



# Judicial Council of California

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## REPORT TO THE JUDICIAL COUNCIL

*Item No.: 23-004*

For business meeting on: July 21, 2023

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**Title**

Court Facilities: Judicial Branch Five-Year Infrastructure Plan and Capital Outlay Budget Change Proposals for Fiscal Year 2024–25

**Agenda Item Type**

Action Required

**Effective Date**

July 21, 2023

**Rules, Forms, Standards, or Statutes Affected**

None

**Date of Report**

July 5, 2023

**Recommended by**

Court Facilities Advisory Committee  
Hon. Brad R. Hill, Chair  
Hon. Patricia M. Lucas (Ret.), Vice-Chair

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### Executive Summary

The Court Facilities Advisory Committee recommends approval of the *Judicial Branch Five-Year Infrastructure Plan* and six capital outlay budget change proposals for fiscal year 2024–25 for their submission to the state Department of Finance. The five-year plan forms the basis for capital project funding requests for the upcoming and outlying fiscal years, and the budget change proposals reflect funding requested for the phases of the projects in year 1 (fiscal year 2024–25) of the plan.

### Recommendation

The Court Facilities Advisory Committee recommends that the Judicial Council, effective July 21, 2023, take the following actions:

1. Approve the *Judicial Branch Five-Year Infrastructure Plan for Fiscal Year 2024–25* (see Attachment 1);

2. Approve the six capital outlay budget change proposals for fiscal year 2024–25 (see Attachments 2–7); and
3. Direct staff to submit the plan and the six budget change proposals to the state Department of Finance.

### **Relevant Previous Council Action**

On July 15, 2022, the council approved the last update to its five-year plan, which was for fiscal year (FY) 2023–24 (see Link A).

### **Analysis/Rationale**

#### ***Judicial Branch Five-Year Infrastructure Plan***

The Trial Court Facilities Act of 2002 (Gov. Code, §§ 70301–70403) specifies the Judicial Council’s authority and responsibility to exercise policymaking authority over appellate and trial court facilities including, but not limited to, planning, construction, and acquisition, and to “[r]ecommend to the Governor and the Legislature the projects to be funded by the State Court Facilities Construction Fund.” (Gov. Code, § 70391(*l*)(3).) Council staff assists the council in meeting its responsibilities by, among other things, submitting to the state Department of Finance (DOF) a five-year plan that includes, when necessary to request funding, capital outlay plans for the superior courts, Courts of Appeal, and Supreme Court of California.

For the upcoming and outlying fiscal years, the five-year plan conveys the judicial branch’s funding needs for new courthouse construction as well as renovations and additions to existing facilities. Each year, these courthouse construction needs are then described in the Governor’s *California Five-Year Infrastructure Plan*. The California Infrastructure Planning Act<sup>1</sup> requires the Governor to submit a five-year infrastructure plan to the Legislature for consideration with the annual budget bill. The latest *California Five-Year Infrastructure Plan* is available at <https://dof.ca.gov/reports/other/>.

#### **Capital outlay budget change proposals**

Capital outlay budget change proposals (COBCPs) are a requirement of the state Budget Act process for requesting funding for phases of trial and appellate court capital projects identified in

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<sup>1</sup> Assem. Bill 1473 (Hertzberg; Stats. 1999, ch. 606), codified at Gov. Code, §§ 13100–13104. The act requires the Governor to submit annually to the Legislature (1) a proposed five-year plan addressing the infrastructure needs of state executive branch agencies, schools, and postsecondary institutions; and (2) a proposal for funding the needed infrastructure. This plan is submitted in conjunction with the Governor’s Budget to identify infrastructure needs statewide and set priorities for funding. It also evaluates these infrastructure needs in the overall context of available funding sources, what the state could afford, and how the state could grow in the most sustainable way possible. Because the Judicial Council of California is not an executive branch agency, its projects are not technically required to be included in the Governor’s five-year plan under AB 1473. However, because section 13103 empowers the Governor to order *any entity* of state government to assist in preparation of this plan, the Judicial Council on a voluntary basis has historically submitted its five-year infrastructure plan to the DOF to facilitate executive branch approval of judicial branch capital-outlay project funding requests.

year 1 of the five-year plan. The DOF’s COBCP narrative form (DF-151) is used to convey the purpose of the project including its phase(s) to be funded for the requested fiscal year.

### **Approval authority**

The Judicial Council is the authority responsible for adopting updates to its five-year plan and for directing its staff to submit it to the DOF, along with COBCPs reflecting funding requested for the phases of the projects in year 1 of the plan. The *Judicial Branch Five-Year Infrastructure Plan* provides the executive and legislative branches with a context for the COBCPs submitted each fiscal year to advance projects within the judicial branch courthouse construction program.

### **Reconciliation with the five-year plan for FY 2023–24**

On January 10, 2023, the Governor’s Budget for FY 2023–24 was released, which included \$19.2 million General Fund and \$153 million Public Buildings Construction Fund for initial funding of two new capital projects and continued funding of two active projects. These projects shown below are included in the tables on pages 6 and 7 of the Judicial Council’s [\*Judicial Branch Five-Year Infrastructure Plan for Fiscal Year 2023–24\*](#):

1. Court of Appeal–New Sixth Appellate District Courthouse—\$2.8 million for performance criteria;
2. Nevada–New Nevada City Courthouse—\$8.1 million for acquisition;
3. Monterey–New Fort Ord Courthouse—\$153 million for Design-build; and
4. San Bernardino–San Bernardino Juvenile Dependency Courthouse Addition and Renovation—\$8.3 million for construction.

On May 12, 2023, the May Revision to the Governor’s Budget was released, which did not include any additional funding for capital projects.

On June 27, 2023, and at its public meeting, the advisory committee approved the attached five-year plan and six COBCPs to move forward for council review and approval. This action included the reduction from 4 to 3 courtrooms for the Kern—New East County Courthouse project, which now consolidates court operations only in the existing Mojave court facilities, and costs for the Placer—Tahoe Courthouse Renovation project.

Consistent with the 2023 Budget Act (FY 2023–24), which authorized the capital outlay funding in the Governor’s Budget described above, and its actions at its public meeting on June 27, 2023, the advisory committee presents the judicial branch’s five-year plan for FY 2024–25 for trial and appellate court capital-outlay projects.

### **Five-year plan for trial court capital-outlay projects**

The table on page 6 of the *Judicial Branch Five-Year Infrastructure Plan for Fiscal Year 2024–25* presents the Five-Year Plan for Trial Court Capital-Outlay Projects. It is derived from the council’s statewide list of projects, with projects shown in the same sequential order. Its projects/phases are based on those in the Governor’s *California Five-Year Infrastructure Plan* and available resources to implement them. Its details are as follows:

- The plan proposes a total of 21 projects:
  - Year 1 (FY 2024–25) funds the start of 3 new projects plus the continuation of 2 projects;
  - Year 2 (FY 2025–26) funds the start of 3 new projects plus the continuation of 4 projects; and
  - Years 3–5 each fund the start of 3 new projects.
- The plan funds nine remaining Immediate Need group projects, and 12 of 27 Critical Need group projects (see Attachment A to the five-year plan).
- A total of 299 courtrooms would be activated in the next five to eight years.
- Funding request totals are year 1 at \$38.782 million, year 2 at \$2.356 billion, year 3 at \$465.292 million, year 4 at \$339.738 million, and year 5 at \$1.193 billion. The plan total is \$4.392 billion.
- The estimated total cost of all 21 projects is \$7.705 billion.

***Trial court capital project funding requests for FY 2024–25.*** For FY 2024–25 or year 1 of the Five-Year Plan for Trial Court Capital-Outlay Projects, a total of \$38.782 million is presented for five projects—three with initial phases and two with continuation phases. These projects provide benefits to five different superior courts and would activate a total of 54 courtrooms.

#### **Five-year plan for appellate court capital-outlay projects**

The table on page 7 of the *Judicial Branch Five-Year Infrastructure Plan for Fiscal Year 2024–25* presents the Five-Year Plan for Appellate Court Capital-Outlay Projects. It is derived from the need to continue the project, funded initially in the 2023 Budget Act (FY 2023–24), for construction of a new courthouse on state-owned property in the city of Sunnyvale for the permanent location of the Court of Appeal, Sixth Appellate District.

***Appellate court capital project funding requests for FY 2024–25.*** For FY 2024–25 or year 1 of the Five-Year Plan for Appellate Court Capital-Outlay Projects, a total of \$89.491 million is presented for the next phase (Design-build phase) of the New Sixth Appellate District Courthouse project described above.

#### **Policy implications**

The future for funding the judicial branch’s courthouse construction program was dependent on a reassessment of the council’s unfunded trial court capital-outlay projects. This reassessment was completed in November 2019 and approved by the council (see Link B). It was then submitted to the Legislature to meet the mandated deadline of December 31, 2019 (see Link C). Since the council’s [\*Statewide List of Trial Court Capital-Outlay Projects\*](#) was submitted for legislative consideration, 12 projects have been authorized for funding between the 2020 and 2023 Budget Acts (FY 2020–21 and 2023–24) (see Attachment A to the five-year plan).

## Comments

On March 22 and June 27, 2023, the advisory committee held public meetings to discuss the attached five-year plan and COBCPs. The attached plan and COBCPs were posted in advance of the meetings for public comment, and comments received were distributed to the advisory committee members/included in the meeting materials. Materials for these meeting are available as follows:

- For the meeting on March 22, 2023, see Tabs 2–4 at [www.courts.ca.gov/documents/cfac-20230322-materials.pdf](http://www.courts.ca.gov/documents/cfac-20230322-materials.pdf).
- For the meeting on June 27, 2023, see Tab 3 at [www.courts.ca.gov/documents/cfac-20230627-materials.pdf](http://www.courts.ca.gov/documents/cfac-20230627-materials.pdf).

## Alternatives considered

For the council’s trial and appellate court capital-outlay projects to be considered for funding in the 2024 Budget Act (FY 2024–25), submission of the five-year plan and COBCPs is required by the DOF by July 31, 2023. To advance the judicial branch courthouse construction program, no alternatives to the recommended action were considered.

## Fiscal and Operational Impacts

### Judicial Council costs

Costs associated with the implementation of projects in the five-year plan, for needs such as an increase in Facilities Services staffing, are yet to be determined and depend on the implementation of the recommended council action.

