category. Their prioritization and implementation may be dependent, however, on financial participation by the county that shares the building. Priority categories for facility modifications are as follows:

1. **Priority 1—Immediately or Potentially Critical.** Condition requires immediate action to return a facility to normal operations, or a condition that will become immediately critical if not corrected expeditiously. Such conditions necessitate the need to stop accelerated deterioration or damage, to correct a safety hazard that imminently threatens loss of life or serious injury to the public or court employees, or to remediate intermittent function and service interruptions as well as potential safety hazards. Such conditions may include, but are not limited to, the following: major flooding; substantial damage to roofs or other structural building components; or hazardous material

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exposure. Depending on scope and impact, a severe deterioration in life safety protection may also be considered a priority 1 condition requiring a facility modification.

Owing to their critical nature, priority 1 requests will be addressed immediately by AOC staff using internal procedures that ensure timely and effective responses to unplanned emergency or potentially critical conditions, including a method and a process for setting aside funds to address priority 1 conditions.

2. **Priority 2—Necessary, But Not Yet Critical.** Condition requires correction to preclude deterioration, potential loss of function or service, or associated damage or higher costs if correction is further deferred.
3. **Priority 3—Recommended.** Condition to be addressed will reduce long-term maintenance or repair costs or will improve the functionality, usability, and accessibility of a court. The condition is not hindering the most basic functions of a facility, but its correction will support improved court operations.
4. **Priority 4—Does Not Meet Current Codes or Standards.** Condition does not conform to current code requirements, yet it complied at the time of initial construction. Such conditions are considered legally nonconforming and are generally not required to be modified to meet current code requirements.
5. **Priority 5—Beyond Rated Life, But Serviceable.** Condition is currently adequate but cannot be expected to function as designed in the future.
6. **Priority 6—Hazardous Materials, Managed But Not Abated.** Condition involves hazardous materials, such as asbestos or lead-based paints, which are currently managed in place but not yet remediated.

IV. Process for Requesting and Prioritizing Facility Modifications

A. Requesting Facility Modifications

Facility modifications priorities 2–6 will be identified by court and AOC personnel in advance of each fiscal year. Thereafter, emergency priority 1 items and unplanned requests are made to the CSC to initiate a facility modification. The AOC staff will work collaboratively with the local court to assign a priority category to each request, resolve any questions, develop a preliminary cost estimate, and finalize the scope of the request.

1. **Priority 1 Requests.** Owing to their critical nature, priority 1 requests will be addressed immediately by AOC staff using internal procedures that ensure timely and effective responses to unplanned emergency or potentially critical conditions, including a method and a process for setting aside funds to address priority 1 conditions. Priority 1 requests can be made by the courts' contact to the CSC, followed by submission of an online Facility Modifications Request Form to the AOC in the process described below. ~~Each year, the AOC will issue a report to the Judicial Council describing priority 1 situations and their resolution.~~

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2. Priorities 2–6 Requests. Priorities 2–6 requests will be annually developed by the AOC and each court. Thereafter, for unplanned midyear needs, the court may initiate a request for facility modifications using an online Facility Modifications Request Form. The request will outline the problem to be addressed and state the impact if the problem is not addressed. The form will be e-mailed to csc@jud.ca.gov. If the court initiates a facility modifications request, the e-mail must originate from the presiding judge, the court executive officer, or their designees of record, as reported to the AOC. If AOC staff initiates a request, the e-mail must be approved by the OCCM director or an assistant director or manager.

The request form will be processed by the staff of the CSC and tracked in the Computer-Aided Facilities Management (CAFM) database.

B. Prioritizing Requests for Priorities 2–6 Facility Modifications

The superior courts ~~and appellate courts~~ will annually request priorities 2–6 facility modifications for each forthcoming fiscal year, and AOC staff will assign a priority category to each request, develop a preliminary cost estimate, and finalize the scope of the request. AOC staff will then prepare ~~two a reports—one on pending trial court and one on pending appellate court~~ facility modifications. Each report will include a preliminary ranked list of all pending requests, including a summary of the rationale for the preliminary ranking. Preliminary ranked lists of all requests will be prepared by AOC staff based on the following factors: priority category; specific justifications; the effect on court operations, and on public and employee safety; risk management and mitigation; funding availability; equity among the courts; implementation feasibility; cost/benefit analysis; design and plan status; and planned major capital improvements.

