

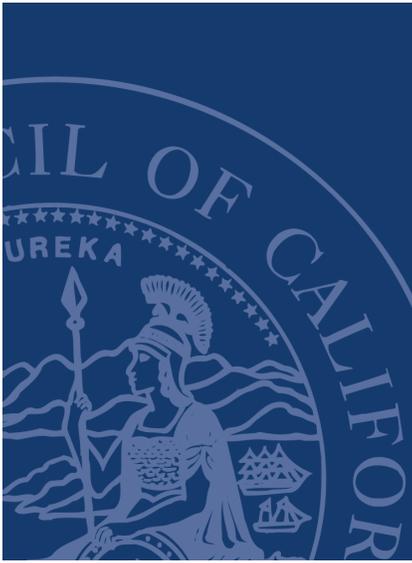
Meeting Binder for Court Facilities Advisory Committee

DECEMBER 7, 2018



**JUDICIAL COUNCIL
OF CALIFORNIA**

ADMINISTRATIVE DIVISION
FACILITIES SERVICES



Meeting Binder

Court Facilities Advisory Committee

December 7, 2018

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- **Tab 5 added following the meeting**

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4	Court Facilities Advisory Committee Roster
5	Documents Provided as Handouts to CFAC Members at Meeting ➤ Project costs ➤ Physical Condition Scoring Chart ➤ Terms





JUDICIAL COUNCIL
OF CALIFORNIA

COURT FACILITIES
ADVISORY COMMITTEE

www.courts.ca.gov/cfac.htm
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COURT FACILITIES ADVISORY COMMITTEE

OPEN MEETING WITH CLOSED EDUCATION SESSION AGENDA

Open to the Public Unless Indicated as Closed (Cal. Rules of Court, rule 10.75(c)(1))

OPEN PORTION OF THIS MEETING IS BEING RECORDED

Date: December 7, 2018

Time: Open Session (Open to Public)
9:30 a.m. – 10:00 a.m. – Registration
10:00 a.m. – 12:00 p.m. – Open Session (Open to Public)
12:00 p.m. – 12:30 p.m. – Anticipated Lunch Break

Education Session (Closed to Public)
12:30 p.m. – 2:00 p.m. – Education Session (Closed to Public)

Location: 455 Golden Gate Avenue
San Francisco, California 94102-3688
Third-Floor – Malcolm M. Lucas Board Room

Public Call-In Number: (877) 820-7831 and enter Passcode: 7004216

Meeting materials will be posted on the advisory body web page on the California Courts website at least three business days before the meeting.

Agenda items are numbered for identification purposes only and will not necessarily be considered in the indicated order.

I. OPEN MEETING (CAL. RULES OF COURT, RULE 10.75(C)(1))

Call to Order, Roll Call and Opening Remarks

II. PUBLIC COMMENT (CAL. RULES OF COURT, RULE 10.75(K)(2))

Members of the public requesting to speak during the public comment portion of the meeting must place the speaker's name, the name of the organization that the speaker represents if any, and the agenda item that the public comment will address, on the public comment sign-up sheet. The sign-up sheet will be available at the meeting location at least one hour prior to the meeting start time. The Chair will establish speaking limits at the beginning of the public comment session. While the advisory body welcomes and encourages public comment, time may not permit all persons requesting to speak to be heard at this meeting.

Written Comment

In accordance with California Rules of Court, rule 10.75(k)(1), written comments pertaining to any agenda item of a regularly noticed open meeting can be submitted up to one complete business day before the meeting. For this specific meeting, comments should be e-mailed to cfac@jud.ca.gov or mailed or delivered to 455 Golden Gate Avenue, San Francisco, CA 94102, attention: Chris Magnusson. Only written comments received by 5:00 PM on December 6, 2018, will be provided to advisory body members.

III. DISCUSSION ITEMS (ITEM 1)

Item 1

**Revised Prioritization Methodology for Trial Court Capital-Outlay Projects
(Action Required)**

Review of a draft version of the *Revision of Prioritization Methodology for Trial Court Capital-Outlay Projects*. Senate Bill 847 (Committee on Budget and Fiscal Review) revises Government Code section 70371.9 to require the Judicial Council to update its October 24, 2008, prioritization methodology as well as to reassess capital projects in its Trial Court Capital-Outlay Plan.

Presenter: Ms. Pella McCormick, Deputy Director, Judicial Council Facilities Services

IV. ADJOURNMENT

Adjourn to Education Session (Closed to Public)

**V. EDUCATION SESSION – CLOSED TO PUBLIC
(NOT SUBJECT TO CAL. RULES OF COURT, RULE 10.75)**

Item 1

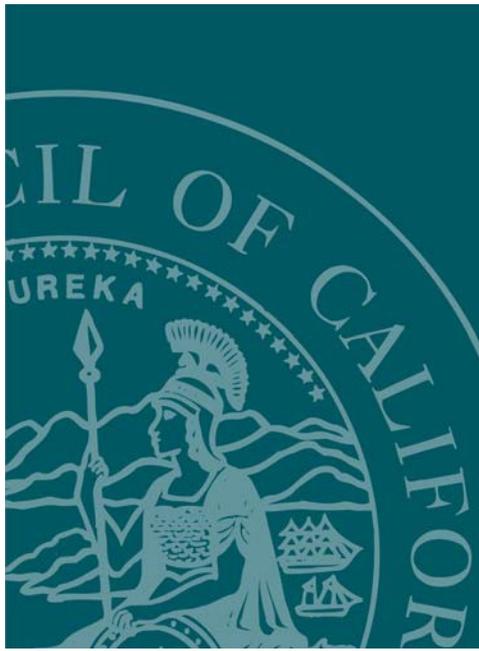
Judicial Branch Courthouse Construction Program (No Action Required – Education Only)

Educational discussion on courthouse capital projects.

Presenter: Mr. Mike Courtney, Director, Judicial Council Facilities Services

VI. ADJOURNMENT OF MEETING

Adjourn



Revision of Prioritization Methodology for Trial Court Capital-Outlay Projects

ADMINISTRATIVE DRAFT FOR COMMENT

JUDICIAL COUNCIL OF CALIFORNIA

COURT FACILITIES ADVISORY COMMITTEE

DECEMBER 7, 2018

AS REQUIRED BY 2018 BUDGET ACT TRAILER BILL
(SB 847: COMMITTEE ON BUDGET AND FISCAL
REVIEW)



JUDICIAL COUNCIL
OF CALIFORNIA

ADMINISTRATIVE DIVISION
FACILITIES SERVICES

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I. 2018 BUDGET ACT TRAILER BILL (SB 847: COMMITTEE ON BUDGET AND FISCAL REVIEW) – REASSESSMENT OF TRIAL COURT CAPITAL-OUTLAY PLAN

SB 847 revises Government Code Section 70371.9 and requires the Judicial Council of California to reassess projects identified in its update to *Trial Court Capital-Outlay Plan and Prioritization Methodology* adopted on October 24, 2008. SB 847 provides that other projects may be included for reassessment at the discretion of the Judicial Council and specifies the criteria to be used in the reassessment. The reassessment is to be submitted to the Senate Committee on Budget and Fiscal Review and the Assembly Committee on Budget by December 31, 2019.

SB 847 requires the reassessment to be based on existing criteria along with the newly mandated criteria, necessitating the revision of the current prioritization methodology. The list of prioritized projects to be developed in response to SB 847, referred to as the Trial Court Capital-Outlay Plan, will be adopted annually by the Judicial Council and submitted to the Department of Finance. Projects can be for new construction or acquisition, renovations, building additions, and conversion of structures to court use.

This reassessment will be conducted by the Court Facilities Advisory Committee (CFAC) with support from the Facilities Services Office. The CFAC will submit its report and recommended prioritization of court facilities to the Judicial Council in November of 2019.

II. THE CURRENT METHODOLOGY

In October 2008, the Judicial Council issued its *Prioritization Methodology for Trial Court Capital-Outlay Projects (Prioritization Methodology)*. This methodology was utilized to prioritize all new court facility Capital Outlay projects and was the basis for those projects authorized under Senate Bills 1407 and 1732. The last projects to be funded utilizing the current methodology were funded in the 2018-19 State Budget.

During the budget deliberation process, the Legislature noted the need to revise the current methodology and reassess all court facilities due to the current methodology's age. Development of a revised prioritization and methodology is a condition of any future funding requests for Capital-Outlay projects.

A link to the current 2008 *Prioritization Methodology for Trial Court Capital Outlay Projects* can be found here: <http://www.courts.ca.gov/documents/methodology-080124.pdf>.

III. THE REVISED METHODOLOGY

The revised methodology has been prepared for use in developing a new set of prioritized trial court capital-outlay projects as required by SB 847 and to enable recommendations to the Judicial Council for the submission of funding requests for such projects.

Generally, the methodology provides that projects will be scored based on *need* and placed into

one of five priority groups. The projects within each priority group will then be ranked based on the scoring of the *cost* criteria identified in SB 847.

A point range has been established for each of the five need-based priority groups. For example, projects scoring very high in each of the evaluated criteria will fall into the “Immediate Need” group and will be considered the first eligible for available funding. Each of the other groups—Critical, High, Medium, and Low Needs—represent sets of projects that score lower in the various *needs-based* criteria categories. A scale of 25 points, using half-point increments, is used for the total of all *needs-based* criteria. The details of the scoring are described later in this document.

Prioritized Groups of Trial Court Capital-Outlay Projects

Immediate Need: 18.5 – 25 points
Critical Need: 15.5 – 18 points
High Need: 12.5 – 15 points
Medium Need: 10 – 12 points
Low Need: 0 – 9.5 points

Cost-based criteria as identified in SB 847 will impact the ranking of the projects within each of the five priority groups identified above.

Please note: The reassessment will be expedited due to the Legislatively mandated December 2019 deadline. The CFAC may need to update or revise any part of the Revised Methodology if anomalies are discovered during the reassessment process.

IV. REASSESSMENT PROCESS

The process for reassessment of the projects identified in Trial Court Capital-Outlay Plan consists of five activities.

1. Revision of the Prioritization Methodology consistent with SB 847;
2. Assessment of facilities occupied by Trial Courts, including physical condition assessments, as well as assessments related to security, access to court services, and overcrowding;
3. Development of court facility plans and court needs-based project lists;
4. Application of the prioritization methodology to all projects; and
5. Development of a statewide list of prioritized projects.

A. Methodology and Scoring

The revised methodology involves a two-step process.