### Capital outlay project costs

The scope and cost of a capital outlay project is confirmed prior to the council’s submission of a funding request to the DOF. Once authorized and funded, a capital outlay project is paid for from its appropriations by project phase, through the state Budget Act process.

## Attachments and Links

1. Attachment 1: *Judicial Branch Five-Year Infrastructure Plan for Fiscal Year 2024–25* (July 21, 2023)
2. Attachment 2: *Capital Outlay Budget Change Proposal (COBCP) for Court of Appeal–New Sixth Appellate District Courthouse* (July 31, 2023)
3. Attachment 3: *Capital Outlay Budget Change Proposal (COBCP) for Fresno–New Fresno Courthouse* (July 31, 2023)
4. Attachment 4: *Capital Outlay Budget Change Proposal (COBCP) for San Luis Obispo–New San Luis Obispo Courthouse* (July 31, 2023)
5. Attachment 5: *Capital Outlay Budget Change Proposal (COBCP) for San Joaquin–New Tracy Courthouse* (July 31, 2023)
6. Attachment 6: *Capital Outlay Budget Change Proposal (COBCP) for Kern–New East County Courthouse* (July 31, 2023)

7. Attachment 7: *Capital Outlay Budget Change Proposal (COBCP) for Placer–Tahoe Courthouse Renovation* (July 31, 2023)
8. Link A: *Court Facilities: Judicial Branch Five-Year Infrastructure Plan for Fiscal Year 2023–24* (July 15, 2022),  
<https://jcc.legistar.com/View.ashx?M=F&ID=11014326&GUID=379309E5-C1B9-4DA7-BF82-4CF465C0015B>
9. Link B: *Report to the Legislature: Reassessment of Trial Court Capital-Outlay Projects* (Nov. 14, 2019),  
<https://jcc.legistar.com/View.ashx?M=F&ID=7839251&GUID=371BD830-76BC-47EA-9EF9-DEDCC8EA49A9>
10. Link C: *Reassessment of Trial Court Capital-Outlay Projects* (Dec. 6, 2019),  
[www.courts.ca.gov/documents/lr-2019-JC-reassessment-trial-court-capital-outlay-projects-gov70371\\_9.pdf](http://www.courts.ca.gov/documents/lr-2019-JC-reassessment-trial-court-capital-outlay-projects-gov70371_9.pdf)

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# **Judicial Branch Five-Year Infrastructure Plan for Fiscal Year 2024–25**

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SUPREME COURT OF CALIFORNIA  
CALIFORNIA COURTS OF APPEAL  
SUPERIOR COURTS OF CALIFORNIA  
JUDICIAL COUNCIL OF CALIFORNIA

ADOPTED BY THE JUDICIAL COUNCIL  
JULY 21, 2023

SUBMITTED TO THE CALIFORNIA  
DEPARTMENT OF FINANCE  
JULY 31, 2023



Judicial Council of California

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## I. INTRODUCTION

The California judicial branch consists of the Supreme Court, Courts of Appeal, trial courts, and the Judicial Council. The Lockyer-Isenberg Trial Court Funding Act of 1997 (Assem. Bill 233; Stats. 1997, ch. 850) consolidated the costs of operating California's trial courts at the state level. The act was based on the premise that state funding of court operations was necessary to provide more uniform standards and procedures, economies of scale, structural efficiency, and access for the public.

Following on this act, the Trial Court Facilities Act of 2002 (Sen. Bill 1732; Stats. 2002, ch. 1082) specified that counties and the state pursue a process that would ultimately result in full state assumption of the financial responsibility and equity ownership of all court facilities. To address maintenance costs in existing court facilities and the renovation or construction of new court facilities, the Trial Court Facilities Act required counties to contribute to the ongoing operation and maintenance of court facilities based on historical expenditures for facilities transferred to the state. The act also established a dedicated revenue stream to the State Court Facilities Construction Fund for the design, construction, or renovation of these facilities.

Recognizing the growing demand to replace California's aging courthouses, additional legislation was enacted. Senate Bill 1407 (Stats. 2008, ch. 311) authorizes various fees, penalties, and assessments to be deposited in the Immediate and Critical Needs Account (ICNA) to support the construction, renovation, and operation of court facilities, including the payment of rental costs associated with completed capital outlay projects funded with lease revenue bonds. However, these revenues have been lower than expected, which led to the curtailment of the Judicial Council's capital program.

On June 27, 2018, when the 2018 Budget Act was passed, the judicial branch courthouse construction program was allocated \$1.3 billion for the continuing phases of 10 trial court capital-outlay projects in the following counties: Glenn, Imperial, Riverside (in both Indio and in midcounty regions), Sacramento, Shasta, Siskiyou, Sonoma, Stanislaus, and Tuolumne. This highly encouraging support for the construction program also memorialized a notable change in the program's source of funding: The sale of lease revenue bonds to finance a project's construction was backed by the General Fund rather than the ICNA. Since 2008, SB 1407 projects had relied on the ICNA, which is forecasted to have a negative fund balance as early as fiscal year (FY) 2026–27 owing to the continual decline of its sources of revenue of fines and fees. In FY 2021–22, for the State Court Facilities Construction Fund (SCFCF)—the other source from which the courthouse construction program is funded—to remain solvent and the Judicial Council to maintain program service levels, the ICNA and SCFCF were combined.

The Judicial Council completed facility master plans for each of the 58 counties in December 2003. Those plans were consolidated into a statewide plan approved by the Judicial Council in February 2004 as the Trial Court Five-Year Capital-Outlay Plan, which ranked 201 projects for future development. Changes to this initial statewide plan have been approved incrementally since 2004. The most recently developed statewide list of trial court capital-outlay

projects and the five-year plan for trial court capital-outlay projects are described below and attached to this report.

## II. REASSESSMENT OF TRIAL COURT CAPITAL-OUTLAY PROJECTS

Government Code section 70371.9 required the Judicial Council to conduct a reassessment of all trial court capital-outlay projects that had not been fully funded up to and through the 2018 Budget Act (FY 2018–19) and to submit the report by December 31, 2019, to two legislative committees. This reassessment produced the [\*Statewide List of Trial Court Capital-Outlay Projects\*](#) prioritized on needs-based/cost-based scores from the application of the council’s [\*Revision of Prioritization Methodology for Trial Court Capital-Outlay Projects\*](#).

### A. Process

The reassessment of the capital outlay projects can be summarized by five main endeavors:

1. Revision of the prioritization methodology—developing needs-based criteria and cost-based criteria to rank projects within priority groups—consistent with Government Code section 70371.9;
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 projects;
4. Application of the prioritization methodology to all projects; and
5. Development of a statewide list of prioritized projects.

### B. Statewide List of Capital Outlay Projects

The *Statewide List of Trial Court Capital-Outlay Projects* has been developed from the application of the revised prioritization methodology to the capital projects identified by the court facility plans, of which there is one for each county. As defined in the methodology, trial court capital-outlay projects are considered those *that increase a facility’s gross area, such as a building addition; that substantially renovate a major portion of a facility; that comprise a new facility or an acquisition; or that change the use of a facility, such as the conversion from noncourt use to court use.*

Details of the list are as follows:

- There is a total of 80 projects for 41 of the 58 trial courts.
- All 80 projects affect 165 of the approximate total 450 facilities in the judicial branch’s real estate portfolio.

- The total cost of each need group is Immediate, \$2.3 billion; Critical, \$7.9 billion; High, \$1.3 billion; Medium, \$1.6 billion; and Low, \$0.1 billion.
- Of the 80 projects, 56 are for new construction, and 24 are for renovation and/or addition.
- The total cost for the 56 new construction projects is estimated at \$10.6 billion; the total cost for the 24 renovation and/or addition projects is estimated at \$2.6 billion.
- The total cost of all 80 projects is estimated at \$13.2 billion.

### **C. Revision of Prioritization Methodology**

The methodology involves a two-step process:<sup>1</sup> Step 1 identifies (1) the general physical condition of the buildings; (2) needed improvement to the physical condition of buildings to alleviate the totality of risks associated with seismic conditions, fire and life safety conditions, Americans with Disabilities Act requirements, and environmental hazards; (3) court security features within buildings; (4) access to court services; (5) overcrowding; and (6) capital outlay projects that replace or renovate courtrooms in court buildings where there is a risk to court users due to potential catastrophic events.

Step 2 involves applying the needs-based criteria and cost-based criteria to rank projects within the priority groups.

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

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

## **III. INTEGRATING CLIMATE CHANGE INTO PLANNING AND INVESTMENT**

The Judicial Council has supported climate adaptation and sustainability practices in the construction, operations, and maintenance of approximately 450 court facilities that house California’s court system. The council’s capital program focuses on proven design approaches and building elements that can improve court facilities and result in cost-effective, sustainable buildings. Strategies include protecting, conserving, and restoring water resources; installing water reuse systems; and improving energy efficiency. Other strategies include promoting a healthy indoor environment, using environmentally friendly building materials, recycling materials during construction and demolition, and using flexible designs that anticipate future changes and enhance building longevity. The Judicial Council also designs its buildings to achieve at least LEED (Leadership in Energy and Environmental Design) Silver certification equivalency.

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<sup>1</sup> For more detailed information, see Judicial Council of Cal., Advisory Com. Rep., *Court Facilities: Reassessment of Trial Court Capital-Outlay Projects* (Nov. 5, 2019), agenda item 19-129 of the Judicial Council meeting of Nov. 14, 2019, <https://jcc.legistar.com/View.ashx?M=F&ID=7862663&GUID=C63B6E8E-6A8D-476C-BF8F-634132CB381F>.

In December 2020, the Judicial Council’s Trial Court Facility Modification Advisory Committee approved a [sustainability plan](#) that focuses primarily on ensuring that new construction practices comply with state sustainability initiatives and help reduce the judicial branch’s impact on climate change. Additional goals include reducing greenhouse gas emissions, energy usage, and utility costs by pursuing energy efficiency measures such as leveraging grant opportunities and third-party financing options; educating staff, key stakeholders, and service providers on specific energy-saving practices and broader sustainability issues; conserving other natural resources through improved data collection and baseline tracking; and improving the power resiliency of the judicial branch’s portfolio through onsite renewable energy generation and storage systems.