~~Two working groups—one for trial courts and one for appellate courts—~~ A Trial Court Facility Modifications Working Group (the working group) will be established to review facility modification needs across the state. On an annual basis, ~~each working group~~ it will review the AOC staff report, which includes a preliminary ranked list of all pending requests and a rationale for the ranking. The reports prepared by AOC staff will be submitted to the ~~respective~~ working group for ~~their~~ its meetings in advance of each budget year cycle.

Based on a review of the AOC reports and any other additional information, ~~each~~ the working group will develop an annual report that includes a recommended preliminary prioritized list of planned priorities 2–6 facility modifications and a list of funded facility modifications. ~~for funding.~~ These preliminary prioritized lists for funding will utilize the same factors indicated above. ~~Each~~ The working group’s annual report, including a list of all requested facility modifications received and under consideration for ranking and the preliminary ranked list of planned priorities 2–6 facility modifications, will be made available to the trial courts for comments by posting it onto Serranus and through distribution to the chairpersons of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee. ~~for comments.~~ All comments will be considered and addressed by the ~~appropriate~~ working group. All comments and working group responses will be presented to the ~~Interim Panel,~~ Executive and Planning Committee (E&P Committee), as part of the final report of the working groups.

C. Trial Court Facility Modifications Working Group Membership and Terms of Service

Persons selected for the working groups will be members of the judicial branch (the branch) affiliated with any court in the state and possessing knowledge of or interest in facilities

POLICY REVISED: April 24, 2009

management or construction. Members of the branch affiliated with any court in the state will include justices, judges, subordinate judicial officers, and court staff. ~~The appellate court working group will be composed of three members of the branch selected by the Administrative Presiding Justices Advisory Committee and two members of the branch selected by the members of the California Appellate Court Clerks Association.~~ The trial court working group will be composed of four members of the branch selected by the Trial Court Presiding Judges Advisory Committee and three members of the branch selected by the Court Executives Advisory Committee. The chair of ~~each~~ the working group will be appointed by the Chief Justice from the membership of the group. Members will serve a three-year term. The chair may be extended for a fourth year at the discretion of the Chief Justice. The chair at the time of adoption of this policy will establish a rotation process to establish a cycle where normally no more than three members are replaced each fiscal year. Time served prior to the adoption of the policy will not count toward the three-year term, but no member will serve for more than six consecutive years. The AOC staff will be responsible for notifying the respective selection committee when new members need to be appointed. These working groups ~~are~~ is envisioned to confer as often as necessary to review and prioritize requests for planned priorities 2–6 facility modifications.

D. Trial Court Facility Modifications Working Group Procedures

On an annual basis, ~~each~~ the working group will provide a full briefing report to the ~~Interim Panel E&P Committee~~ on pending priorities 2–6 facility modifications requests, including an analysis of each request and a rationale for the preliminary ranked list of modifications. Annually, the Interim Panel will approve two final ranked lists of priorities 2–6 facility modifications: one for trial courts and one for appellate courts. To develop a final ranked list, the Interim Panel In approving the final ranked list, the E&P Committee will consider those factors used by the working groups, including priority category; specific justifications; the effect on court operations, and on public and employee safety; risk management and mitigation; funding availability; equity among the courts; implementation feasibility; cost/benefit analysis; design and plan status; and planned major capital improvements. The final ranked list will be based on an analysis of these factors, the annual report prepared by each the working group, additional information requested by the Interim Panel E&P Committee as necessary to determine a final list, and the funds available for addressing priorities 2–6 conditions as defined by the Judicial Council in the process of establishing the annual budget. The ranked lists approved by the Interim Panel E&P Committee will be the basis on which the AOC will proceed to implement facility modifications. AOC staff will manage the work from design through construction, inspection, and acceptance. The AOC will work collaboratively with local courts to implement facility modifications.

There may be justifiable reasons for making adjustments to the prioritization of planned priorities 2–6 requests and reallocating of funds among the ~~three~~ four facility modification budgets—statewide facility modification planning, priority 1, planned priorities 2–6, and unforeseen or out-of-cycle priorities 2–6—during the course of a year. Therefore, ~~each~~ the working group has the authority to make adjustments to the prioritized list of priorities 2–6 facility modifications and adjust funds among the ~~three~~ four budgets for facility modifications as necessary. ~~Each working group will make a quarterly report to the Interim Panel on any such midyear adjustments.~~