The Step 1 methodology identifies (1) the general physical condition of the buildings; (2) needed improvement to the physical condition of buildings to alleviate the risks associated with seismic conditions, fire, life and safety conditions, Americans with Disability Act requirements, and environmental hazards; (3) court security features within buildings; (4) access to court services; and (5) overcrowding.

In Step 2, the needs-based criteria and cost-based criteria are then used to rank projects within the priority groups.

In the most essential terms the methodology can be described as:

- Needs-based criteria = Priority Group
- Needs-based and Cost-based criteria = Rank within Priority Group

B. Needs-Based Physical Conditions Assessments

The physical condition of buildings that house trial court functions will be determined by facility condition assessments (FCA). The FCAs will analyze the building systems and component conditions to determine their remaining useful life and provide the basis for determining a Facility Condition Index (FCI).

The FCI is an industry standard asset management methodology that is used to determine a building's condition at a point in time. Limited strictly to condition, FCIs allow for an equivalent comparative analysis of diverse real estate portfolios.

FCI values are based on a 0 – 100 percent scale and are derived by dividing the repair costs for a building by its current replacement value.

Separate assessments of conditions related to seismic ratings, fire, life and safety conditions, Americans with Disability Act requirements, and environmental hazards will be conducted. Other data sources, as described below, will provide information needed to evaluate security characteristics, conditions that would indicate overcrowding in existing facilities, and access to court services,

C. Needs-Based Court Facility Plans and Project Lists

The planning process will begin with development of a Court Facility Plan. The plan will be a collaborative process between the court and the Judicial Council planning team that will assess and document how each court intends to operate its facilities to provide judicial services to the public, as well as identify any additional facility needs or deficiencies. The Court Facility Plan will be based on data provided by the planning team to the court including:

- Organization of the court and how court facilities are utilized to ensure public access to services;

- Relevant information and data from the 2002/2003 Statewide Court Facilities Master Plan to support the project updates;
- Authorized judgeships for access to services; and
- Relationship of judicial need to facility need.

The planning process will also include an asset management evaluation. The asset management evaluation will identify:

- Opportunities for lease consolidation;
- Building consolidations that would provide future revenue or operating cost savings; and
- Unique real estate and funding opportunities associated with the project.

Information that will be utilized to develop the asset management evaluation will include current leases, closed facilities, and court partners' plans (e.g., new jail locations, move of county partner functions, etc.).

The Court Facility Plan will articulate the optimum approach for use of court facilities for each court and identify projects that address deficiencies in the needs-based criteria. The Court Facility Plan will be the basis for future project requests for new facilities, facility renovations, replacements and / or consolidations and will include a list of projects. The projects in the plan will be scored using the criteria in the approved methodology.

Needs-based criteria will be applied to the data generated by the FCA and Court Facilities Plan processes and will place projects into the priority groups identified above.

D. Needs-Based Statewide Project List

The Statewide Project List will be developed by consolidating the Court project lists. The Statewide Project List will categorize the projects into five groups (Immediate, Critical, High, Medium, Low), in accordance with the approved Prioritization Methodology.

E. Cost-Based Evaluations – Avoidance, Savings and Cost Minimization Strategies

SB 847 requires that projects be assessed considering cost avoidance, cost savings, and cost minimization strategies. Court projects identified in the Court Facility Plans and the project lists will identify costs, savings, and avoidances relative to each project, including:

- The cost avoidance or savings that would be achieved due to the project through operational or organizational efficiencies created for the court or the state;
- Ways to minimize increased ongoing costs, including, but not limited to, trial court security and operating and maintenance costs;

- The projected cost of each proposed project, per court user.
- The total costs spent on the project as of the date of December 31, 2018.

The criterion identified in SB 847 as *a comparison of the cost to repair or renovate the existing facility versus the cost of replacement* will not be scored within the cost-based evaluation. Rather, it will be addressed in the Court Facility Plan and on the project list in terms of the type of project to be pursued, (e.g., new construction vs. renovation).

Needs-based and cost-based criteria will be used to rank projects within the priority grouping.

F. Calculations for Projects Affecting More Than One Existing Facility

For projects affecting only one building, the ratings of the single building will be used as explained above. In the case of multiple buildings affected by a project, the proportional share of the court-occupied area of each building will be used to determine each criterion’s rating. As shown below, the proportional share of court-occupied area of each building is multiplied by the total of each criterion’s rating to develop the portion of the rating for that building affected by the project. For each criterion, these portions are then summed to develop the total rating as shown in the example below using the needs-based FCI criteria.

Sample Facility Condition Index rating – Multiple Buildings:

Existing Facility	Facility Area	% of Total	FCI Points	Facility Pt Contribution
Main Courthouse	80,000	80%	5	5 x 0.8 = 4
Branch Courthouse	20,000	20%	3	3 x 0.2 = 0.6
Total	100,000	100%		4.6

V. NEEDS-BASED SCORING OF PROJECTS

Use of the needs-based criteria will enable the placement of every project into one of five priority groups: Immediate Need, Critical Need, High Need, Medium Need, and Low Need. The total points for the Needs Based Criteria will be 25. The 25 points will be allocated equally as follows, based on the five following criteria:

1	Facility Conditions Index (FCI)	5 Points
2	Facility Seismic, Fire, Life and Safety (FLS), ADA and Environmental Hazards	5 Points
3	Security	5 Points
4	Overcrowding	5 Points
5	Access to Court Services	5 Points
	Total Points for Needs Based Criteria	25 Points

A. Facility Conditions Index (FCI) is defined as the cost to repair divided by replacement cost and is represented by a percentage.

Approach:

- A ten-year horizon will be used in applying the FCI
- A 5-point scale will be used, and points will be allocated in accordance with the following table:

Points	0	0.5	1.0	1.5	2.0	2.5	3.0	3.5	4.0	4.5	5.0
FCI Range %	0	1-7	8-14	15-22	23-29	30-36	37-43	44-51	52-58	59-65	>65

B. Physical Condition: Seismic, Fire, Life and Safety (FLS), Americans with Disabilities Act (ADA) and Environmental Hazards will combine to contribute 5 points. These categories will be scored with a total score of 120 rating points, distributed as follows: Seismic 40, FLS 40, ADA 20, and Environmental Hazards 20. The total 120 rating points will be converted to a 5-point scale as will be explained below:

- Seismic Risk Rating** is defined in the *Seismic Risk Rating of California Superior Court Buildings Volume 1 and 2*, dated October 23, 2017.
<http://www.courts.ca.gov/documents/Seismic-Risk-Rating-of-California-Superior-Court-Buildings.pdf>

Approach:

- Points will be assigned based on categories described in “*Seismic Risk Rating of California Superior Court Buildings Volume 1 and 2*”, dated October 23, 2017.
- A 40-rating point scale will be used, and points will be distributed in accordance with the following table:

	Very High Risk	High Risk	Moderate Risk	Acceptable Risk	Minimal Risk
SRR	SRR>10	2<SRR<10	SRR<2	Retrofitted – meeting SB 1732 Seismic Safety Criteria	Not rated / Built after 1997
Rating Points	40	32	24	16	8

Please note: The rating points listed above for *Acceptable Risk* and *Minimal Risk* categories may be adjusted downward based upon further evaluation.

2. **Fire, Life & Safety** is defined as a combination of FLS systems (fire sprinklers, fire alarms, smoke evacuation, and site fire water tank and building height).

Approach:

- FLS systems will be a checklist of yes/no items based on the number of FLS systems in a building with extra emphasis on inclusion of Fire Sprinklers.
- Building Height will assume that the greater risk exists in taller buildings, based on fire ladder reach.
- A 40-rating point scale will be used and points will be distributed in accordance with the following table:

	Highest Risk/Least Safe		Middle Risk		Lowest Risk/Safest
# of “No” Answers to: does the building have fire sprinklers (partial would be considered as “no”), digital fire alarms, smoke evacuation, and site fire water tank?	4 “no” answers	“3 “no” answers	“yes” to Fire Sprinklers, but 2 other “no” answers	“yes” to Fire Sprinklers, but 1 other “no” answer	“yes” to all systems
Rating Points	30	24	18	12	0
Building Height: High score = greater risk/taller building	Over 8 stories		4 to 7 stories		1 to 3 stories
Rating Points	10		6		2

3. **Environmental Hazards** include products that contain asbestos or lead or other hazardous materials, such as polychlorinated biphenyls (PCBs) and may be determined based on the age of the building or other existing data.

Approach:

- 10 rating points will be assigned to buildings that could contain materials made from asbestos containing materials
- 10 rating points will be assigned to buildings that could contain materials made from lead or other hazardous materials, such as PCBs.
- A 20-rating point scale will be used and points will be distributed in accordance with the following table.

Environmental Hazards	Rating Points
Risk of Asbestos Containing Materials	10
Risk of Lead or Other Hazardous Materials (e.g., PCBs)	10
Total Possible Points	20

4. **ADA accessibility** will be determined based on a checklist of yes/no items defined by ADA elements with emphasis on public areas (pathways, toilet rooms, etc.).

Approach:

- 20 rating points will be assigned based whether areas are accessible. The more “no” answers, the less accessible the building is, and the more points are provided.
- A 20-rating point scale will be used, and points will be distributed in accordance with the following table.

Categories	Yes	No
Exterior Path of Travel	0	4
Building Entrances	0	4
Interior Accessible Routes; Stairways and Elevators	0	4
Courtroom – Jury Box, Witness Stand, Clerk’s Station, Bench	0	4
Toilet Rooms – Public, Jury Deliberation	0	4
Total Possible Points		20

5. **Conversion of Rating Points:** As a final step, the accumulated physical condition rating points for each project, which can total up to 120, will be converted to the 5-point scale as follows:

Total: 5 Points	0.5	1	1.5	2	2.5	3	3.5	4	4.5	5.0
Total: 120 Rating Points	0-12	13-24	25-36	37-48	49-60	61-72	73-84	85-96	97-108	109-120

C. Security: The security criterion will be used to identify the extent to which judicial and staff circulation paths are separate from those for the public and in-custody individuals; the extent to which in-custody circulation paths are also separate; and the capacity of the building entrance to accommodate security screening.

Approach:

- 80 rating points will be assigned based on whether judicial staff circulation is separated, whether the in-custody population circulation is separated, and whether there is an area at the entrance of the facility that can adequately accommodate a screening system.
- The 80 rating points will be distributed as defined in accordance with the following table.