#### **IV. EXISTING FACILITIES**

The facilities of the Supreme Court, Courts of Appeal, and trial courts encompass not only the public courtroom spaces, but also the chambers and workspace where judicial officers and courtroom staff prepare for proceedings; secure areas, including holding cells; and building support functions.

The trial courts are located in each of the 58 counties, in approximately 450 facilities and 2,100 courtrooms, covering approximately 16 million square feet of usable area and more than 21 million square feet of space under Judicial Council responsibility and management.

The Courts of Appeal are organized into six districts, which operate in nine different locations in approximately 508,000 square feet. The Fresno and Riverside appellate courts are housed in standalone, state-owned facilities with the balance being co-located in other leased or state-owned space.

The Supreme Court is located in the Civic Center Plaza in San Francisco (103,300 square feet) and in the Ronald Reagan State Building in Los Angeles (7,600 square feet).

Currently, the Judicial Council administrative facilities are located in San Francisco and Sacramento, with office space totaling approximately 263,000 square feet.

#### **V. DRIVERS OF INFRASTRUCTURE NEEDS**

The primary drivers of court facility needs include providing a safe and secure facility, improving poor functional conditions, addressing inadequate physical conditions including seismically deficient facilities, and expanding the public’s physical, remote, and equal access to the courts.

#### **VI. PROPOSAL**

##### **A. Trial Court Capital-Outlay Project Funding Requests for FY 2024–25**

The five-year plan for trial court capital-outlay projects in the table below proposes funding in FY 2024–25 for five projects on the Judicial Council’s approved statewide list of projects as

referenced in the *Status Report: Immediate and Critical Need Trial Court Capital-Outlay Projects* (see Attachment A). This proposal is based on funding support in the Governor's Proposed Budget for FY 2023–24, which included \$169.5 million (\$16.4 million General Fund and \$153 million Public Buildings Construction Fund) for initial funding of one new capital project and continued funding of two active projects:

1. Monterey–New Fort Ord Courthouse—\$153 million for Design-build.
2. Nevada–New Nevada City Courthouse—\$8.1 million for acquisition.
3. San Bernardino–San Bernardino Juvenile Dependency Courthouse Addition and Renovation—\$8.3 million for construction.

On May 12, 2023, the May Revision to the Governor's Budget was released, which did not include any additional funding for capital projects.

At its public meeting on June 27, 2023, and the Judicial Council's Court Facilities Advisory Committee (CFAC) approved capital outlay budget change proposals (COBCPs) for the six projects in year 1 (FY 2024–25) of this five-year plan, including costs for the following:

1. Kern–New East County Courthouse, which was reduced from 4 to 3 courtrooms and now consolidates court operations only in the existing Mojave court facilities; and
2. Placer–Tahoe Courthouse Renovation.

Consistent with the Governor's Proposed Budget for FY 2023–24, the Judicial Council's ratification of its CFAC's actions on June 27, 2023, and the outcome of the 2023 Budget Act (FY 2023–24), the judicial branch's five-year plan for trial court capital-outlay projects is presented in the table below.

## Five-Year Plan for Trial Court Capital-Outlay Projects (Dollars in Thousands)

			1		2		3		4		5	
			FY 2024-25		FY 2025-26		FY 2026-27		FY 2027-28		FY 2028-29	
County	Project Name	Courtrooms										
BY 1 Continuation	Fresno	New Fresno Courthouse	36	\$ 18,145	D	\$ 875,281	B					
	San Luis Obispo	New San Luis Obispo Courthouse	12	\$ 7,772	D	\$ 305,923	B					
BY 1 Starts	San Joaquin	New Tracy Courthouse	2	\$ 2,645	D	\$ 56,139	B					
	Kern	New East County Courthouse	3	\$ 4,921	AS		\$ 1,844	D	\$ 71,983	B		
BY 2 Continuation	Placer	Tahoe Courthouse Renovation	1	\$ 5,299	AS		\$ 1,027	D	\$ 16,365	B		
	Nevada	New Nevada City Courthouse	6			\$ 1,289	D	\$ 167,428	B			
	Solano	New Solano Hall of Justice (Fairfield)	12			\$ 286,186	B					
	Plumas	New Quincy Courthouse	3			\$ 110,156	B					
	Los Angeles	New Santa Clarita Courthouse	24			\$ 547,827	B					
BY 2 Starts	Contra Costa	New Richmond Courthouse	6			\$ 19,415	AS		\$ 2,357	D	\$ 187,981	B
	San Francisco	New San Francisco Hall of Justice	24			\$ 135,700	AS		\$ 14,770	D	\$ 752,467	B
	Orange	New Orange County Collaborative Courthouse	3			\$ 17,979	AS		\$ 2,587	D	\$ 183,797	B
BY 3 Starts	Santa Barbara	New Santa Barbara Criminal Courthouse	8				\$ 10,588	D	\$ 216,395	B		
	Los Angeles	New Downtown Los Angeles Courthouse (Mosk Replacement)	100				\$ 275,689	AS			\$ 40,894	D
BY 4 Starts	El Dorado	New Placerville Courthouse	6				\$ 8,716	AS			\$ 2,683	D
	Fresno	Fresno Juvenile Delinquency Courthouse Renovation	2						\$ 1,377	PW	\$ 9,105	C
	Inyo	New Inyo County Courthouse	2						\$ 3,921	AS		
	San Bernardino	New Victorville Courthouse	31						\$ 9,983	AS		
BY 5 Starts	Mariposa	New Mariposa Courthouse	2								\$ 3,048	AS
	Los Angeles	Chatsworth Courthouse Renovation	7								\$ 2,011	PW
	Santa Cruz	New Santa Cruz Courthouse	9								\$ 10,589	AS
<b>Totals</b>		<b>299</b>	<b>\$ 38,782</b>		<b>\$ 2,355,895</b>		<b>\$ 465,292</b>		<b>\$ 339,738</b>		<b>\$ 1,192,575</b>	

**Table Legend:**

- S = Study
- A = Acquisition
- P = Preliminary Plans
- W = Working Drawings
- C = Construction
- D = Performance Criteria
- B = Design-Build

**B. Appellate Court Capital-Outlay Project Funding Requests for FY 2024–25**

The five-year plan for appellate court capital-outlay projects in the table below proposes funding in FY 2024–25 for one project. This proposal is based on funding support in the Governor’s Proposed Budget for FY 2023–24, which was authorized in the 2023 Budget Act (FY 2023–24) for \$2.8 million General Fund for the New Sixth Appellate District Courthouse’s performance criteria phase. The FY 2024–25 proposal is to fund this project’s Design-build phase.

A permanent location is needed for the Sixth District Court of Appeal, which handles cases from the counties of San Benito, Santa Clara, Santa Cruz, and Monterey from a leased facility. The court decides over 900 appeals annually in addition to disposing of 500 writ petitions.

Since established in 1984, the Sixth District Court of Appeal has adjudicated cases out of leased space in a commercial office building in downtown San Jose in the county of Santa Clara. With the court’s lease expiring in the near term and the impending inability to afford increased rates in such a highly competitive rental market with limited vacancy making relocation an inevitability, a feasibility study was developed. The study compared the costs of continuing the long-term lease with construction of a permanent building on a state-owned property available for redevelopment in the city of Sunnyvale in Santa Clara County. At the CFAC’s public meeting on May 26, 2022, the feasibility study and its findings were presented and discussed. Subsequently, and at the CFAC’s public meeting on June 17, 2022, and based on the economic, public-service, and operational benefits, the committee included costs for a capital outlay project in this five-year plan for construction of a new courthouse on the state-owned property in Sunnyvale. The updated feasibility study and findings presented at that meeting are available under Tab 3 of the meeting materials at [www.courts.ca.gov/documents/cfac-20220617-materials.pdf](http://www.courts.ca.gov/documents/cfac-20220617-materials.pdf).

Consistent with the Governor’s Proposed Budget for FY 2023–24, the Judicial Council’s ratification of its CFAC’s actions on June 27, 2023, and the outcome of the 2023 Budget Act (FY 2023–24), the judicial branch’s five-year plan for appellate court capital-outlay projects is presented in the table below.

**Five-Year Plan for Appellate Court Capital-Outlay Projects**  
(Dollars in Thousands)

County	Project Name	Courtrooms	1		2		3		4		5	
			FY 2024–25		FY 2025–26		FY 2026–27		FY 2027–28		FY 2028–29	
Santa Clara	New Sixth Appellate District Courthouse	1	\$ 89,491	B								
	<b>Totals</b>	<b>1</b>	<b>\$ 89,491</b>		<b>\$ -</b>		<b>\$ -</b>		<b>\$ -</b>		<b>\$ -</b>	

**Table Legend:**

B = Design-Build

## Attachments

ATTACHMENT A *Status Report: Immediate and Critical Need Trial Court Capital-  
Outlay Projects (July 21, 2023)*

