

**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: October 26, 2007

SUBJECT: Court Facilities Planning: Allocation of FY 2007–2008 Funding for the
Second Group of 50 (Assembly Bill 159) New Trial Court Judgeships
(Action Required)

Issue Statement

The Administrative Office of the Courts (AOC) staff has developed a proposed allocation of facilities funding for the 50 new fiscal year (FY) 2007–2008 judgeships, authorized by Assembly Bill 159 (Jones). These new judgeships are otherwise known as the second group of 50 needed judgeships, being derived from the Judicial Council’s three-year plan identifying the 150 most-needed judgeships and having been updated in priority ranking in February 2007. AOC Office of Court Construction and Management (OCCM) staff has worked with the courts identified for these new judgeships in order to assess their current facility needs. Now that the Legislature has approved AB 159—although not yet signed by the Governor—AOC staff recommends to the council an allocation of available funds to 47 of the 50 new judgeships requiring facilities. If this recommendation is approved, funds will not be distributed until after the Governor has signed the legislation.

This request supports the main goals of the court facility improvement program and the mission and policy direction of the council in its long-range strategic plan—Goal III, Modernization of Management and Administration—which is to provide safe and secure facilities and to improve existing court facilities to allow adequate, suitable space for the conduct of court business.

Recommendation

Staff of the Administrative Office of the Courts recommends that the Judicial Council take the following action:

Approve the allocation of one-time and ongoing annual facilities funding in the 2007 Budget Act for 47 of the 50 new judgeships authorized by AB 159, as indicated in columns A, B, and C of the attachment to this report.

Rationale for Recommendation

For the 50 new judgeships identified in the report approved by the Judicial Council in February 2007 and authorized by AB 159, the Budget Act of 2007 included \$22.203 million (\$21.750 million for one-time costs and \$453,125 for one month of ongoing costs for the last month of the fiscal year) for facilities costs for the judgeships and support staff during FY 2007–2008. Under this bill, 22 courts are designated by the council to receive these 50 judgeships and associated support staff. AOC staff recommends the following facilities funding allocation:

All courts receive an equal distribution of funds per judgeship for facility needs (\$532,436 one-time and \$10,491 ongoing in FY 2007–2008, increasing to \$125,895 ongoing in FY 2008–2009), except for the following¹:

1. Butte, Contra Costa, and Del Norte only require a below-average allocation of one-time funds for their three total judgeships in FY 2007–2008 (for a combined total of \$635,000);
2. Fresno only requires a below-average allocation of one-time funds (\$200,000) for four judgeships in FY 2007–2008 but an equal distribution of ongoing funds (\$41,965 for ongoing in FY 2007–2008, increasing to \$503,581 ongoing in FY 2008–2009); and
3. Madera only requires a below-average allocation of funds for one judgeship for both one-time (\$150,000) and ongoing (\$2,000 in FY 2007–2008, increasing to \$24,000 in FY 2008–2009).

These allocations—for the distribution of one-time, one month, and ongoing annual funding—are indicated in columns A, B, and C of the attachment to this report. Also indicated in this attachment under column D is the total facilities budget available for FY 2007–2008, which is the one-time and one-month funding allocations combined.

AOC staff requests the council to act on this proposal at this time because (a) it is an allocation of appropriated funds for FY 2007–2008 and (b) AOC staff needs as much time as possible to procure, lease, modify, and renovate space for new judgeships, which the Governor may begin appointing as early as June 2008.

Alternative Actions Considered

AOC staff explored several alternatives for allocating the one-time and the ongoing annual funding, including an equal distribution of funds to all 47 judgeships needing space, as well as the

¹ Seven of these eight AB 159 new judgeships will ultimately be located in a council-approved or a funded capital-outlay project: one in Butte County in the New North Butte County Courthouse, one in Contra Costa County in the New Antioch Area Courthouse, four in Fresno County in the Sisk Courthouse Renovation, and one in Madera County in the New Madera Courthouse.

concept of fully funding modular buildings for some of the new judgeships and thereby reducing funding for procuring third-party leases. However, each of these alternatives further reduced the amount available to each court and resulted in no court obtaining sufficient funds to meet facility needs. These options were discussed with the regional administrative directors and the Director of Finance and were rejected in favor of the recommended allocation.

Comments From Interested Parties

On July 18, 2007, AOC staff invited all courts slated to receive new judgeships to a meeting to discuss the outlook of facilities funding. At that time, AOC-OCCM staff presented to the 22 courts in attendance the various scenarios for distribution of funds and addressed concerns regarding the application of the late-2004 facilities survey to current conditions, identifying the potential for an increase in the number of new judgeships requiring facilities. AOC-OCCM staff also discussed various space options for accommodating new judgeships and indicated that it would review the space availability and needs of each court. Between mid-July and mid-September, AOC-OCCM staff contacted each court to evaluate the space needs associated with the second group of 50 new judgeships for FY 2007–2008. In the process of these discussions, the courts and the AOC-OCCM staff discussed several options for how to accommodate the new judgeships, such as utilizing courtrooms not in use and expanding into and renovating county or court space, procuring new third-party leased space, and procuring modular buildings. A preferred plan for meeting the new judgeship facility needs has been developed in collaboration with each court, subject to the availability of funds.