Circulation Separation-Judicial Staff	Circulation not separated	Circulation partially separated	Circulation separated
Points	35	17	0
Circulation separation- In custody population	Circulation not separated	Circulation partially separated	Circulation separated
Points	35	17	0
Ability to accommodate security screening	No space to provide screening	Space for minimal screening	Space available for screening
Points	10	6	2

The following conversion table will then be applied to the total of the rating points:

Total: 5 Points	0.5	1	1.5	2	2.5	3	3.5	4	4.5	5.0
Total: 80 Rating Points	0-8	9-16	17-25	26-32	33-40	41-48	49-56	57-64	65-72	73-80

D. Overcrowding: The Overcrowding criterion is a measure of the difference between current component gross square feet (CGSF) of area occupied by a court and the area that the court should occupy, according to the *California Trial Court Facilities Standards*. In this methodology, this criterion is measured by information on current area compared to current standards. Overcrowding ratings range from a low of 0 to a high of 160.

Approach:

- The following calculation is performed to translate the space shortfall into a rating:

Formula	Weight	Rating Scale
$1 - (\text{Current Area} / \text{California Trial Court Facilities Standards area}) \times 160$	160 (in the formula)	0–160

- The following conversion table will then be applied to the total of the rating points:

Total: 5 Points	0.5	1	1.5	2	2.5	3	3.5	4	4.5	5.0
Total: 160 Rating Points	0-16	17-32	33-48	49-64	65-80	81-96	97-113	114-129	130-144	145-160

This criterion measures the extent to which a facility may be physically overburdened by court user traffic impairing court user access. Overcrowding reveals buildings that are overburdened because the space provided, for example courtrooms, clerk offices, jury rooms, is substandard.

E. Access to Court Services: This Access to Court Services criterion uses the relative deficiency in judicial resources among the 58 superior courts to measure relative access to current court services. The following data is compared to measure this deficiency for each court:

- Assessed Judgeship Needs (AJN)* is the need for judgeships based on the three-year average filings most recently available. This measure translates current filings into weighted caseload, based on the judicial workload standards adopted by the Judicial Council, and then translates the weighted caseload into an assessment of judgeship needs.
- Authorized Judicial Positions (AJP)* is the current number of judges, commissioners, and referees authorized under the law for each court. AJP does not account for vacancies or temporary subordinate judicial officers.

The ratio between the two will result in a county-wide percentage rating for each court reflecting the deficiency in judicial resources.

The point range for the Access-to-Court-Services criterion, as denoted below, is from 0 to 5, in half-point increments that reflect the broad range of relative deficiency in judicial resources among the courts in the 58 counties.

Rating Assigned to Project (Current Need – Percentage of AJP)	Points Assigned
0% or below	0
1 – 10%	0.5
11 – 20%	1.0
21 – 30%	1.5
31- 40%	2.0
41 – 50%	2.5
51- 60%	3.0
61 – 70%	3.5
71 – 80%	4.0
81 – 90%	4.5
91 – 100%+	5.0

For a proposed project involving less than all of the court facilities within a county, there will be a rebuttable presumption that the county-wide percentage deficiency and the corresponding points will be assigned to that project.

Like the Overcrowding criterion discussed in Section D. above, Access to Court Services measures the extent to which a facility may be physically overburdened by court user traffic impairing court user access. The access to court services reveals buildings that are overburdened because the caseload justifies more space, including courtrooms, than is available.

VI. COST-BASED SCORING OF PROJECTS

The cost-based scoring is used to rank projects within each of the five needs-based priority groups. Needs-based scoring and the cost-based scoring are entirely separate from one another. When combined, needs-based and cost-based scores do not change the priority group a project is placed in, *only the rank of the project within the priority group*.

This is because the prioritization methodology is first and foremost a needs-based instrument designed to detect physical deficiencies which endanger court users or restrict access to justice. The cost-based factors enable the most effective expenditure of public funds to overcome the physical deficiencies.

Cost-based criteria are scored on a 100-point scale, with the 100 points distributed per the following table:

1	Cost Avoidance or Savings realized through Operational or Organizational Efficiencies	25
2	Minimization of Increases in Ongoing Security and Operations & Maintenance Costs	25
3	Cost of Project per Court User	25
4	Total Costs Spent on a Project as of December 31, 2018	25
	Total Points for Cost Based Criteria	100

As a final step, the accumulated cost-based rating points for each project, which can total up to 100, will be converted to the 2-point scale as follows:

Total: 2 Points	0.2	0.4	0.6	0.8	1.0	1.2	1.4	1.6	1.8	2.0
Total: 100 Rating Points	0-10	11-20	21-30	31-40	41-50	51-60	61-70	71-80	81-90	91-100

As previously stated, in the most essential terms the methodology can be described as:

- Needs-based criteria = Priority Group
- Needs-based and cost-based criteria = Rank within Priority Group

A. Cost Avoidance or Savings Realized Through Operational or Organizational Efficiencies:

The CFAC and the Facilities Services Office will engage with the Courts to assess the potential cost avoidance or savings that may be realized based on the implementation of each project. Generally, it is expected that such savings may be realized based on consolidation of multiple facilities in to one larger facility and elimination of certain short-term leases in exchange of building a new facility or a combination of consolidation of owned facilities and elimination of leases within the same project. Any cost savings due to staff efficiencies related to consolidation or any other factors will be identified by the Courts. Cost savings information identified by various courts will be reviewed for general conformance and consistency. Any anomalies will be discussed with the Courts for resolution. Any potential anomalies that are not resolved with the Courts will be referred to the Court Facilities Advisory Committee for resolution.

The total identified cost avoidance or savings for each project will be ‘normalized’ and converted to Cost Avoidance or Savings per Court User. This conversion will be

accomplished taking in to consideration the population of the County, the AJP's for the Court and the number of court rooms that are impacted by the project.

Once the range of cost savings or avoidance per court user per year is identified, the maximum value will be assigned 25 points. Projects with no cost savings or avoidance will be awarded 0 points. All other values will be assigned points in proportion to their savings or avoidance.

B. Minimization of Increases in Ongoing Security and Operating and Maintenance Costs

The Planning teams will engage with the local Sheriffs, through the Courts, to identify any minimization of increases to security costs due to the project. They will also engage with the operations and maintenance managers to assess any potential for minimization of increases in ongoing operations and maintenance costs. All such identified costs will be reviewed for consistency.

The cost values will be converted to minimization of costs per court user. Once the range of cost minimization per court user is identified, the greatest cost minimization value will be awarded 25 points, with zero points awarded to no cost minimization. All values in between will be assigned points in proportion to their cost minimization per court user, rounded to the nearest whole number.

C. Cost of Project per Court User

The Cost per Court User is calculated based on the population of the County and the AJP's for the Court and the number of proposed project courtrooms. This value will be adjusted to compensate for Counties with minimal population that are awarded the statutory minimum AJP of 2.3. (Note: The judicial branch's smallest courts are statutorily provided with a minimum of two judgeships and are authorized to have at least 0.3 full-time equivalent [FTE] of a federally funded child support commissioner, for a total of 2.3 FTE judicial officers.). The use of magnetometer counts for determining the number of court users is also being evaluated.

The following formula will be used to determine the Cost per Court User:

$$\text{Cost per Court User} = \text{Cost} \div \left[\text{County Population} \times \frac{\# \text{ Project Courtrooms}}{\text{AJP of Entire Court}} \right]$$

Once the range of Project Cost per Court User is determined for all projects, points will be assigned with the lowest cost per court user receiving 25 points and the highest cost per court user receiving 1 point and the rest of the projects receiving points in proportion to their cost per court user, rounded to the nearest whole number.

D. Total Costs Spent on a Project as of December 31, 2018

The total costs spent as of December 31, 2018 on previously authorized projects that were placed on hold will be tabulated from the accounting records.

The maximum dollars spent on a project will be assigned 25 points. Projects that did not incur any expenditure as of that date will get zero points. Projects that had expenditures will be awarded points in proportion to their expenditure, rounded to the nearest whole number.

VII. FUNDING PROCESS

A. Establishment of a Statewide Project List

The Judicial Council will adopt a list of projects categorized by Priority Group. This list will be reviewed by the Court Facilities Advisory Committee, Executive and Planning Committee, the and any other council-appointed body with responsibility for advising the Judicial Council on facility matters. In making a recommendation to the council on this list of projects, the Court Facilities Advisory Committee will follow these principles:

1. Projects will be prioritized on the needs-based program criteria established by this methodology which ranks the projects into priority groupings. The cost-based criteria will be assigned points and will be used to sort projects within each priority group.
2. Those projects in the Immediate Need group shall have priority.
3. For submission to the California Department of Finance for consideration of inclusion in the Governor's Budget, the Judicial Council may select projects based on additional economic opportunity considerations. Economic opportunities include, but are not limited to, free or reduced costs of land for new construction, viable financing partnerships or fund contributions by other government entities or private parties that result in lower project delivery costs, cost savings resulting from adaptive reuse of existing facilities, operational efficiencies from consolidation of court calendars and operations, operational savings from sharing of facilities by more than one court, and building operational costs savings from consolidation of facilities.

Consideration of economic opportunity allows the Judicial Council to request funding for projects that have documented capital or operating savings for the state. Judicial Council staff will work in collaboration with local courts to evaluate and document the economic opportunity of each eligible project.

B. Changes to Statewide Project List

Any additions or deletions to the list of projects shall be adopted by the Judicial Council. The Court Facilities Advisory Committee, Executive and Planning Committee, or any other council-appointed body with responsibility for advising the Judicial Council on facility matters will review recommended changes to the list.

C. Project Phase Adjustments

The final draft list of project priority groups described above, will be reviewed to identify any phased projects. Should the second-phase of a multiphase project fall in a higher priority group than its first phase, staff will switch the group assignment of those projects, in order to correct the phasing discrepancy. As a result, the first-phase project will move to the higher-priority group, and the second-phase project will take the place of the first in its lower-priority group.

These phasing corrections, if required, will be documented in a report to the Judicial Council that details the results of this methodology's application.

D. No Substitutions of Projects Between Groups

Substitutions of projects between groups will not be allowed.

E. How Requests for Funding Will Be Determined

Based on the Judicial Council's approved update to the Trial Court Capital Outlay Plan and Prioritization Methodology and Five-Year Infrastructure plan, the Judicial Council Facilities Program will prepare documentation to request approval of Capital Outlay funding through the Judicial Council approved budget change proposal process.

This process consists of submission of Initial Funding Requests and Budget Change Proposal Concepts for consideration of approval and prioritization through the Court Facilities Advisory Committee and the Judicial Branch Budget Committee and finally the Judicial Council.