DRAFT





## Status Report: Immediate and Critical Need Trial Court Capital-Outlay Projects

County	Project Name	Priority Group	Courtrooms	Group Score	Funding Status
<b>Immediate Need</b>					
Lake	New Lakeport Courthouse	Immediate Need	4	22.0	Fully funded; funding authorized in 2021 Budget Act (FY 2021–22).
Mendocino	New Ukiah Courthouse	Immediate Need	7	19.2	Fully funded; funding authorized in 2021 and 2022 Budget Acts.
Nevada	New Nevada City Courthouse	Immediate Need	6	18.6	Partially funded; initial funding authorized in 2023 Budget Act (FY 2023–24).
Butte	Butte County Juvenile Hall Addition and Renovation	Immediate Need	1	18.6	Fully funded; funding authorized in 2021 and 2022 Budget Acts.
Monterey	New Fort Ord Courthouse	Immediate Need	7	18.5	Fully funded; funding authorized in 2021 and 2023 Budget Acts.
Lake	New Clearlake Courthouse	Immediate Need	1	17.9	Project removed from the five-year infrastructure plan for alternative scope.
San Bernardino	San Bernardino Juvenile Dependency Courthouse Addition and Renovation	Immediate Need	2	17.6	Fully funded; funding authorized in 2021 and 2023 Budget Acts.
Solano	New Solano Hall of Justice (Fairfield)	Immediate Need	12	17.6	Partially funded; initial funding authorized in 2022 Budget Act (FY 2022–23).
Fresno	New Fresno Courthouse	Immediate Need	36	17.5	Partially funded; initial funding authorized in 2022 Budget Act (FY 2022–23).
Kern	New Ridgecrest Courthouse	Immediate Need	2	17.4	Withdrawn at the court's request/court may make future request to restore.
Plumas	New Quincy Courthouse	Immediate Need	3	17.2	Partially funded; initial funding authorized in 2022 Budget Act (FY 2022–23).
Stanislaus	New Modesto Courthouse Courtroom Renovation	Immediate Need	3	17.1	Fully funded; funding authorized in 2020 Budget Act (FY 2020–21).
Los Angeles	New Santa Clarita Courthouse	Immediate Need	24	17.0	Partially funded; initial funding authorized in 2022 Budget Act (FY 2022–23).
San Luis Obispo	New San Luis Obispo Courthouse	Immediate Need	12	16.9	Partially funded; initial funding authorized in 2022 Budget Act (FY 2022–23).
San Joaquin	New Tracy Courthouse	Immediate Need	2	16.9	Unfunded; proposed again for initial funding in FY 2024–25.
Kern	New Mojave Courthouse	Immediate Need	3	16.4	Consolidated into New East County Courthouse.
Kern	New East County Courthouse	Immediate Need	3	16.4	Unfunded; proposed again for initial funding in FY 2024–25.
Placer	Tahoe Courthouse Renovation	Immediate Need	1	16.4	Unfunded; proposed for initial funding in FY 2024–25. Project changed from new construction to renovation.
<b>Critical Need</b>					
Contra Costa	New Richmond Courthouse	Critical Need	6	16.1	Unfunded; proposed for initial funding in FY 2025–26.
San Francisco	New San Francisco Hall of Justice	Critical Need	24	15.9	Unfunded; proposed for initial funding in FY 2025–26.
Orange	New Orange County Collaborative Courthouse	Critical Need	3	15.8	Unfunded; proposed for initial funding in FY 2025–26.
Santa Barbara	New Santa Barbara Criminal Courthouse	Critical Need	8	15.7	Unfunded; proposed for initial funding in FY 2026–27.
Los Angeles	New Downtown Los Angeles Courthouse (Mosk Replacement)	Critical Need	100	15.5	Unfunded; proposed for initial funding in FY 2026–27. Project increased from 47 to 100 courtrooms, rescored from 15.3 to 15.5, and moved up in Critical Need Group.

County	Project Name	Priority Group	Courtrooms	Group Score	Funding Status
<b>Critical Need, continued</b>					
El Dorado	New Placerville Courthouse	Critical Need	6	15.4	Unfunded; proposed for initial funding in FY 2026–27.
Fresno	Fresno Juvenile Delinquency Courthouse Renovation	Critical Need	2	15.2	Unfunded; proposed for initial funding in FY 2027–28.
Inyo	New Inyo County Courthouse	Critical Need	2	15.2	Unfunded; proposed for initial funding in FY 2027–28.
San Bernardino	New Victorville Courthouse	Critical Need	31	15.2	Unfunded; proposed for initial funding in FY 2027–28.
Mariposa	New Mariposa Courthouse	Critical Need	2	14.9	Unfunded; proposed for initial funding in FY 2028–29.
Los Angeles	Chatsworth Courthouse Renovation	Critical Need	7	14.9	Unfunded; proposed for initial funding in FY 2028–29.
Santa Cruz	New Santa Cruz Courthouse	Critical Need	9	14.7	Unfunded; proposed for initial funding in FY 2028–29.
San Diego	New San Diego Juvenile Courthouse	Critical Need	10	14.6	Unfunded; proposal to be determined.
Riverside	New Riverside Juvenile Courthouse	Critical Need	5	14.6	Unfunded; proposal to be determined.
Tulare	New Tulare North County Courthouse	Critical Need	14	14.6	Unfunded; proposal to be determined.
Los Angeles	New West Covina Courthouse	Critical Need	15	14.5	Unfunded; proposal to be determined.
Los Angeles	New Eastlake Courthouse	Critical Need	6	14.5	Unfunded; proposal to be determined.
Kern	New Bakersfield Superior Courthouse	Critical Need	33	14.4	Unfunded; proposal to be determined.
Sonoma	New Sonoma Civil Courthouse	Critical Need	8	14.4	Unfunded; proposal to be determined.
San Luis Obispo	New Grover Beach Branch Courthouse	Critical Need	1	14.2	Unfunded; proposal to be determined.
Alameda	New Alameda County Community Justice Center	Critical Need	57	14.1	Unfunded; proposal to be determined.
Imperial	Winterhaven Branch Courthouse Addition and Renovation	Critical Need	1	14.1	Unfunded; proposal to be determined.
Los Angeles	Los Angeles Metropolitan Courthouse Renovation	Critical Need	14	14.1	Unfunded; proposal to be determined.
Los Angeles	New North Central Los Angeles Courthouse	Critical Need	12	14.1	Unfunded; proposal to be determined.
Riverside	New Palm Springs Courthouse	Critical Need	9	13.6	Unfunded; proposal to be determined.
Orange	New Orange South County Courthouse	Critical Need	16	13.6	Unfunded; proposal to be determined.
Los Angeles	Foltz Courthouse Renovation	Critical Need	60	13.4	Unfunded; proposal to be determined.

**Notes:**

1. The Los Angeles - New West Los Angeles Courthouse was reduced from 32 to 20 courtrooms, rescored from 16.6 to 13.3, and moved from Immediate Need to High Need Group.
2. The Los Angeles - New Inglewood Courthouse was reduced from 30 to 13 courtrooms, rescored from 16.3 to 8.7, and moved from Critical Need to Medium Need Group.
3. The Los Angeles - New Van Nuys Courthouse (East/new + West/renovation) was reduced from 55 to 42 courtrooms, rescored from 15.4 to 10.7, and moved from Critical Need to High Need Group.

**STATE OF CALIFORNIA**  
**Capital Outlay Budget Change Proposal (COBCP) - Cover Sheet**  
 DF-151 (REV 07/21)

<b>Fiscal Year</b> 2024-25	<b>Business Unit</b> 0250	<b>Department</b> Judicial Branch	<b>Priority No.</b> 1
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<b>Budget Request Name</b> 0250-XXX-COBCP-2024-GB	<b>Capital Outlay Program ID</b> 0165	<b>Capital Outlay Project ID</b> 0010919
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**Project Title**  
Court of Appeal - New Sixth Appellate District Courthouse

**Project Status and Type**

Status:  New  Continuing

Type:  Major  Minor

**Project Category (Select one)**

CRI (Critical Infrastructure)     
  WSD (Workload Space Deficiencies)     
  ECP (Enrollment Caseload Population)     
  SM (Seismic)  
 FLS (Fire Life Safety)     
  FM (Facility Modernization)     
  PAR (Public Access Recreation)     
  RC (Resource Conservation)

<b>Total Request (in thousands)</b> \$ 89,491	<b>Phase(s) to be Funded</b> Design-Build	<b>Total Project Cost (in thousands)</b> \$ 92,302
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**Budget Request Summary**

The Judicial Council of California requests \$89,491,000 Lease Revenue Bond Authority for the Design-Build phase of the New Sixth Appellate District Courthouse. The proposed new courthouse project will provide construction of a new, one-courtroom, two-story courthouse of approximately 50,000 square feet (SF) on an existing 2-acre, state-owned property in the city of Sunnyvale in Santa Clara County. The project includes secured parking for justices and surface parking spaces. The estimated total project cost is \$92,302,000. The project will use the Design-Build delivery method. The project will include the demolition of an existing building on the state-owned site as well as replace the appellate court's current leased facility.

<b>Requires Legislation</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Code Section(s) to be Added/Amended/Repealed</b>	<b>CCCI</b> 9621
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<b>Requires Provisional Language</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Budget Package Status</b> <input type="checkbox"/> Needed <input checked="" type="checkbox"/> Not Needed <input type="checkbox"/> Existing
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<b>Impact on Support Budget</b>	Swing Space Needed	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
One-Time Costs <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Generate Surplus Property	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Future Savings <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Future Costs <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		

**If proposal affects another department, does other department concur with proposal?**  Yes  No  
 Attach comments of affected department, signed and dated by the department director or designee.

<b>Prepared By</b> McCormick	<b>Date</b> 7/31/2023	<b>Reviewed By</b> Stephens/Cowan	<b>Date</b> 7/31/2023
<b>Chief Administrative Officer</b> John Wordlaw	<b>Date</b> 7/31/2023	<b>Acting Administrative Director</b> Millicent Tidwell	<b>Date</b> 7/31/2023

<b>Department of Finance Use Only</b>	
<b>Principal Program Budget Analyst</b>	<b>Date submitted to the Legislature</b>

**A. COBCP Abstract:**

Court of Appeal - New Sixth Appellate District Courthouse – \$89,491,000 for Design-Build. The project includes the construction of a new, one-courtroom, two-story courthouse of approximately 50,000 SF on an existing 2.03-acre, state-owned property in the city of Sunnyvale in Santa Clara County. The project includes secured parking for justices and surface parking spaces. The project will include the demolition of an existing building on the state-owned site as well as replace the appellate court's current leased facility. Total project costs are estimated at \$92,302,000, Performance Criteria (\$2,811,000), and Design-Build (\$89,491,000). The design-build amount includes \$71,971,000 for the construction contract, \$2,159,000 for contingency, \$3,689,000 for architectural and engineering services, and \$11,672,000 for other project costs. The Performance Criteria began in July 2023 and will be approved in June 2024. Design-Build is scheduled to begin in July 2024 and will be completed in October 2028.

**B. Purpose of the Project:**

Problem: This proposal is based on the need to find a permanent location for the Sixth District Court of Appeal. The Sixth District Court of Appeal handles cases from the counties of San Benito, Santa Clara, Santa Cruz, and Monterey from a leased facility, deciding over 900 appeals annually in addition to disposing of 500 writ petitions. The appellate court's current lease expires in 2029, with one, final option to extend to January 2034. With the uncertainty of continuing market escalation for commercial office space, expensive and escalating lease rates, decreasing vacancy, and large-scale construction projects preparing to start nearby (including Google's 80-acre mixed use development that is part of a larger 250-acre downtown San Jose Diridon Station Area Redevelopment Plan), the appellate court faces impending inability to afford increased lease rates in such a highly competitive rental market. Moreover, there are security, overcrowding, and public service deficiencies in the leased facility that cannot be corrected as current building layout derives suboptimal operational adjacencies and space shortfall.