On September 26, 2007, AOC staff presented the following to the same courts noted above: the results of the 2007 reassessment of space needs for new judgeships, rental and tenant improvement cost ranges for third-party leases, estimated costs for modular buildings of approximately 4,300 square feet, and a draft recommended allocation of facilities funding. Also and as related to modular buildings, the courts were provided a handout of a prototypical one-court set floorplan (i.e., spaces for a courtroom, a judge’s chambers, a jury room, clerks’ workstations, etc.) that could be accommodated within a modular building of approximately 4,300 square feet. No suggested modifications to the draft allocation were made, and the courts expressed appreciation for receiving one-time funds for tenant improvements and renovations for the new judgeships. Following the meeting, AOC staff made only minor modifications to the draft recommended allocation (i.e., incorporating adjustments to Fresno and to Del Norte), the results of which are displayed in the attachment to the report.

Implementation Requirements and Costs

In order to achieve the majority of the courts’ preferred approaches for accommodating space for new judgeships and related staff, not all of the costs can be afforded by the designated one-time and ongoing annual new judgeship funds. Therefore, additional funding resources will need to be identified and secured to cover these remaining costs. Most of these courts have indicated an ability and willingness to dedicate or to encumber existing court funds for this purpose.

Attachment

Recommended Allocation of FY 2007–2008 Facilities Funding for (AB 159) New Judgeships

Recommended Allocation of FY 2007–2008 Facilities Funding for (AB 159) New Judgeships

Court System	Total New Judges FY 2007–2008 ²	Judges Needing Space ³	Judges Needing Staff Space ³	One-Time Budget ⁴	One Month Budget ⁵	Ongoing Annual Budget ⁶	FY 07–08 Total Budget (One-Time and One Month)
				A	B	C	D
Butte ¹	1	1	1	\$470,000	\$0	\$0	\$470,000
Contra Costa ¹	1	1	1	\$105,000	\$0	\$0	\$105,000
Del Norte ¹	1	1	1	\$60,000	\$0	\$0	\$60,000
Fresno ¹	4	4	4	\$200,000	\$41,965	\$503,581	\$241,965
Kern	3	3	3	\$1,597,308	\$31,474	\$377,686	\$1,628,782
Kings	1	1	1	\$532,436	\$10,491	\$125,895	\$542,927
Los Angeles	1	0	0	–	–	–	–
Madera ¹	1	1	1	\$150,000	\$2,000	\$24,000	\$152,000
Merced	2	2	2	\$1,064,872	\$20,983	\$251,791	\$1,085,854
Monterey	1	1	1	\$532,436	\$10,491	\$125,895	\$542,927
Orange	1	1	0	\$532,436	\$10,491	\$125,895	\$542,927
Placer	2	2	2	\$1,064,872	\$20,983	\$251,791	\$1,085,854
Riverside	7	7	7	\$3,727,051	\$73,439	\$881,267	\$3,800,490
Sacramento	6	5	5	\$2,662,179	\$52,456	\$629,477	\$2,714,636
San Bernardino	7	7	7	\$3,727,051	\$73,439	\$881,267	\$3,800,490
San Joaquin	3	3	3	\$1,597,308	\$31,474	\$377,686	\$1,628,782
Shasta	1	1	1	\$532,436	\$10,491	\$125,895	\$542,927
Solano	1	1	1	\$532,436	\$10,491	\$125,895	\$542,927
Sonoma	1	1	1	\$532,436	\$10,491	\$125,895	\$542,927
Stanislaus	2	2	2	\$1,064,872	\$20,983	\$251,791	\$1,085,854
Tulare	2	1	1	\$532,436	\$10,491	\$125,895	\$542,927
Yolo	1	1	1	\$532,436	\$10,491	\$125,895	\$542,927
TOTALS	50	47	46	\$21,750,000	\$453,125	\$5,437,500	\$22,203,125

Footnotes:

1. Based on estimated project costs for the new judgeships, these courts have been allocated funds below the average allocation per judgeship and at precise budget amounts to fully fund their projects, except that Fresno's ongoing allocation is based on the average. Butte, Contra Costa, and Del Norte have no lease costs associated with their projects—only (one-time) costs for tenant improvements.

2. These 50 judgeships are identified in Assembly Bill 159 (Jones).

3. The number of judges and staff needing space represent the findings from AOC's 2007 reassessment of information from the late-2004 AOC survey on court facilities needs for new judgeships. From July to September 2007, AOC-OCCM staff contacted each of the courts designated for new judgeships, the results of which indicate an overall increase in the need for facilities from the late-2004 survey (29 judgeships needing space) and the subsequent adjustment to the priority ranking completed in February 2007 (which modified the total to 32 judgeships needing space). Based on the 2007 reassessment, 47 out of the 50 judgeships authorized by AB 159 will require space and 46 out of 50 will require space for their associated staff.

4. The total One-Time funding associated with the 50 judgeships under AB 159 is \$21,750,000. Each court has received an equal distribution of these funds, except for the five courts identified above under footnote No. 1 (i.e., Butte, Contra Costa, Del Norte, Fresno, and Madera).

5. The total One Month funding—for the last month of FY 2007–2008—associated with the 50 judgeships under AB 159 is \$453,125. Each court has received an equal distribution of these funds, except for four of the five courts identified above under footnote No. 1 (i.e., Butte, Contra Costa, Del Norte, and Madera). Also, Madera has lease costs that are based on the area available to the court and market rates.

6. The total Ongoing Annual funding associated with the 50 judgeships under AB 159 is \$5,437,500. Each court has received an equal distribution of these funds, except for four of the five courts identified above under footnote No. 1 (i.e., Butte, Contra Costa, Del Norte, and Madera). Also, Madera has lease costs that are based on the area available to the courts and market rates.