VIII. PROCESS FOR ADDING OR DELETING PROJECTS IN THE TRIAL COURT CAPITAL-OUTLAY PLAN

If a court wishes to add or delete projects in the plan, the court may submit a written request including the project name, its description including size, number of courtrooms, and type of calendars planned, and other descriptive information about the project. The request shall be presented to Court Facilities Advisory Committee which has responsibility for advising the Judicial Council on facility matters for their consideration and direction. At the direction of the Judicial Council staff will include any changes in the next annual update to the Trial Court Capital-Outlay Plan.

Appendices

**Trial Court Capital-Outlay Plan Reassessment –
Required by the 2018 Budget Act Trailer Bill
(SB 847: Committee on Budget and Fiscal Review)**

The following is required verbatim by Government Code section 70371.9:

- (a) (1) The Judicial Council shall conduct, or contract with an independent contractor to conduct, a reassessment of those projects identified in its Update to Trial Court Capital-Outlay Plan and Prioritization Methodology adopted on October 24, 2008, or the most recent version of that update, if any. Other projects may be included for reassessment at the discretion of Judicial Council. The reassessment shall be submitted to the Senate Committee on Budget and Fiscal Review and the Assembly Committee on Budget by December 31, 2019.
- (2) The Judicial Council may exclude from the reassessment those projects that were canceled prior to June 30, 2018, and those that were approved in the Budget Act of 2018.
- (b) A project subject to this section shall be reassessed and ranked, at minimum, on each of the following:
 - (1) The criteria identified in the Update to Trial Court Capital-Outlay Plan and Prioritization Methodology adopted on October 24, 2008, or the most recent version of that update, if any.
 - (2) The level of seismic risk, environmental hazards, and other health and safety hazards.
 - (3) The impact on court users, including, but not limited to, the level of public access to court services, such as accessibility to the courthouse.
 - (4) The cost avoidance or savings that would be achieved due to the project through operational or organizational efficiencies created for the court or the state.
 - (5) Ways to minimize increased ongoing costs, including, but not limited to, trial court security and operating and maintenance costs.
 - (6) A comparison of the cost to repair or renovate the existing facility versus the cost of replacement.
 - (7) The projected cost of each proposed project, per court user.
 - (8) The total costs spent on the project as of the date of the assessment.

The Need for New Judgeships in the Superior Courts: Preliminary 2018 Update of the Judicial Needs

REPORT TO THE LEGISLATURE UNDER
GOVERNMENT CODE SECTION
69614(C)(1) & (3)

NOVEMBER 2018



JUDICIAL COUNCIL
OF CALIFORNIA

WORKLOAD ASSESSMENT
ADVISORY COMMITTEE

JUDICIAL COUNCIL OF CALIFORNIA

Hon. Tani G. Cantil-Sakauye
*Chief Justice of California and
Chair of the Judicial Council*

Martin Hoshino
*Administrative Director,
Judicial Council*

ADMINISTRATIVE DIVISION

John Wordlaw
Chief Administrative Officer

BUDGET SERVICES

Zlatko Theodorovic
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Manager, Office of Court Research

Kristin Greenaway
Supervising Research Analyst, Office of Court Research

Khulan Erdenebaatar
*Research Analyst, Office of Court Research
Primary Author of Report*

Access to Justice Requires Having Sufficient Judicial Resources

Government Code section 69614(c)(1) requires the Judicial Council to report to the Legislature and the Governor on or before November 1 of every even-numbered year on the need for new judgeships in each superior court, using the uniform criteria for the allocation of judgeships described in Government Code section 69614(b). Government Code section 69614(c)(3) requires the Judicial Council to report on the status of the conversion of additional subordinate judicial officer (SJO) positions to family or juvenile assignments.

The public's right to timely access to justice is contingent on having adequate judicial resources in every jurisdiction. The number of judgeships authorized and funded by the Legislature has not kept pace with workload in all California trial courts, leaving some with serious shortfalls—as high as 45 percent—between the number of judgeships needed and the number that have been authorized and filled.

Securing resources to meet the workload-based need for new judgeships has been a top priority for the Judicial Council for many years.

It should be noted that this report is based on data collected for the 2011 judicial workload study. An update to the judicial workload study is currently in progress and will result in new caseweights and other model parameters that will reflect current case processing practices. Because of this, an interim update to this preliminary 2018 report will be issued in fall 2019 once the study has been completed, the case weights have been approved, and the workload need for judges can be computed on the basis of the updated weights and other model parameters.

Quantifying the Need for New Judgeships in the Superior Courts

California is a pioneer in the measurement of judicial workload-based need, having been the first state to use a weighted caseload methodology to assess the need for judicial officers, beginning in 1963.¹ Since then, weighted caseload has become a nationally accepted methodology for measuring judicial workload. The current methodology used to assess the need for judicial officers in the superior courts is based on a time study conducted in 2010, in which over 500 judicial officers in 15 courts participated. The time study findings resulted in the development of a set of caseweights that quantify the amount of case processing time needed for different case types, taking into account the full range of possible case processing outcomes and their relative probability of occurrence. The caseweights that resulted from the 2010 time study were approved by the Judicial Council in December 2011.

The caseweights are used to estimate judicial officer need by multiplying each caseweight by a three-year rolling average of filings for that case type and dividing by the available time in minutes that judicial officers have to hear cases. The result is expressed in full-time equivalent (FTE) judicial positions.

¹ Harry O. Lawson and Barbara J. Gletne, *Workload Measures in the Court* (National Center for State Courts, 1980).

Judicial Workload Measures Must be Updated to Reflect Current Case Processing Need

California continues to have a critical need for judges, particularly in the Inland Empire which has shown a need for new judgeships for a sustained period of time. However, as previously noted, the figures in this report may not accurately represent the current degree of judicial need because the caseweights used in the current iteration of the judicial needs assessment are based on data collected in 2010. Therefore, the caseweights may not reflect new judicial workload resulting from legislative and other policy changes that have occurred since then. Some of the issues identified by judicial officers that have affected judicial workload since 2010 include, but are not limited to, the following:

- AB 109: criminal justice realignment (effective October 2011): judicial officers now have probation oversight of certain offenders, resulting in increased hearings and supervision;
- Proposition 47 (effective November 2014): changes the weights of the felony and misdemeanor workload; many jurisdictions have reported that changes in the law have eliminated incentives to complete misdemeanor drug treatment programs. With fewer people getting treatment, more are cycling rapidly through the system. A companion issue reported is that more defendants have trailing cases or multiple cases.
- Increase in the number of identified mentally-ill offenders, use of diversion programs and collaborative-type courts. While these measures improve outcomes, they require more judicial supervision and court monitoring.
- Increased use of juvenile diversion programs which have resulted in lower filings, but leave behind in the system the juveniles hardest to reach and who have committed the most serious crimes.
- New protections for non-minor dependents, which have increased the number of juveniles in the social services and court system (AB 12 and AB 212- effective 2012), as well as more juveniles receiving court supervision under special immigrant juvenile status (effective 2014, expanded 2015).
- Expanded use of court interpreters covering more casetypes, resulting in better outcomes for litigants, but more time required in the courtroom.

Such changes may also impact the practices of the court's justice partners, which can, in turn, have unintended consequences for court workload. Although filings have been declining, the workload associated with some types of filings has increased—due to, for example, the need to hold more hearings, more complex cases coming before the court (e.g., increasing mental health and substance abuse issues, larger numbers of defendants with multiple cases), or staff shortages causing some workload to fall on judicial officers. On the other hand, judicial workload in other areas not affected by such law and policy changes may have declined since 2010. The net impact of workload increases vs. decreases is unknown and may vary by jurisdiction depending on each court's unique mix of cases.

2018 Statewide Judicial Need Shows a Critical Need for New Judgeships

Consistent with reports submitted in previous years, the 2018 Judicial Needs Assessment shows a shortage of judges relative to the workload needs in California’s trial courts. Table 1, which summarizes the statewide judicial need compared to available resources based on a three-year average of filings from fiscal years 2014–15 through 2016–17, shows that 1,929.9 FTE judicial officers are needed statewide. Although the statewide assessed judicial need has been declining in recent years, many courts, particularly in the Inland Empire, continue to experience chronic judicial officer shortage (see Appendix A). In 2018, two highly impacted courts, San Bernardino and Riverside Counties, received two judgeships each, which were reallocated from the superior courts of Alameda and Santa Clara Counties.² In addition, the Budget Act of 2018 gave the Superior Court of the County of Riverside two newly funded judgeships.³ Despite these changes, Riverside and San Bernardino courts continue to have a large unmet need for new judgeships.

Table 1 shows the total assessed statewide need for judicial officers has declined by 118.7, or 6 percent, since the 2016 Judicial Needs Assessment.

Table 1. Statewide Need for Judicial Officers, 2016 and 2018 Judicial Needs Assessments

Year	Authorized Judicial Positions (AJP) ^a	Authorized and Funded Judgeships and Authorized SJO Positions	Assessed Judicial Need (AJN)
2016	2,010.1	1,960.1	2,048.6
2018 ^b	2,004.1	1,956.1	1,929.9
Change (2016 to 2018)	-6.0	-4.0	-118.7

^a Includes the 48 judgeships that were authorized by AB 159 (Stats. 2007, ch. 722) but never funded or filled. AB 159 originally authorized 50 judgeships, but 2 were funded in 2018 and allocated to the Superior Court of Riverside County. See Stats. 2018, ch. 45, § 6.

^b AJP changed since the last assessment because, in 2016–17, the Superior Court of Santa Clara County had 5 FTE SJO reductions. In addition, the 2018 assessment includes a correction in the number of authorized positions; the 2016 AJN assessment had reported only 3 of the 4 SJO reductions at the Superior Court of Contra Costa County.

² Assem. Bill 103; Stats. 2017, ch. 17, § 22.

³ Stats. 2018, ch. 45, § 6. These two judgeships are part of the 50 unfunded judgeships authorized by AB 159 (Stats. 2007, ch. 722).