Feasibility Study: Since established in 1984, the Sixth District Court of Appeal has adjudicated cases out of leased space in a commercial office building in downtown San Jose in the county of Santa Clara. With the court's lease expiring in the near term and the impending inability to afford increased lease rates in a highly competitive rental market with limited vacancy making relocation an inevitability, a feasibility study was developed. The study compared the cost of continuing the long-term lease with construction of a permanent building on a state-owned property available for redevelopment in the city of Sunnyvale in Santa Clara County. The study's options are described below under Section D. Alternatives. At the Judicial Council's Court Facilities Advisory Committee's (CFAC) public meeting in May 2022, the feasibility study and its findings were presented and discussed. Subsequently, and at the CFAC's public meeting on June 17, 2022, and based on the economic, public-service, and operational benefits, the committee concurred with the study's findings—that the option of *Build a New Courthouse on State-owned Property* is the recommended project option. The updated feasibility study and findings presented at that meeting are available under Tab 3 of the meeting materials at [www.courts.ca.gov/documents/cfac-20220617-materials.pdf](http://www.courts.ca.gov/documents/cfac-20220617-materials.pdf). Costs for this recommended option are reflected in this COBCP and in the Judicial Council's *Judicial Branch Five-Year Infrastructure Plan for Fiscal Year 2023–24*, which was adopted by the Judicial Council in July 2022, and *Judicial Branch Five-Year Infrastructure Plan for Fiscal Year 2024–25*.

Program Need: The new Sixth Appellate District Courthouse will accomplish the following immediately needed improvements to the appellate court and enhance its ability to serve all court users:

- Provides a permanent location on state-owned property for the Sixth District Court of Appeal.
- Provides a state-owned appellate courthouse that is modern, safe, secure, accessible, and constructed to Judicial Council facility standards to the benefit of all court users.
- Enhances the public's access to justice by relieving the current space shortfall and overcrowding, increasing security, improving operational efficiency and customer service.
- Allows the appellate court to operate in a facility with adequate space for greater functionality than in current conditions, including:

- Safe and secure internal circulation that maintains separate zones for the public and justices and staff.
- Adequate visitor security screening and queuing in the entrance area.
- Adequate public waiting areas and circulation space.
- Improves public service, including an adequately sized and designed public lobby, service counter, Clerk’s Office, and mediation rooms.
- Onsite parking for court users including the public, visitors, justices, and court staff.
- Adequate staff workstations, meeting, and support spaces.
- Appropriate organization and adjacency of spaces designed and constructed to current Judicial Council facility standards.
- Consolidates operations and functions to optimize use of court facilities by vacating a leased facility.
- Maintains appellate court operation in Santa Clara County—a location familiar to court users, visitors, and the public.
- Eliminates future leasing uncertainties and ongoing expensive, escalating lease costs.
- Avoids expenditure of annual lease costs compared to new construction—approximately \$16 million at 2029 Net Present Value (NPV) and approximately \$140 million over a 30-year lease term.
- Provides the construction of a new facility prior to the appellate court’s current lease expiration in January 2029 and requiring no lease extension.

The Sixth District Court of Appeal occupies leased space in the downtown area of the city of San Jose in Santa Clara County.

The project will replace and consolidate the appellate court’s current operations—which are split between two floors—in a leased facility in downtown San Jose and demolish the existing, vacant, and former Sunnyvale Courthouse (previously used by the Superior Court of Santa Clara County) on the state-owned site in the city of Sunnyvale.

<b>Name</b>	<b>City</b>	<b>Type</b>	<b>Owner</b>	<b>Year Built</b>
Sixth District Court of Appeal	San Jose	Office	Landlord	1983
Former Sunnyvale Courthouse	Sunnyvale	Courthouse	Judicial Council	1967

Sixth District Court of Appeal Leased Facility: The Sixth District Court of Appeal is located in a commercial office building at 333 West Santa Clara Street in the downtown area of the city of San Jose. The commercial office building was built in 1983. The appellate court occupies approximately 45,000 SF of leased space split between the 10<sup>th</sup> and 11<sup>th</sup> floors. Its leased space includes one en banc courtroom with support spaces, justice chambers, attorney offices, mediation operations, clerk operations, a law library, and court administration. In 2006, the appellate court’s lease, which had been managed by the state Department of General Services, was assigned to the Judicial Council. The current lease expires in 2029, with one, final option to extend to January 2034.

The appellate court’s purpose is to assist the Supreme Court of California in providing appellate review for the superior courts within its jurisdiction by deciding appeals from final judgements and appealable orders, as well as ruling on extraordinary writ petitions such as habeas corpus and mandamus. It handles cases from the counties of San Benito, Santa Clara, Santa Cruz, and Monterey, deciding over 900 appeals annually in addition to disposing of 500 writ petitions. Cases are decided by randomly selected three justice panels.

Owing to lack of space within the building, appellate court operations are not contiguous and awkwardly distributed between two floors. Operations have been confined to predesigned leased-space floor plates, such that adjacencies required for effective court operations cannot be fully

realized, space shortfall and overcrowding exists including in public waiting areas, and future growth based on caseload will not be accommodated. The existing layouts on both floors also have security vulnerabilities including insufficient space for security screening and inadequate secured paths of circulation for justices and staff. No onsite parking is available for court users including the public, visitors, and court staff. Parking for court users is only accommodated off site through public pay lots or very limited street parking.

Former Sunnyvale Courthouse: The Former Sunnyvale Courthouse, at 605 West El Camino Real in the city of Sunnyvale, is a vacant, single-story building, with a partial basement, of approximately 20,000 SF that was built in 1967 and is owned and managed by the Judicial Council. The vacant building sits on a 2-acre, state-owned property. The building has been vacant since 2016 and had formerly served as a branch court facility for the Superior Court of Santa Clara County. The building has surpassed its useful life as a superior court facility, and renovation necessary for reuse is cost prohibitive, as the land value is higher than that of renovating the existing facility. The highest and best use of this property is for new development. The property has flat topography, onsite parking, and is located in the city of Sunnyvale's Civic Center, which provides proximity to public transportation, availability of existing infrastructure, and relationship to similar land uses and current development patterns. The construction of a new courthouse on this site for the permanent location of the Sixth District Court of Appeal complements the beautification and modernization goals of the city's Sunnyvale Civic Center Master Plan, which calls for future civic center redevelopment and growth including a new city hall, new public library, and new public safety operations center.

Infrastructure Deficiencies in Facilities Affected by Project: The existing Sixth District Court of Appeal leased facility is inadequate for public service and for the operational needs of the court in the long-term. Square footage constraints have resulted in insufficient space for security screening and lobby waiting areas, overcrowding of public and staff areas, and no separate paths of circulation for justices/staff and the public. These deficiencies pose a safety and security risk to all facility users.

**C. Relationship to the Strategic Plan:**

The Judicial Council, as the policymaking body for the judicial branch, has the following responsibilities and authorities with regard to court facilities, in addition to any other responsibilities or authorities established by law:

- Exercise full responsibility, jurisdiction, control, and authority as an owner would have over court facilities whose title is held by the state, including, but not limited to, the acquisition and development of facilities;
- Exercise the full range of policymaking authority over court facilities, including, but not limited to, planning, construction, acquisition, and operation, to the extent not expressly otherwise limited by law;
- Establish policies, procedures, and guidelines for ensuring that the courts have adequate and sufficient facilities, including, but not limited to, facilities planning, acquisition, construction, design, operation, and maintenance;
- Allocate appropriated funds for court facilities maintenance and construction;
- Prepare funding requests for court facility construction, repair, and maintenance;
- Implement the design, bid, award, and construction of all court construction projects, except as delegated to others; and
- Provide for capital outlay projects that may be built with funds appropriated or otherwise available for these purposes according to an approved five-year infrastructure plan for each court.

The provision of this capital outlay request is directly related to the Judicial Council's strategic plan Goal VI: "Branchwide Infrastructure for Service Excellence." By providing the courts with the facilities required to carry out the Judiciary's constitutional functions, the proposed project immediately addresses this goal.

In addition, the proposed project supports the Judicial Council's commitment to Goal I: "Access, Fairness, Diversity, and Inclusion", Goal IV: "Quality of Justice and Service to the Public" and Goal VII: "Adequate, Stable, and Predictable Funding for a Fully Functioning Branch".

**D. Alternatives:**

Alternative 1: Build a New Courthouse on State-owned Property.

This alternative will construct a new, one-courtroom, two-story courthouse of approximately 50,000 SF on an existing 2.03-acre, state-owned property in the city of Sunnyvale in Santa Clara County. The project includes secured parking for justices and surface parking spaces. The estimated total project cost is \$92,302,000. The project will include the demolition of an existing vacant, single-story building on the state-owned site.

Advantages

- Provides a permanent location on state-owned property for the Sixth District Court of Appeal, eliminating project site acquisition costs.
- Provides a state-owned appellate courthouse that is modern, safe, secure, accessible, and constructed to Judicial Council facility standards to the benefit of all court users.
- Enhances the public's access to justice by relieving the current space shortfall and overcrowding, increasing security, improving operational efficiency and customer service, and replacing inadequate and obsolete facilities in the Judicial Council's portfolio.
- Provides one, modernized en banc courtroom for oral argument. Space will be provided in the facility that is adequately sized and designed for courtroom support spaces, justice chambers, attorney offices, mediation operations, Clerk's Office operations, the law library, court administration, and staff support.
- Allows the court to operate in a facility with adequate space for greater functionality than in current conditions, alleviating overcrowding in public and staff areas; providing adequate space for security screening and lobby areas and separate paths of circulation for the public and justices and staff; resolving the lack of onsite parking for court users including the public, visitors, and court staff; and providing appropriate organization and adjacency of spaces designed and constructed to current Judicial Council facility standards.
- Consolidates operations and functions to optimize use of court facilities by vacating a non-state-owned, leased facility.
- Maintains appellate court operation in Santa Clara County—a location familiar to court users, visitors, and the public.
- Eliminates future leasing uncertainties and ongoing expensive, escalating lease costs.
- Avoids expenditure of annual lease costs compared to new construction—approximately \$16 million at 2029 NPV and approximately \$140 million over a 30-year lease term. Such lease costs have no capital benefit to the state and no return value of investment.
- Provides for the construction of a new facility prior to the appellate court's current lease's expiration in January 2029 and require no lease extension.

Disadvantages:

- This alternative requires authorization of funds for design and construction.

Alternative 2: Long-term Lease with Expansion.

This alternative will require the appellate court to continue leasing at its current location in the near term. New leased space will be required to accommodate programmatic needs, which would need to be identified, negotiated, and tenant improvements completed prior to the current, extended lease expiration in January 2034. A lease cost analysis was prepared for this alternative in the Feasibility Study, which deemed this solution impracticable and not cost effective. Implementation of

this alternative remains challenging, as it requires a public agency to compete with private companies with resources to pay top dollar for leased space in a consistently high-demand rental market. This alternative does not resolve the appellate court's vulnerability to rental market conditions and escalating costs.

Advantages:

- This option will allow the appellate court to continue its operations but with the requirement of costs for tenant improvements and increased rent in new leased space in the near term as well as the added cost over a 30-year lease term exceeding Alternative 1 by approximately \$140 million.
- Does not require an immediate one-time commitment of General Fund resources.

Disadvantages:

- Does not provide a permanent location on state-owned property for the Sixth District Court of Appeal and in a facility that is modern, safe, secure, accessible, and constructed to Judicial Council facility standards to the benefit of all court users.
- Compared to Alternative 1, this alternative requires the appellate court to remain dependent on paying long-term lease costs, vulnerable to rental market conditions and escalating costs, to house its operations and to provide service to the public.
- Compared to Alternative 1, this alternative is not cost-effective and exceeds the cost of Alternative 1 by approximately \$16 million at 2029 NPV and by approximately \$140 million of projected expenditures across 30 years. Such lease costs have no capital benefit to the state and no return value of investment.
- There is no guarantee that new leased space will provide improved layout for consolidation and efficiency gains of the appellate court's operations.
- Tenant improvements in leased space without available space for programmatic needs do not remedy space shortfall and overcrowding or increase security.
- There is no guarantee a new leased facility provides adequate onsite parking—secured parking for justices and surface parking for court users.
- Maintaining appellate court operation in Santa Clara County—a location familiar to all court users, visitors, and the public, and the most optimal location for public access to justice within the appellate district—cannot be guaranteed.

Alternative 3: Defer this Project.

This alternative only maintains status quo for public service and appellate court operations in the current leased facility in the near term. The current lease expires in 2029, with only one, final option to extend to January 2034. Beyond this date, neither the appellate court nor the Judicial Council has capability to ensure the court can remain in its current leased space. Deferring this project ignores the court's impending inability to afford increased lease rates in such a highly competitive rental market with such limited vacancy, making relocation an inevitability, without choice, and with limited pre-planning.

Advantages:

- No additional commitment of resources.



Disadvantages:

- This is an urgently needed project. The existing lease provides only near-term space accommodations and will not accommodate the appellate court's operations in the long term, making relocation an inevitability, without choice, and with limited pre-planning.
- The existing leased facility does not provide proper security, is overcrowded with space shortfall, and impedes the appellate court's ability to operate effectively and efficiently.
- Based on its configuration and location with lack of onsite parking, the existing leased facility has inherent, unresolved security, access, and functional issues.
- With near-term relocation vulnerability, the appellate court is at risk of finding new leased space in a highly competitive and expensive rental market, which has limited lease space available and that is appropriate for conversion for court needs. Such lease costs have no capital benefit to the state and no return value of investment.
- Delay of this project limits the appellate court's ability to modernize to provide enhanced public service and staffing efficiency.
- Does not allow for consolidation of existing operations and efficiency gains.
- The current building owner may sell the property or inheritors may opt not to renew lease or significantly change lease terms beyond the limits of the appellate court's budget.

**E. Recommended Solution:**

1. Which alternative and why?

The recommended solution is Alternative 1: Build a New Courthouse on State-owned Property. This alternative provides the best solution for the appellate court and for all appellate court users.

2. Detailed scope description.

The proposed new courthouse project will provide construction of a new, one-courtroom, two-story courthouse of approximately 50,000 SF on an existing 2.03-acre, state-owned property in the city of Sunnyvale in Santa Clara County. One courtroom for oral argument will be provided. Space will be provided in the facility that is adequately sized and designed for courtroom support spaces, justice chambers, attorney offices, mediation operations, Clerk's Office operations, the law library, court administration and staff support. The project includes secured parking for justices and surface parking spaces. The project will include the demolition of an existing single-story building on the state-owned site.

The proposed New Sixth Appellate District Courthouse will replace the appellate court's current leased facility in downtown San Jose. The project will relieve the current space shortfall and overcrowding, improve security, accessibility, and safety, and allow the appellate court to collocate functions for operational efficiency.

3. Basis for cost information.

Estimated total project costs are based on a conceptual space program and three-page estimate.

4. Factors/benefits for recommended solution other than the least expensive alternative.

The recommended option is Alternative 1: Build a New Courthouse on State-owned Property. This option is the best solution for the appellate court and will accomplish immediately needed improvements to enhance its ability to serve the public:

- Provides a permanent location on state-owned property for the Sixth District Court of Appeal.
- Provides a state-owned appellate courthouse that is modern, safe, secure, accessible, and constructed to Judicial Council facility standards to the benefit of all court users.

- Enhances the public's access to justice by relieving the current space shortfall and overcrowding, increasing security, improving operational efficiency and customer service, and replacing inadequate and obsolete facilities in the Judicial Council's portfolio.
- Improves operational efficiencies allowing the appellate court to operate effectively and efficiently.
- Consolidates operations and functions to optimize use of court facilities by vacating a leased facility.
- Maintains appellate court operation in Santa Clara County—a location familiar to all court users, visitors, and the public.
- Eliminates future leasing uncertainties and ongoing expensive, escalating lease costs.
- Provides the construction of new facility prior to the appellate court's current lease's expiration in January 2029 and requiring no lease extension.

5. Complete description of impact on support budget.

Impact on the appellate court operation budgets for 2024–25 will not be material. It is anticipated that this project will affect appellate court operations budgets in fiscal years beyond the current year.

Impact on the appellate court security funding for 2024–25 will not be material. It is anticipated that this project will affect appellate court security budgets in future fiscal years.

It is anticipated that there will be ongoing costs of approximately \$398,000 for Judicial Council funded O&M.

As additional programmatic workload and funding drives the need for additional administrative funding, an administrative overhead cost has been included in each capital outlay budget change proposal. The additional funding of \$149,000 will be used to support successful implementation of this request.

6. Identify and explain any project risks.

Any construction project carries risk of increased scope due to discovery of unknown subsurface site conditions throughout the design and construction process that can alter the projected construction cost. These risks can be mitigated or minimized by concurrently developing a prioritized itemization of project features that can be reduced in scope, alternatively approached, or eliminated without affecting the building functionality. The list should be updated at the completion of each stage of the design process in connection with the preparation and review of the updated estimates. Risk is always inherent in the construction and ownership of real property and improvements. Standard risk management procedures are used to control and/or delegate these risks.

The risks associated with not developing a replacement court facility, as responsibility for the facilities it will replace remains with the state, are equally compelling. Given the existing physical conditions and practical limitations of improving these facilities, they will generate liabilities for the state the longer they remain unaddressed.

7. List requested interdepartmental coordination and/or special project approval (including mandatory reviews and approvals, e.g. technology proposals).

Inter-agency cooperation will be required among state, county, and local jurisdictional authorities for successful completion of this project. The updated drawings will be reviewed by the State Fire Marshal and Department of State Architect for fire and life safety and accessibility. The State Fire Marshal will perform inspections, required by the California Building Code for fire and life safety, during the construction phase.

**F. Consistency with Government Code Section 65041.1:**

Does the recommended solution (project) promote infill development by rehabilitating existing infrastructure and how? Explain.

The appellate court's existing facility is leased space in a privately-owned commercial office building that cannot be rehabilitated. However, the recommended solution does promote infill development by demolishing an existing building on an existing state-owned site, to prepare it for the new construction project. Rehabilitating the existing building (former Sunnyvale Courthouse) on the state-owned site is impracticable and cost ineffective, as it is a severely undersized single-story building that cannot house the appellate court's operations, which requires more than twice the square footage in two stories.

Does the project improve the protection of environmental and agricultural resources by protecting and preserving the state's most valuable natural resources? Explain.

The branch is committed to selecting sites with no or least impact to these resources by utilizing previously developed land with existing infrastructure. This project will complete a thorough and responsible California Environmental Quality Act (CEQA) process.

Does the project encourage efficient development patterns by ensuring that infrastructure associated with development, other than infill, support efficient use of land and is appropriately planned for growth? Explain.

The existing state-owned site chosen for the new construction project is located advantageously in the city of Sunnyvale's Civic Center, which provides proximity to public transportation, availability of existing infrastructure, and relationship to similar land uses and current development patterns. The construction of a new appellate courthouse on this site complements the beautification and modernization goals of the city's Sunnyvale Civic Center Master Plan, which calls for future civic center redevelopment and growth including a new city hall, new public library, and new public safety operations center.

**STATE OF CALIFORNIA**  
**Capital Outlay Budget Change Proposal (COBCP) - Cover Sheet**  
 DF-151 (REV 07/21)

<b>Fiscal Year</b> 2024-25	<b>Business Unit</b> 0250	<b>Department</b> Judicial Branch	<b>Priority No.</b> 2
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<b>Budget Request Name</b> 0250-XXX-COBCP-2024-GB	<b>Capital Outlay Program ID</b> 0165	<b>Capital Outlay Project ID</b> 0009729
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**Project Title**  
Fresno County – New Fresno Courthouse

**Project Status and Type**

Status:  New  Continuing

Type:  Major  Minor

**Project Category (Select one)**

CRI (Critical Infrastructure)     
  WSD (Workload Space Deficiencies)     
  ECP (Enrollment Caseload Population)     
  SM (Seismic)  
 FLS (Fire Life Safety)     
  FM (Facility Modernization)     
  PAR (Public Access Recreation)     
  RC (Resource Conservation)

<b>Total Request (in thousands)</b> \$ 18,145	<b>Phase(s) to be Funded</b> Performance Criteria	<b>Total Project Cost (in thousands)</b> \$ 914,583
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**Budget Request Summary**

The Judicial Council of California requests \$18,145,000 General Fund for the Performance Criteria phase of the New Fresno Courthouse in Fresno County. The project will provide construction of a new 36-courtroom courthouse of approximately 413,000 square feet (SF) in the city of Fresno. The estimated total project cost is \$914,583,000. The project will require acquisition of a site of approximately 2.09 acres. The project includes secured parking for judicial officers. The project will use a design-build delivery method. The project will consolidate three facilities and provide two additional courtrooms.