127 Judicial Officers Needed Statewide to Meet Workload Demand

Judicial need is calculated by taking the difference between the assessed judicial need in each court and the number of authorized/funded positions in each court. The assessed judicial need in each court compared to the number of authorized and filled positions is shown in Appendix B. Calculating the *statewide* need for judgeships is not as simple as subtracting the statewide number of authorized and funded positions from the statewide assessed judicial need. This is because the net statewide calculations of judicial need do not accurately identify the court's need for new judgeships because judgeships are not allocated at the statewide level but are allocated to individual trial courts. By way of illustration, the branch's smallest courts are statutorily provided with a minimum of two judgeships and are authorized to have at least 0.3 FTE of a federally funded child support commissioner, for a total of 2.3 FTE judicial officers. This statutory minimum applies even though the workload need in those courts may translate to a much smaller number of judge FTEs. As Appendix A shows, under a pure workload analysis, two of California's two-judge courts—Alpine and Sierra Counties—would need only 0.2 FTE judicial officers but have 2.3 FTE authorized positions. These courts thus show a negative number in the need for new judicial officers. This negative number does not and should not offset the 36 judicial officers that Riverside County needs to meet its workload-based need.

In other words, the fact that some courts may have more authorized positions than assessed judicial need under a pure application of the weighted caseload methodology does not take away from the needs in other courts. As a result, a net calculation of need, adding these positives and negatives, would provide an artificially low estimate of judicial need in California courts.

Therefore, the actual statewide need for new judgeships is calculated by adding the judicial need among only the courts that have fewer judgeships than their workload demands. Judicial officer FTE need—the difference between the assessed judicial need and the authorized judicial positions—is rounded down to the nearest whole number to arrive at the number of judgeships needed for each court.⁴ For example, Tulare County has a judicial officer FTE need of 2.6, which rounds down to 2 new judgeships needed based on workload.

Based on the 2018 Judicial Needs Assessment, 17 courts need new judgeships, for a total need of 127 judges (Table 2). The need estimate does not include judicial vacancies resulting from retirements, elevations, or other changes that have not yet been filled.⁵

⁴ Per the Judicial Council policy adopted in 2014, an exception is made for courts with judicial FTE need of more than 0.8, but less than 1. For such courts, their actual judicial officer FTE need is reported without any rounding down. In 2018, there were no courts with judicial officer FTEs in the range of 0.8 and 1. See Judicial Council of Cal., Advisory Com. Rep., *Judicial Workload Assessment: 2014 Update of Judicial Needs Assessment and Proposed Revision to Methodology Used to Prioritize New Judgeships* (Nov. 7, 2014), www.courts.ca.gov/documents/jc-20141212-itemT.pdf.

⁵ Judicial vacancies are reported monthly at www.courts.ca.gov/15893.htm.

Table 2. Need for New Judgeships, by Court

	A	B	C	D
Court	Authorized and Funded Judicial Positions	2018 Assessed Judicial Need	Number of Judgeships Needed* AJN – AJP (B – A)	% Judicial Need over AJP (C / A)
Imperial	11.3	12.3	1.0	9
Tehama	4.3	5.4	1.0	23
Merced	12.0	13.2	1.0	8
Sutter	5.3	6.6	1.0	19
Humboldt	8.0	9.4	1.0	13
Shasta	12.0	14.4	2.0	17
Kings	8.6	11.0	2.0	23
Tulare	23.0	25.6	2.0	9
Placer	14.5	17.4	2.0	14
Ventura	33.0	36.3	3.0	9
Stanislaus	24.0	28.2	4.0	17
San Joaquin	33.5	38.6	5.0	15
Fresno	49.0	56.9	7.0	14
Kern	43.0	53.5	10.0	23
Sacramento	72.5	84.3	11.0	15
Riverside	80.0	116.2	36.0	45
San Bernardino	88.0	126.2	38.0	43
			127.0	

* Rounded down to the nearest whole number.

Status of Conversion of Additional SJO Positions to Family and Juvenile Assignments

As directed by Government Code section 69614(c)(3), this report also addresses the implementation of conversions of additional SJO positions (above the 16 authorized per year) that result in judges being posted to family or juvenile assignments previously held by SJOs.⁶

Conversions of additional positions were authorized for fiscal year 2011–12 (Gov. Code, § 69616), and under this authority four SJO positions were converted to judgeships—one each in the superior courts of Alameda (June 2012), Los Angeles (January 2012), Orange (January 2012), and Sacramento (March 2012) Counties. The courts that converted those positions have confirmed that those family and juvenile calendars are now presided over by judges.

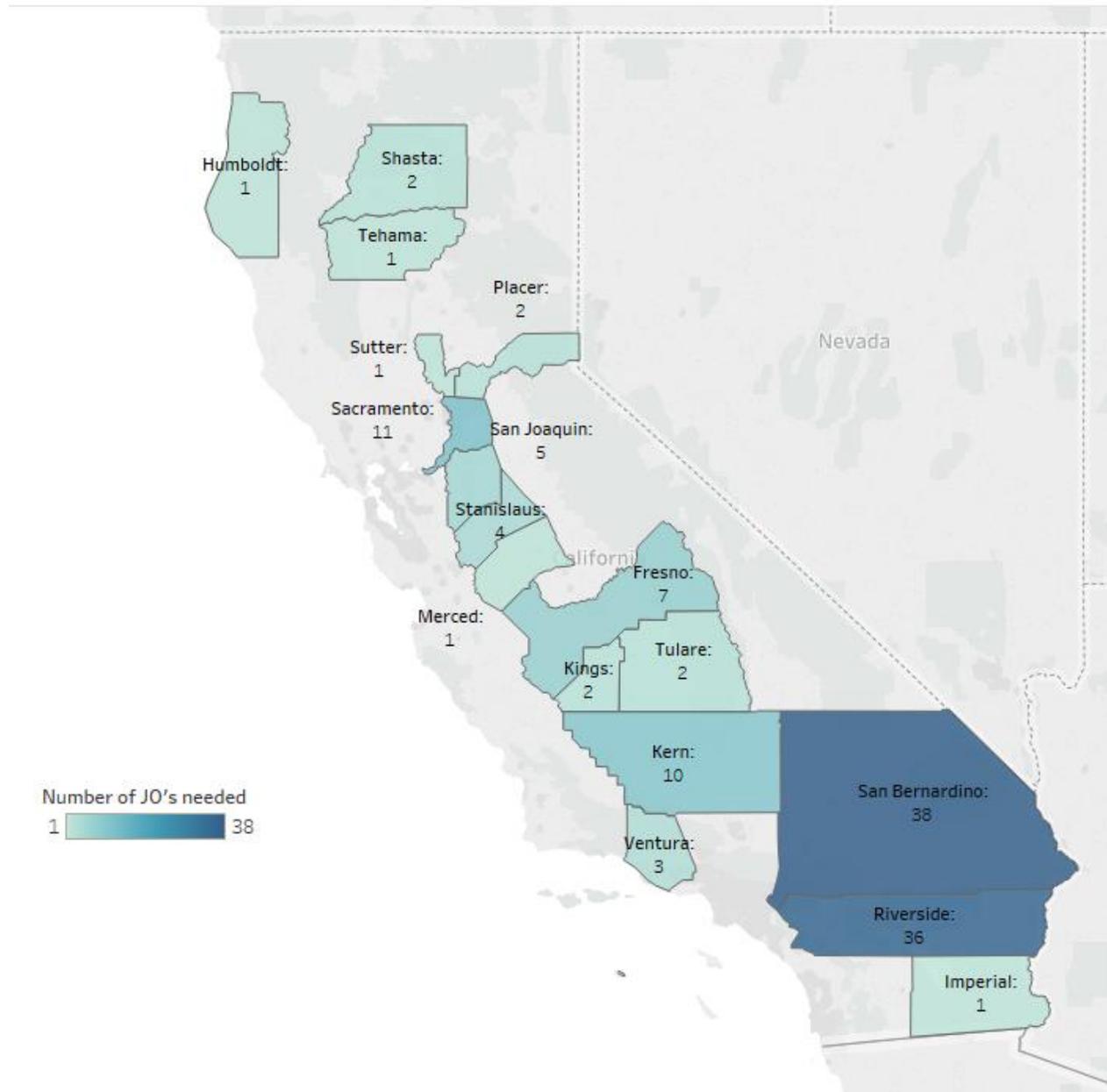
⁶ As authorized by Gov. Code, § 69615(c)(1)(C).

Conversions of 10 additional positions have been authorized since fiscal year 2013–14 (Gov. Code, §§ 69617–69619.6), but no additional SJO positions above the 16 authorized per year have been converted under this authority.

Lack of Adequate Judicial Resources Is a Barrier to Access to Justice

The public’s right to timely access to justice should not be contingent on the resource levels in the county in which they reside or bring their legal disputes. All Californians deserve to have the proper number of judicial officers for the workload in their jurisdiction. This report highlights the critical and ongoing need for new judgeships in the superior courts.

Appendix A. Judicial Need Map



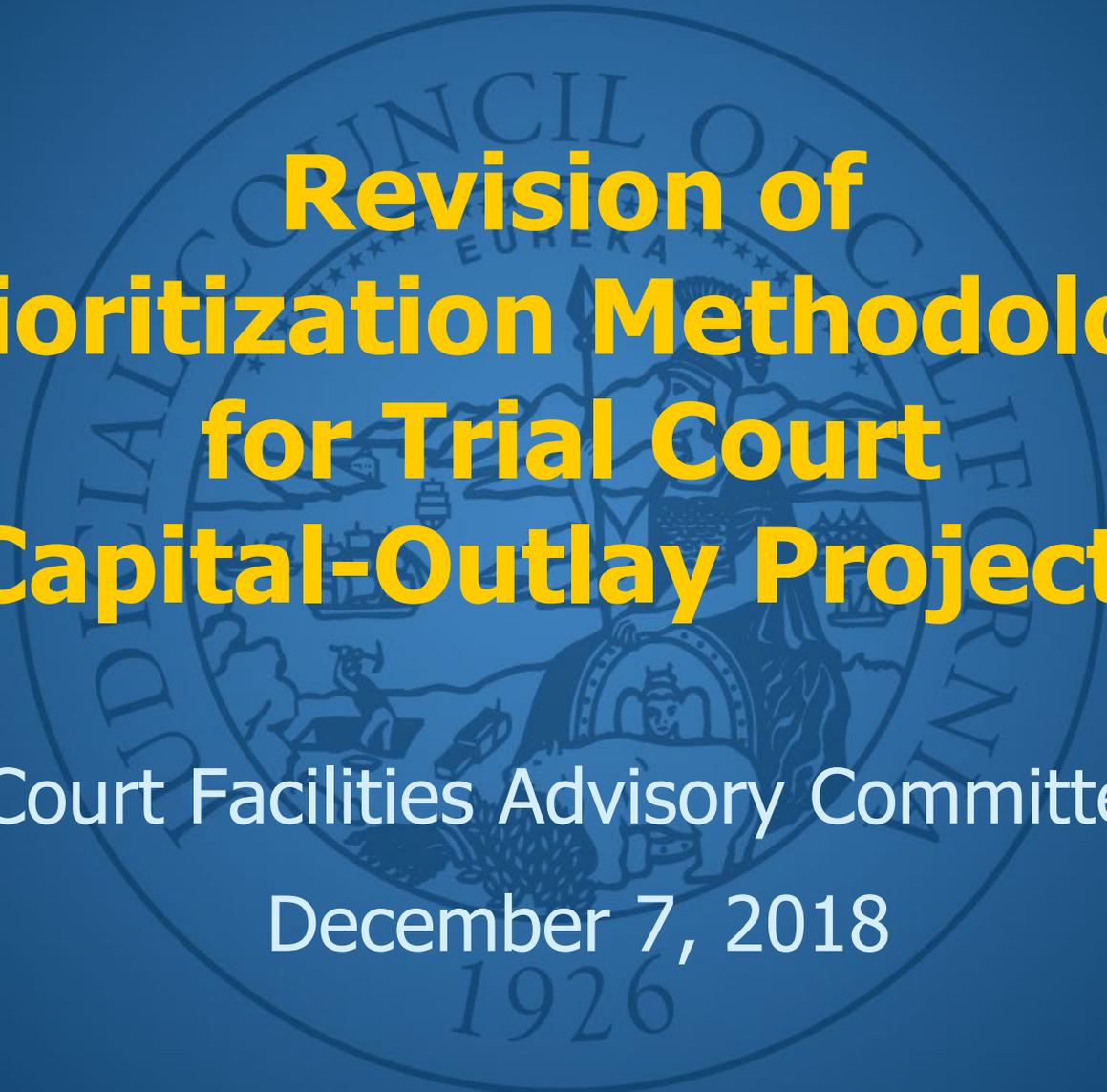
Appendix B. Assessed Judicial Need Compared to Authorized Positions