<b>Requires Legislation</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Code Section(s) to be Added/Amended/Repealed</b>	<b>CCCI</b> 9621
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<b>Requires Provisional Language</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Budget Package Status</b> <input type="checkbox"/> Needed <input checked="" type="checkbox"/> Not Needed <input type="checkbox"/> Existing
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**Impact on Support Budget**

One-Time Costs  Yes  No      Swing Space Needed  Yes  No  
 Future Savings  Yes  No      Generate Surplus Property  Yes  No  
 Future Costs  Yes  No

**If proposal affects another department, does other department concur with proposal?**  Yes  No  
 Attach comments of affected department, signed and dated by the department director or designee.

<b>Prepared By</b> McCormick	<b>Date</b> 7/31/2023	<b>Reviewed By</b> Cowan	<b>Date</b> 7/31/2023
<b>Chief Administrative Officer</b> John Wordlaw	<b>Date</b> 7/31/2023	<b>Acting Administrative Director</b> Millicent Tidwell	<b>Date</b> 7/31/2023

**Department of Finance Use Only**

<b>Principal Program Budget Analyst</b>	<b>Date submitted to the Legislature</b>
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**A. COBCP Abstract:**

Fresno County – New Fresno Courthouse – \$18,145,000 for Performance Criteria. The project includes the construction of a new, 36-courtroom courthouse of approximately 413,000 SF in the city of Fresno. The project will require acquisition of a site of approximately 2.09 acres. The project includes secured parking for judicial officers. Parking for staff and public is not included in the project. Parking needs will be assessed during the acquisition phase site selection and California Environmental Quality Act (CEQA) process. Total project costs are estimated at \$914,583,000, including Acquisition (\$21,157,000), Performance Criteria (\$18,145,000), and Design-Build (\$875,281,000). The design-build amount includes \$748,680,000 for the construction contract, \$22,460,000 for contingency, \$29,011,000 for architectural and engineering services, and \$75,130,000 for other project costs. The Acquisition began in July 2022 and will complete in June 2024. Performance Criteria is scheduled to begin in July 2024 and will be approved in June 2025. Design-Build is scheduled to begin in July 2025 and will be completed in January 2031.

**B. Purpose of the Project:**

Problem: The existing condition and capacity of the Superior Court County of Fresno Courthouse facilities were evaluated pursuant to Senate Bill (SB) 847 which revised Government Code section 70371.9 and required the Judicial Council of California to reassess projects identified in its *Trial Court Capital-Outlay Plan and Prioritization Methodology* adopted on October 24, 2008. The reassessment which is the basis for the judicial branch's Trial Court Five-Year Infrastructure Plan, was submitted to the Senate Committee on Budget and Fiscal Review and the Assembly Committee on Budget in December 2019.

The Infrastructure Plan project rankings were established through a detailed and systematic analysis of the following criteria:

- The general physical condition of the building;
- Needed improvement to the physical condition of buildings to alleviate the totality of risks associated with seismic conditions, fire and life safety conditions, Americans with Disabilities Act (ADA) requirements, and environmental hazards;
- Court security features within buildings;
- Access to court services;
- Overcrowding; and
- Projects that replace or renovate courtrooms in court buildings where there is a risk to court users due to potential catastrophic events.

Through this assessment process, Fresno County courthouse facilities affected by this project were determined to be deficient in all categories. This project is ranked in the Immediate Need priority group, and consequently is one of the highest priority trial court capital-outlay projects for the judicial branch. The Reassessment of Trial Court Capital-Outlay Project is available at [www.courts.ca.gov/documents/lr-2019-JC-reassessment-trial-court-capital-outlay-projects-gov70371\\_9.pdf](http://www.courts.ca.gov/documents/lr-2019-JC-reassessment-trial-court-capital-outlay-projects-gov70371_9.pdf).

The New Fresno Courthouse is proposed because of the current operational inefficiency due to court functions being split between three locations in downtown Fresno, an increase of the number of courtrooms to help meet Assessed Judicial Need (AJN), and numerous and severe deficiencies in the existing main Fresno County Courthouse, North Annex and M Street facilities.

Program Need: The New Fresno Courthouse will accomplish the following immediately needed improvements to the superior court and enhance its ability to serve the public:

- Enhances the public's access to justice by relieving the current space shortfall, increase security, and replace inadequate and obsolete buildings in Fresno County.
- Improves public safety by replacing a seismic deficient facility that is non-compliant with contemporary fire and life safety, and ADA codes.
- Provides two additional courtrooms in anticipation of funding for future judgeships.

- Removes from service facilities that contain environmental hazards such as asbestos containing materials.
- Improves public, staff, and judicial officer safety by providing a modern facility compliant with Judicial Council security standards for separation of in-custody defendants from staff and public.
- Improves Sheriff's ability to efficiently manage in-custody movement by providing adequate holding areas/cells and circulation.
- Consolidates functions and optimize use of court facilities.
- Vacates three facilities which terminates two county joint occupancy agreements and one private entity lease.
- Avoids future expenditure of over \$42 million for unaddressed deferred maintenance and needed security system refresh.
- Replaces a Federal Emergency Management Agency (FEMA) P-154 High-Risk rated seismically deficient building.

The Superior Court of Fresno County uses a central service model with full-service operations concentrated in Fresno. The Juvenile Delinquency Courthouse is a branch facility handling juvenile-delinquency cases only. Administrative functions are housed in Fresno, the county seat. The court currently occupies five facilities. Four court-occupied facilities are in downtown Fresno. The Juvenile Delinquency Courthouse is in Juvenile Hall, approximately eight miles away.

The court no longer uses two single-courtroom satellite facilities located in Reedley and Clovis.

Based on the 2022 Judicial Needs Assessment, the Fresno Court has a 7.0 increase in judgeship need. This project replaces 34 substandard courtrooms from three facilities and provides two additional courtrooms in anticipation of future funding for new judgeships.

The Superior Court of Fresno County occupies five buildings with a total of approximately 442,000 square feet of space. Two unoccupied buildings remain on the Judicial Council's Property List. The facilities are summarized in the table below.

	<b>Name</b>	<b>City</b>	<b>No. of Courtrooms</b>	<b>Type</b>	<b>Owner</b>	<b>Year Built</b>
1	Fresno Courthouse	Fresno	28	Courthouse	County	1962
2	North Annex Jail	Fresno	2	Jail	County	1985
3	B.F. Sisk Courthouse	Fresno	15	Courthouse	Council	1967/2009
4	M Street Courthouse	Fresno	5	Office	Lease	1964
5	Juvenile Delinquency Courthouse	Fresno	4	Multi-use	County	2009
6	Reedley (Closed)	Reedley	0	Multi-use	County	1985
7	Clovis Courthouse (Closed)	Clovis	0	Courthouse	County	1980

Infrastructure Deficiencies in Facilities Affected by Project: The project will replace the Fresno County Courthouse (28 courtrooms and most of court administration), the court space in the North Annex Jail (2 courtrooms), the court space in the M Street Courthouse (5 courtrooms). The Fresno Courthouse is currently undergoing a title transfer of the facility from county-owned to state-owned. If the new Fresno Courthouse project is completed the existing Fresno Courthouse could be sold, the jail courtrooms could be vacated and surrendered to the county and M Street lease terminated. The

findings of the Infrastructure Plan reassessment are summarized below for the facilities proposed for replacement by this project.

1. Fresno County Courthouse (County-owned, title transferred to state pending)

2019 Assessment Data

Year Built	1962
Number of Courtrooms	28 courtrooms
10 Year Facility Condition Index (FCI)	Poor Condition
FEMA P-154 Seismic Rating	High Risk Seismic Rating
Deferred Maintenance	\$40,727,040
Annual O&M Costs	\$346,246
Security System Refresh Costs	\$1,605,041

Located at 1100 Van Ness Ave, Fresno, California the Fresno Courthouse is the oldest court facility still in operation in Fresno County. This courthouse is an approximately 214,000 SF county-owned building (title transfer to the state is pending). This is the main courthouse for Fresno County in which criminal, juvenile dependency, drug court, behavioral health court, Criminal Administrative Process Petitions for Involuntary Medication, and general trial cases are heard.

The courthouse is situated on the county-owned Courthouse Park along with the Fresno County Sheriff's Office and the Hall of Records. The building does not meet current building codes for fire and life safety and accessibility. The building has a FEMA P-154 High-Risk seismic rating and over \$42 million in unaddressed deferred maintenance and security system refresh needs.

Significant functional issues include inadequate space for security screening at the building's entrance and insufficient ADA accommodations throughout the building. Lack of holding areas limit the building's capacity for in-custody defendants. An additional concern is there are no secure attorney-client interview rooms for in-custody defendants. The lobby is too small and there are too few elevators to accommodate the high volume of daily visitors. The jury room is too small and not functional for jurors.

2. North Annex Jail (County-owned)

2019 Assessment Data

Year Built	1985
Number of Courtrooms	2 courtrooms
10 Year Facility Condition Index (FCI)	Not assessed
FEMA P-154 Seismic Rating	Not assessed
Deferred Maintenance	Not assessed
Annual O&M Costs	\$27,147
Security System Refresh Costs	Not assessed

Located at 1255 M Street, Fresno, California the North Annex Jail is a detention facility with two courtrooms. These courtrooms occupy approximately 8,100 SF in an approximately 67,000 SF county-owned jail. This is a satellite location for the Fresno Court in which arraignment court and felony domestic violence cases are heard.

Onsite areas are too small for support staff and judicial officers and there is a lack of a separate room for witnesses to wait during trial proceedings. On-site parking for judicial officers is located on the street with no security enclosures. Due to the jail operations, there is a high volume of daily visitors to the building and site.