Court	A Authorized and Funded Judicial Positions^a	B 2018 Assessed Judicial Need	C AJN – AJP (B – A)	D % Judicial Need over AJP (C / A)^b
Riverside	80	116.2	36.2	45
San Bernardino	88	126.2	38.2	43
Kings	8.6	11.0	2.4	28
Tehama	4.33	5.4	1.1	25
Kern	43	53.5	10.5	24
Sutter	5.3	6.6	1.3	24
Shasta	12	14.4	2.4	20
Placer	14.5	17.4	2.9	20
Stanislaus	24	28.2	4.2	18
Humboldt	8	9.4	1.4	17
Sacramento	72.5	84.3	11.8	16
Fresno	49	56.9	7.9	16
San Joaquin	33.5	38.6	5.1	15
Amador	2.3	2.6	0.3	14
Lake	4.7	5.3	0.6	14
San Benito	2.3	2.6	0.3	13
Tulare	23	25.6	2.6	11
Ventura	33	36.3	3.3	10
Merced	12	13.2	1.2	10
Imperial	11.3	12.3	1.0	9
Calaveras	2.3	2.4	0.1	5
Yuba	5.33	5.4	0.1	2
Madera	9.3	9.4	0.1	1
Butte	13	13.0	0.0	0
San Luis Obispo	15	14.6	-0.4	-2
Sonoma	23	22.4	-0.6	-3
Lassen	2.3	2.2	-0.1	-3
Tuolumne	4.75	4.6	-0.2	-3
Contra Costa	42	39.6	-2.4	-6
Orange	144	135.0	-9.0	-6
Solano	23	21.5	-1.5	-6
Alameda	83	77.1	-5.9	-7
Los Angeles	585.25	533.3	-52.0	-9
Santa Barbara	24	21.8	-2.2	-9
Santa Cruz	13.5	12.2	-1.3	-9
Monterey	21.2	19.1	-2.1	-10
Yolo	12.4	10.9	-1.5	-12
Napa	8	7.0	-1.0	-12
El Dorado	9	7.8	-1.2	-13
San Mateo	33	28.6	-4.4	-13
San Diego	154	132.3	-21.7	-14
Mendocino	8.4	7.0	-1.4	-16
Del Norte	2.8	2.3	-0.5	-18
Marin	12.7	10.1	-2.6	-21
San Francisco	55.9	43.8	-12.1	-22
Glenn	2.3	1.8	-0.5	-22
Santa Clara	82	62.2	-19.8	-24
Colusa	2.3	1.5	-0.8	-34

Court	A Authorized and Funded Judicial Positions^a	B 2018 Assessed Judicial Need	C AJN – AJP (B – A)	D % Judicial Need over AJP (C / A)^b
Siskiyou	5	3.1	-1.9	-37
Trinity	2.3	1.4	-0.9	-39
Nevada	7.6	4.5	-3.1	-40
Inyo	2.3	1.4	-0.9	-41
Plumas	2.3	1.2	-1.1	-50
Mono	2.3	0.9	-1.4	-59
Mariposa	2.3	0.9	-1.4	-61
Modoc	2.3	0.8	-1.5	-66
Sierra	2.3	0.2	-2.1	-90
Alpine	2.3	0.2	-2.1	-93

^a Authorized judicial positions include both judgeships and subordinate judicial officer positions. Authorized judgeships consist of those codified in Government Code sections 69580–69611 plus the 50 judgeships that were authorized and funded with SB 56 (Stats. 2006, ch. 390), but not the 48 judgeships that were authorized with AB 159 but never funded.

^b Percentages shown here slightly differ from the percentages shown in Table 2, Need for New Judgeships. Percentages in Appendix B are calculated based on the actual differences between AJN and AJP, whereas the percentages in Table 2 are based on rounded-down differences between AJN and AJP, as explained on pages 4–5.

The background of the slide features a large, faint, circular seal of the Judicial Council of California. The seal contains the text "JUDICIAL COUNCIL OF CALIFORNIA" around the top edge and "1926" at the bottom. In the center, there is a figure holding a scale of justice, with the word "EUREKA" written above it. The seal is rendered in a light blue color that blends with the dark blue background.

Revision of Prioritization Methodology for Trial Court Capital-Outlay Projects

Court Facilities Advisory Committee

December 7, 2018

SB 847 Capital Projects Reassessment

- Requires update of the 2008 *Prioritization Methodology for Trial Court Capital-Outlay Projects*
- Specifies use of existing Needs-based Criteria with addition of Cost-based Criteria
- Completion of report is a condition of any future funding requests for Capital-Outlay projects
- Report due to Legislature by December 31, 2019



Approach

- Conducted by Court Facilities Advisory Committee with support from the Facilities Services Office
- Collaborating with Superior Courts to develop court specific Court Facility Plan
- Identify the optimum use of court facilities for each court and identify projects that address deficiencies in the Needs-based Criteria
- Assign projects to priority groups and rank projects within group based on standardized application of criteria scoring



Work Plan

- Conduct Physical Assessments of 196 existing facilities
- Document existing facility use and assets
- Collaborate with courts to identify needs and develop court specific Facility Plan
- Identify project(s) when justified
- Apply approved methodology to assign projects to Priority Groups
- Rank projects within Priority Group



Court Facility Plans

- Assess court operation of existing facilities
- Identify additional facility needs or deficiencies
- Use data provided by the court including:
 - Organization of the court
 - Changes from 2002/2003 Statewide Court Facilities Master Plan
 - Authorized judgeships for Access to Court Services
 - Relationship of judicial need to facility need



Information Collection

Criteria	CFAC Staff	Court
Needs-based Criteria		
Physical Condition	X	
Security	X	
Overcrowding	X	
Access to Court Services	X	
Cost-based Criteria		
Cost Avoidance		X
Minimize O&M	X	
Cost/Court User	X	
Total Spent to Date	X	



Near-Term Timeline

- Administrative Draft Methodology to be circulated for comment. Comments due by January 8, 2019
- Response to comments and preparation of Final Methodology to CFAC by January 14, 2019
- Request approval of Final Methodology and commence reassessment process by CFAC on January 17, 2019



Timeline

A) Methodology

B) Building Assessments

D) Court Facility Plans

E) Prioritize Projects

CFAC approval

Judicial Council Approval

Submit to Legislature



JUDICIAL COUNCIL
OF CALIFORNIA

METHODOLOGY



JUDICIAL COUNCIL
OF CALIFORNIA

SB 847 Specified Criteria

Needs-Based Criteria

- Physical Condition
- Security
- Overcrowding
- Access to Court Services

Cost-Based Criteria

- Cost Avoidance
- Minimization of Ongoing Costs
- Project Costs per Court User
- Total Cost Spent to date

A comparison of the cost to repair or renovate the existing facility versus the cost of replacement will be addressed in the Court Facility Plan and on the project list in terms of the type of project to be pursued (e.g., new construction vs. renovation).



Methodology Score Summary

Needs-Based Criteria = Priority Group

Needs-Based and Cost-Based Criteria = Rank in Priority Group

- When combined, Needs-based and Cost-based scores do not change the priority group a project is placed in, *only the rank of the project within the Priority Group.*



NEEDS-BASED CRITERIA

Facility Conditions Index (FCI)	5 Points
Facility Seismic, Fire, Life and Safety (FLS), ADA and Environmental Hazards	5 Points
Security	5 Points
Overcrowding	5 Points
Access to Court Services	5 Points
Total Points for Needs-Based Criteria	25 Points



Needs-Based Criteria Scoring = Priority Group

Priority Groups

- Immediate Need: 18.5 – 25 points
- Critical Need: 15.5 – 18 points
- High Need: 12.5 – 15 points
- Medium Need: 10 – 12 points
- Low Need: 0 – 9.5 points



Composite Score

- For projects affecting only one building, the ratings of the single building will be used
- For projects affecting multiple buildings, the proportional share of the court-occupied area of each building will be used to determine each criterion's rating



Composite Score Example

Example project is a replacement facility for the Main Courthouse and a Branch Courthouse:

Existing Facility	Facility Area	% of Total	Needs-based Points	Facility Point Contribution
Main Courthouse	80,000	80%	21	$21 \times 0.8 = 16.8$
Branch Courthouse	20,000	20%	12	$12 \times 0.2 = 2.4$
Total	100,000	100%		19.2



Project scores 19.2 and is assigned to Immediate Need Priority Group



Physical Condition Assessments – 10 points

Facility
Condition

FCA/FCI



5 points

Seismic
Risk Rating



Fire,
Life/Safety



5 points

ADA
Accessibility



Environmental
Hazards



Facility Condition Index

- A ten-year horizon for needed repairs will be used in applying the FCI
- A five-point scale will be used to score
- $FCI = \text{cost to repair} / \text{replacement cost}$ and is represented by a percentage

$$FCI (\%) = \text{cost to repair} / \text{replacement value}$$

Points Scored	0	0.5	1.0	1.5	2.0	2.5	3.0	3.5	4.0	4.5	5.0
FCI Range %	0	1-7	8-14	15-22	23-29	30-36	37-43	44-51	52-58	59-65	>65



FCI Example

- Cost to Repair and renewals, 10 year horizon = \$25,000,000
- Replacement Value = \$65,000,000
- $FCI = \$25,000,000 / \$65,000,000 = 38.5\%$

Points Scored	0	0.5	1.0	1.5	2.0	2.5	3.0	3.5	4.0	4.5	5.0
FCI Range %	0	1-7	8-14	15-22	23-29	30-36	37-43	44-51	52-58	59-65	>65

- 38.5% = 3 Points



Physical Condition - Seismic

- Points will be assigned based on categories described in "*Seismic Risk Rating of California Superior Court Buildings Volume 1 and 2*", dated October 23, 2017
- A 40-rating point scale will be used, and points will be distributed in accordance with the following table:

	Very High Risk	High Risk	Moderate Risk	Acceptable Risk	Minimal Risk
SRR	SRR > 10	2 < SRR < 10	SRR < 2	Retrofitted – meeting SB 1732 Seismic Safety Criteria	Not rated / Built after 1997
Rating Points	40	32	24	16	8



Seismic Example

- Per Seismic Risk Rating of California Superior Court Buildings available online:
 - Seismic Risk Level = 1.9, which is $<2 = 24$ points

	Very High Risk	High Risk	Moderate Risk	Acceptable Risk	Minimal Risk
SRR	SRR > 10	2 < SRR < 10	SRR < 2	Retrofitted – meeting SB 1732 Seismic Safety Criteria	Not rated / Built after 1997
Rating Points	40	32	24	16	8



Fire, Life and Safety (FLS)

- FLS systems will be a checklist of yes/no items based on the number of FLS systems in a building with extra emphasis on inclusion of Fire Sprinklers
- Building Height will assume that the greater risk exists in taller buildings, based on fire ladder reach
- A 40-rating point scale will be used and points will be distributed in accordance with the following table:

# of "No" Answers to: does the building have fire sprinklers (partial would be considered as "no"), digital fire alarms, smoke evacuation, and site fire water tank?	4 "no" answers	3 "no" answers	"yes" to Fire Sprinklers, but 2 other "no" answers	"yes" to Fire Sprinklers, but 1 other "no" answer	"yes" to all systems
Rating Points	30	24	18	12	0
Building Height: High score = greater risk/taller building	Over 8 stories		4 to 7 stories		1 to 3 stories
Rating Points	10		6		2

Fire, Life and Safety Example

- 6 Story Building: Yes-Fire Sprinklers; Yes-Digital Alarm; No-Smoke Evac; Yes-Site Water

Fire Sprinklers + 1 no = 12 points 6 Stories = 6
 Total pts = 18

# of "No" Answers to: does the building have fire sprinklers (partial would be considered as "no"), digital fire alarms, smoke evacuation, and site fire water tank?	4 "no" answers	3 "no" answers	"yes" to Fire Sprinklers, but 2 other "no" answers	"yes" to Fire Sprinklers, but 1 other "no" answer	"yes" to all systems
Rating Points	30	24	18	12	0
Building Height: High score = greater risk/taller building	Over 8 stories		4 to 7 stories		1 to 3 stories
Rating Points	10		6		2

Environmental Hazards

- 10 rating points will be assigned to buildings that could contain materials made from asbestos containing materials
- 10 rating points will be assigned to buildings that could contain materials made from lead or other hazardous materials, such as PCBs
- A 20-rating point scale will be used and points will be distributed in accordance with the following table:

Environmental Hazards	Rating Points
Risk of Asbestos Containing Materials	10
Risk of Lead or Other Hazardous Materials (e.g., PCBs)	10
Total Possible Rating Points	20



Environmental Hazards Example

- Building contains asbestos, lead paint and PCBs
- Building scores 20 rating points

Environmental Hazards	Rating Points
Risk of Asbestos Containing Materials	10
Risk of Lead or Other Hazardous Materials (e.g., PCBs)	10
Total Possible Rating Points	20



ADA Accessibility

- 20 rating points will be assigned based whether areas are accessible. The more “no” answers, the less accessible the building is, and the more points are provided.
- A 20-rating point scale will be used, and points will be distributed in accordance with the following table:

Categories	Yes	No
Exterior Path of Travel	0	4
Building Entrances	0	4
Interior Accessible Routes; Stairways and Elevators	0	4
Courtroom – Jury Box, Witness Stand, Clerk’s Station, Bench	0	4
Toilet Rooms – Public, Jury Deliberation	0	4
Total Possible Rating Points		20

ADA Accessibility Example

- Building has accessible exterior path of travel and entrance
- Two yes's and 3 no's; score = 12 pts

Categories	Yes	No
Exterior Path of Travel	0	4
Building Entrances	0	4
Interior Accessible Routes; Stairways and Elevators	0	4
Courtroom –Jury Box, Witness Stand, Clerk's Station, Bench	0	4
Toilet Rooms – Public, Jury Deliberation	0	4
Total Possible Rating Points		20

Physical Condition Conversion

- The accumulated physical condition rating points for each project, which can total up to 120, will be converted to the 5-point scale as follows:

Total: 5 Points	0.5	1	1.5	2	2.5	3	3.5	4	4.5	5.0
Total: 120 Rating Points	0-12	13-24	25-36	37-48	49-60	61-72	73-84	85-96	97-108	109-120



Score is Total of Seismic, FLS, EHS, and ADA

Example Project: $24+18+20+12 = 74$

Project scores 3.5 points



Security - 5 points

- Circulation separations between Public, staff, and in-custody
- Space ability to accommodate security screening



Security Example

Circulation separation - Judicial Staff	Circulation not separated	Circulation partially separated	Circulation separated
Points	35	17	0
Circulation separation - In-custody population	Circulation not separated	Circulation partially separated	Circulation separated
Points	35	17	0
Ability to accommodate security screening	No space to provide screening	Space for minimal screening	Space available for screening
Points	10	6	2

- Building has partial circulation separation for Judicial Staff
- Building has partial circulation separation for in-custody population
- Building has minimal space for screening

Example Project: 17+17+6=40
Project scores 2.5 points

The following conversion table will then be applied to the total of the rating points:

Total: 5 Points	0.5	1	1.5	2	2.5	3	3.5	4	4.5	5.0
Total: 80 Rating Points	0-8	9-16	17-25	26-32	33-40	41-48	49-56	57-64	65-72	73-80



Overcrowding – 5 points

- Measures spatial overcrowding by comparing of actual square footage to Trial Court Facility Standards
- Reveals buildings that are overburdened because the spaces provided are substandard



Overcrowding Example

Formula	Weight	Rating Scale
$1 - (\text{Current Area} / \text{California Trial Court Facilities Standards area}) \times 160$	160 (in the formula)	0–160

The following conversion table will then be applied to the total of the rating points:

Total: 5 Points	0.5	1	1.5	2	2.5	3	3.5	4	4.5	5.0
Total: 160 Rating Points	0-16	17-32	33-48	49-64	65-80	81-96	97-113	114-129	130-144	145-160



- Current Courthouse is 200,000 SF
- Trial Court Facilities Standard is 300,000 SF
- $1 - (200,000 / 300,000) \times 160 = 53.3$

Project scores 2 points

Access to Court Services – 5 points

- The ratio between countywide Assessed Judicial Need (AJN) and Authorized Judicial Positions (AJP) reflects the deficiency in judicial resources

$$(AJN - AJP) / AJP = \text{Deficiency}$$

- Reveals buildings that are overburdened because the caseload justifies more space than is available



Access to Court Services Example

- County-wide Assessed Need (AJN) = 53.5
- Authorized Judicial Position (AJP) = 43
- $(AJN - AJP) / AJP = (53.5 - 43) / 43 = .244 = 24\%$

Project scores 1.5 points

Rating Assigned to Project	Points Assigned
0% or below	0
1 – 10%	0.5
11 – 20%	1.0
21 – 30%	1.5
31 – 40%	2.0
41 – 50%	2.5
51 – 60%	3.0
61 – 70%	3.5
71 – 80%	4.0
81 – 90%	4.5
91 – 100%+	5.0



Needs-Based Scoring Example

Needs-Based Criteria	Points
Facility Condition Index	3
Physical Conditions (Seismic, FLS, Environmental Hazards & ADA)	3.5
Security	2.5
Overcrowding	2
Access to Court Services	1.5
Total Points	12.5

Priority Groups

Immediate Need: 18.5 – 25 points

Critical Need: 15.5 – 18 points

High Need: 12.5 – 15 points

Medium Need: 10 – 12 points

Low Need: 0 – 9.5 points



COST-BASED CRITERIA

- 2 points possible to be awarded, in addition to the Needs-based score, to rank projects within a given Priority Group
- Needs-based and Cost-based Criteria = Rank within Priority Group



SB 847 Specified Cost-based Criteria

- Cost Avoidance or Savings realized through Operational or Organizational Efficiencies
- Minimization of Increases in Ongoing Security and Operations & Maintenance Costs
- Cost of Project per Court User
- Total Costs Spent on a Project as of December 31, 2018

A comparison of the cost to repair or renovate the existing facility versus the cost of replacement will be addressed in the Court Facility Plan and on the project list in terms of the type of project to be pursued (e.g., new construction vs. renovation).



Normalizing Cost

Cost normalized to compensate for wide variety of court sizes.

Cost per Court User =

$$\text{Cost} \div \left[\text{County Population} \times \frac{\# \text{ Project Courtrooms}}{\text{Assigned Judicial Positions}} \right]$$

Court User definition is under evaluation to use magnetometer count.



Cost-Based Criteria Scoring

Cost Avoidance or Savings realized through Operational or Organizational Efficiencies	25
Minimization of Increases in Ongoing Security and Operations & Maintenance (O&M) Costs	25
Cost of Project per Court User	25
Total Costs Spent on a Project as of December 31, 2018	25
Total Rating Points for Cost-Based Criteria	100

As a final step, the accumulated cost-based rating points for each project, which can total up to 100, will be converted to the 2-point scale as follows:

Total: 2 Points	0.2	0.4	0.6	0.8	1.0	1.2	1.4	1.6	1.8	2.0
Total: 100 Rating Points	0-10	11-20	21-30	31-40	41-50	51-60	61-70	71-80	81-90	91-100



Cost Avoidance or Savings

- Cost avoidance or savings are defined as those that may be realized to the yearly budget of the local courts, based on the implementation of a proposed project, as identified by the local court.
- Cost savings will be normalized and converted to Cost Avoidance or Savings per Court User.
- Once the ranges of the cost avoidance or savings are identified, the maximum value will be assigned 25 points.
- Projects with no cost avoidance or savings will be awarded 0 points. Projects with savings between 0 and the maximum will get proportionate points.



Cost Avoidance or Savings Example

- A consolidation of two or more locations into one facility that results in decreased staffing or vendor services costs.
- Elimination of any lease or other annual reoccurring costs related to a proposed project.



Minimization of Security and O&M Costs

- The potential for minimization of operational costs due to security staffing or security cost savings will be assessed for each project.
- The potential for minimization of ongoing maintenance costs will be assessed for each project.
- Once the range of minimization of security and O&M costs is identified, the maximum value will be assigned 25 points.
- Projects with no minimization of increases to O&M costs will be awarded 0 points, with savings in between getting proportionate points.



Minimization of O&M Costs

- The cost of O&M for existing courthouses—which would be replaced by a new courthouse—is the sum of actual O&M costs, plus the cost of any planned Facility Modifications, plus the cost of deferred maintenance.
- The cost of O&M for a new replacement or renovated courthouse will be calculated by Facilities Services.
- The minimized cost is the difference between the two.



Minimization of Security Costs

- The cost of security for existing courthouses being replaced by a new courthouse will be identified with the local Sheriff, through the court.
- The cost of security for a new replacement or renovated courthouse will be calculated with the local Sheriff, through the court.
- The minimized cost is the difference between the two.



Project Cost per Court User

- The Total Project Cost will be calculated using cost models based on previous projects.
- Project cost can be reduced by any identified contributions from local entities.
- Project Cost per Court User will be calculated by dividing the Total Project Cost by the number of estimated court users.
- Court Users will be estimated by allocating the proportionate number of County population that is likely to be served by the new project, using a formula.



Cost per Court User

Cost per Court User =

$$\text{Cost} \div \left[\text{County Population} \times \frac{\# \text{ Project Courtrooms}}{\text{Assigned Judicial Positions}} \right]$$

- Once the range of Project Cost per Court User is determined for all projects, points will be assigned with the lowest cost per court user receiving 25 points and the highest cost per court user receiving 1 point and the rest of the projects receiving points in proportion to their cost per court user, rounded to the nearest whole number.



Project Cost per Court User Example

- County Population = 500,000
- AJP = 25
- Number of Project Court Rooms = 5
- Project Cost = \$50,000,000
- Cost per Court User =

$$\$50,000,000 / \left[500,000 \times \frac{5}{25} \right] = \$500/\text{Court User}$$



Spent Costs

- Total Costs Spent on previously authorized projects as of **December 31, 2018**.
- The maximum dollars spent on a project will be assigned 25 points. Projects that had expenditures will be awarded points in proportion to their expenditure, rounded to the nearest whole number.
- Projects that did not incur any expenditure as of that date will get zero points.



Spent Costs Example using Costs-to-Date

Project Name	Spent Costs to Date	Rating Points
New Lakeport Courthouse (Lake)	\$5,006,901	15
New Ukiah Courthouse (Mendocino)	\$3,151,738	10
New Santa Barbara Criminal Courthouse (Santa Barbara)	\$9,833,308	25
New Placerville Courthouse (El Dorado)	\$ 832,375	5
New Inyo County Courthouse (Inyo)	\$ 273,865	5
New Eastlake Juvenile Courthouse (Los Angeles)	\$ 190,138	5
New Mental Health Courthouse (Los Angeles)	\$1,788,799	5

Dollars Spent	Rating Points
\$0 spent	0
\$1 – 1,999,999	5
\$2,000,000 – \$3,999,999	10
\$4,000,000 - \$5,999,999	15
\$6,000,000 – \$7,999,999	20
\$8,000,000 and over	25





FUNDING PROCESS

Capital-Outlay Budget Change Proposals

Funding Process

- Needs-based score assigns project to Priority Group.
- Immediate Need Group projects have priority for inclusion in 5-year Infrastructure Plan and Capital-Outlay funding requests.
- Process consists of submission of Initial Funding Requests and Budget Change Proposal Concepts for consideration of approval and prioritization through the Court Facilities Advisory Committee and the Judicial Branch Budget Committee and Judicial Council.



QUESTIONS?



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17 Capital Projects with Spent Costs (to Date)

County	Project Name	Total Spent Costs (to Date)
El Dorado	New Placerville Courthouse	\$832,375
Fresno	Renovate Fresno County Courthouse	\$2,348,000
Inyo	New Inyo County Courthouse	\$273,865
Kern	New Delano Courthouse	\$456,000
Kern	New Mojave Courthouse	\$182,000
Lake	New Lakeport Courthouse	\$5,006,901
Los Angeles	New Eastlake Juvenile Courthouse	\$190,138
Los Angeles	New Glendale Courthouse	\$621,000
Los Angeles	New Mental Health Courthouse	\$1,788,799
Los Angeles	New Santa Clarita Courthouse	\$389,000
Los Angeles	New Southeast Los Angeles Courthouse	\$820,000
Mendocino	New Ukiah Courthouse	\$3,151,738
Monterey	New South Monterey County Courthouse	\$1,818,000
Nevada	New Nevada City Courthouse	\$614,000
Placer	New Tahoe Area Courthouse	\$158,000
Plumas	New Quincy Courthouse	\$426,000
Santa Barbara	New Santa Barbara Criminal Courthouse	\$9,833,308

Changes to Physical Condition Scoring

Previous Physical Condition Scoring

Physical Condition Criteria (2008)	Max. Points Achievable
Overall Physical Condition (see note below for additional information)	3
Life Safety	1
ADA Compliance	1
Total	5

Note: Projects that replaced or renovated a building with an uncorrected seismic condition received the maximum 5 points for the Physical Condition criterion.

New Physical Condition Scoring

Physical Condition Criteria (2018)	Max. Points Achievable
Overall Physical Condition, defined as the Facility Condition Index (FCI)	5.00
Additional Physical Condition	
Seismic Risk	2.00
Fire, Life & Safety	2.00
ADA Compliance	0.50
Environmental Hazards	0.50
Total	10.00

Terms in DRAFT Revision of Prioritization Methodology for Trial Court Capital-Outlay Projects

TERM	DEFINITION
1. Access to Court Services	Access to Court Services criterion uses the relative deficiency in judicial resources among the 58 superior courts to measure relative access to current court services. The ratio between countywide Assessed Judicial Need (AJN) and Authorized Judicial Positions (AJP) reflects the deficiency in judicial resources: $(AJN-AJP)/AJP = \text{Deficiency}$
2. Assessed Judgeship Needs (AJN)	Assessed Judgeship Needs (AJN) is the need for judgeships based on the three-year average filings most recently available. This measure translates current filings into weighted caseload, based on the judicial workload standards adopted by the Judicial Council, and then translates the weighted caseload into an assessment of judgeship needs.
3. Authorized Judicial Position (AJP)	Authorized Judicial Positions (AJP) is the current number of judges, commissioners, and referees authorized under the law for each court. AJP does not account for vacancies or temporary subordinate judicial officers.
4. Composite Score	For projects affecting multiple buildings, the proportional share of the court-occupied area of each building will be used to determine each criterion's rating.
5. Cost-based Criteria	The four criteria used to determine <i>costs</i> are: Cost Avoidance or Savings; Minimization of Ongoing Costs; Project Cost per Court User; and Total Costs on a Project Spent to Date.
6. Cost per Court User	The Cost per Court User is calculated based on the population of the County and the AJPs for the Court and the number of proposed project courtrooms. This value will be adjusted to compensate for Counties with minimal population that are awarded the statutory minimum AJP of 2.3. $\text{Project Costs per Court User} = \text{Cost} / [\text{County Population} \times (\# \text{ Project Courtrooms/Assigned Judicial Positions})]$
7. Court Facility Plan	The Court Facility Plan will articulate the optimum approach for use of court facilities for each court and identify projects that address deficiencies in the needs-based criteria. The Court Facility Plan will be the basis for future project requests for new facilities, facility renovations, replacements and / or consolidations and will include a list of projects. The projects in the plan will be scored using the criteria in the approved methodology.
8. Environmental Hazards	Environmental Hazards include products that contain asbestos or lead or other hazardous materials, such as polychlorinated biphenyls (PCBs) and may be determined based on the age of the building or other existing data.
9. Needs-based Criteria	The four criteria used to determine <i>need</i> are Physical Condition, Security, Overcrowding and Access to Court Services.
10. Normalizing Cost	Normalization of ratings means adjusting values measured on different scales to a notionally common scale. For this Methodology, costs will be normalized to compensate for wide variety of court sizes.
11. Overcrowding	The Overcrowding criterion is a measure of the difference between current component gross square feet (CGSF) of area occupied by a court and the area that the court should occupy, according to the California Trial Court Facilities Standards. In this methodology, this criterion is measured by information on current area compared to current standards.
12. Physical Assessments	Physical Assessments document the physical condition of buildings that house trial court functions. The assessments analyze the building systems and component conditions to determine their remaining useful life and provide the basis for determining a Facility Condition Index (FCI). The FCI is an industry standard asset management methodology that is used to determine a building's condition at a point in time. Limited strictly to condition, FCIs allow for an equivalent comparative analysis of diverse real estate portfolios.
13. Physical Condition	Physical Condition includes Seismic, Fire, Life and Safety (FLS), Americans with Disabilities Act (ADA) and Environmental Hazards.
14. Priority Groups	Projects will be scored based on need and placed in one of five Priority Groups - Immediate Need, Critical Need, High Need, Medium Need, and Low Need.
15. Security	The security criterion will be used to identify the extent to which judicial and staff circulation paths are separate from those for the public and in-custody individuals; the extent to which in-custody circulation paths are also separate; and the capacity of the building entrance to accommodate security screening.
16. Seismic Risk Rating	Seismic Risk Rating is defined in the Seismic Risk Rating of California Superior Court Buildings Volume 1 and 2, dated October 23, 2017. A Seismic Risk Rating is a tool to gauge the relative risk to life safety, which is indicative of the degree of damage from a seismic event.