3. M Street Courthouse (Leased)

Located at 2317 Tuolumne Street, Fresno, California the M Street Courthouse was renovated in 2009. The courtrooms and associated spaces occupy approximately 26,000 SF of leased space in which criminal misdemeanor, civil, traffic, and School Attendance Review Board (SARB) cases are heard. Jury assembly occurs in this building with 80 jurors per call.

The site is used as a satellite location for the Fresno County and B.F. Sisk Courthouses. High service volume causes overcrowding and excessive lines around the building. The building has insufficient waiting area inside the building and no exterior awning to provide the approximately 2,000 daily visitors with protection from the elements while they wait. Secure parking area is not large enough for all judicial officers. No on-site holding is available which causes additional transportation and creates security concerns inside the building. The building lacks circulation separation for in-custodies, judges, staff, and public. The security screening area is overcrowded and inadequate for the number of daily visitors.

**C. Relationship to the Strategic Plan:**

The Judicial Council, as the policymaking body for the judicial branch, has the following responsibilities and authorities with regard to court facilities, in addition to any other responsibilities or authorities established by law:

- Exercise full responsibility, jurisdiction, control, and authority as an owner would have over trial court facilities whose title is held by the state, including, but not limited to, the acquisition and development of facilities.
- Exercise the full range of policymaking authority over trial court facilities, including, but not limited to, planning, construction, acquisition, and operation, to the extent not expressly otherwise limited by law.
- Establish policies, procedures, and guidelines for ensuring that the courts have adequate and sufficient facilities, including, but not limited to, facilities planning, acquisition, construction, design, operation, and maintenance.
- Allocate appropriated funds for court facilities maintenance and construction.
- Prepare funding requests for court facility construction, repair, and maintenance.
- Implement the design, bid, award, and construction of all court construction projects, except as delegated to others.
- Provide for capital outlay projects that may be built with funds appropriated or otherwise available for these purposes according to an approved five-year infrastructure plan for each court.

The provision of this capital outlay request is directly related to the Judicial Council's strategic plan Goal VI: "Branchwide Infrastructure for Service Excellence." By providing the trial courts with the facilities required to carry out the Judiciary's constitutional functions, the proposed project immediately addresses this goal.

In addition, the proposed project supports the Judicial Council's commitment to Goal I: "Access, Fairness, Diversity, and Inclusion", Goal IV: "Quality of Justice and Service to the Public" and Goal VII: "Adequate, Stable, and Predictable Funding for a Fully Functioning Branch".

**D. Alternatives:**

Alternative 1: Build a New 36-courtroom Courthouse.

This alternative will construct a new, 36-courtroom courthouse of approximately 413,000 SF in the city of Fresno. The estimated total project cost is \$914,583,000. The project will require acquisition of a site of approximately 2.09 acres. The project includes secured parking for judicial officers. Staff



and public parking are not currently included in the project. Parking needs will be assessed during the Acquisition phase site selection and CEQA process.

Advantages:

- Provides a new, modern, and secure courthouse replacing three antiquated and functionally deficient facilities.
- Improves access to justice, enhance public service, and court operational efficiency by being compliant with modern regulatory safety, seismic, and accessibility standards.
- Improves safety for public, staff, and judicial officers by being compliant with modern regulatory security, seismic, and accessibility standards.
- Replace a FEMA P-154 rated High-Risk seismically deficient building.
- Avoids over \$42 million in future deferred maintenance and security system refresh expenditures.
- Provides two additional courtrooms in anticipation of funding for future judgeships.

Disadvantages:

- This alternative requires authorization of funds for acquisition, design, and construction.
- This alternative requires a commitment of state resources.

Alternative 2: Renovation of Existing Courthouses.

The existing Fresno County Courthouse, M Street Courthouse, and North Annex Jail space will be renovated, reconfigured, and expanded to accommodate the programmatic needs of the court. A detailed estimate was not prepared for this alternative as preliminary investigations deemed the solution impracticable. Implementation of this Alternative is constrained by the site configuration, current county ownership of the buildings, and disruption to court and county operations. A renovation without a sizable expansion does not remedy overcrowding.

Advantages:

- This option will improve security, correct infrastructure deficiencies, and more closely align the renovated court space with Judicial Council space standards.

Disadvantages:

- A *Seismic Renovation Project Feasibility Report* was conducted in January 2019 to develop conceptual seismic retrofit schemes, determine the collateral impacts and associated construction costs of the retrofit schemes, and perform cost-benefit analyses to determine the most appropriate renovation strategy for the Fresno County Courthouse. The analysis determined that a base-line seismic retrofit was feasible. The estimated hard construction cost was \$103 million, the cost-benefit ratio .65, and extension of asset life 15 years. However, a baseline retrofit project will only correct seismic deficiencies. The baseline retrofit will not address fire and life safety code or operational and spatial deficiencies. More robust retrofit options that corrected code deficiencies and extend the asset life to 50 years was estimated to at a hard construction cost of \$243 million, a total project cost including soft costs, phasing, and swing costs will approximate the replacement cost of the facility due to the need for swing space and phasing. The disruption to court operations will be substantial.
- The county holds the title for existing North Annex Jail. The Judicial Council has no right to renovate or expand on the site without the cooperation, collaboration, and compensation to the county.
- The M Street facility is leased from a private landlord. The Judicial Council has no right to renovate or expand on the site without the cooperation, collaboration, and compensation to the landlord.

- This alternative will be disruptive to court operations and incur costs for swing space while renovations are ongoing.
- This alternative requires authorization of funds for acquisition, design, and construction.

Alternative 3: Defer this Project.

Advantages:

- No additional commitment of resources.

Disadvantages:

- This is an urgently needed project. The existing facilities do not provide proper security, are overcrowded, and are in deteriorating physical condition. Delay of this project limits the court's ability to consolidate existing operations for enhanced public service and staff efficiency.
- Leaves a FEMA P-154 rated High-Risk seismically deficient building in service.

**E. Recommended Solution:**

1. Which alternative and why?

The recommended option is Alternative 1, approve the construction of a new courthouse. This alternative provides the best solution for the superior court and for the benefit of all county residents.

2. Detailed scope description.

The New Fresno Courthouse project provides a new 36-courtroom courthouse of approximately 413,000 SF, consolidating three buildings: the severely deficient and overcrowded Fresno County Courthouse, the court space in the North Annex Jail, the court space in the M Street Courthouse, and provide two additional courtrooms in anticipation of funding for future judgeships. The project will require acquisition of a site of approximately 2.09 acres. The project includes secured parking for judicial officers. Parking for staff and the public is not included in the project. Parking needs will be assessed during the site selection and CEQA process.

The New Fresno Courthouse is proposed because of the current operational inefficiency due to court functions being split between three locations in downtown Fresno, an increase of the number of courtrooms to help meet AJN, and numerous and severe deficiencies in the existing main Fresno County Courthouse, North Annex Jail, and M Street facilities.

3. Basis for cost information.

Estimated total project costs are based on conceptual space program and three-page estimate.

4. Factors/benefits for recommended solution other than the least expensive alternative.

The recommended option is Alternative 1: Construct a New 36-Courtroom Courthouse. This option is the best solution for the superior court and will accomplish immediately needed improvements to enhance its ability to serve the public:

- Enhances the public's access to justice by providing a modern, safe, and accessible courthouse.
- Relieves the current space shortfall, increases security, and replaces inadequate and obsolete buildings in Fresno County by consolidating court operations into one location.
- Improves operational efficiencies by improving space adjacencies and providing spaces in alignment with Judicial Council space standards.

- Vacates the seismically deficient Fresno Courthouse and allows for termination of a county joint occupancy agreement at the North Annex Jail and termination of the M Street Courthouse lease.
- Improves operational efficiencies allowing the court to operate effectively and efficiently.

5. Complete description of impact on support budget.

Impact on the trial court operation budgets for 2024–25 will not be material. It is anticipated that this project will affect trial court operations budgets in fiscal years beyond the current year.

Impact on the sheriff security funding for 2024–25 will not be material. It is anticipated that this project will affect sheriff security budgets in future fiscal years.

It is anticipated that there will be ongoing costs of \$1.2 million for Judicial Council funded O&M. The county facility payments established pursuant to Government Code Section 70353 with the transfer of each county facility replaced by this project will be used to partially offset ongoing operations and maintenance costs of the new facility.

As additional programmatic workload and funding drives the need for additional administrative funding, an administrative overhead cost has been included in each capital outlay budget change proposal. The additional funding of \$30,000 will be used to support successful implementation of this request.

6. Identify and explain any project risks.

Any construction project carries risk of increased scope due to discovery of unknown subsurface site conditions throughout the design and construction process that can alter the projected construction cost. These risks can be mitigated or minimized by concurrently developing a prioritized itemization of project features that can be reduced in scope, alternatively approached, or eliminated without affecting the building functionality. The prioritized list should be updated at the completion of each stage of the design process in connection with the preparation and review of the updated estimates. Some risk is inherent with transfer of real property from one entity to another, regarding schedule and ancillary appropriation timing for funds. Risk is always inherent in the construction and ownership of real property and improvements. Standard risk management procedures are used to control and/or delegate these risks.

The risks associated with not developing a replacement court facility, as responsibility for the facilities it will replace has transferred to the state, are equally compelling. Given the existing physical conditions and practical limitations of improving these facilities, they will generate liabilities for the state the longer they remain unaddressed.

7. List requested interdepartmental coordination and/or special project approval (including mandatory reviews and approvals, e.g. technology proposals).

Inter-agency cooperation will be required among state, county, and local jurisdictional authorities for successful completion of this project. The project will be reviewed by the State Fire Marshal, the Board of State and Community Corrections for compliance with corrections standards, and Department of State Architect for fire and life safety and accessibility. The State Fire Marshal will perform inspections, required by the California Building Code for fire and life safety, during the construction phase.

**F. Consistency with Government Code Section 65041.1:**

Does the recommended solution (project) promote infill development by rehabilitating existing infrastructure and how? Explain.

The recommended solution does not include the rehabilitation of existing infrastructure. Rehabilitating the existing structure is disruptive and costly due to the lack of suitable swing space. Prior studies indicate that the most advantageous approach is a replacement facility for the Fresno Courthouse.

The Judicial Council has no right to renovate or expand the North Annex Jail or M Street Courthouse without the cooperation, collaboration, and compensation of the facility title holder.

Does the project improve the protection of environmental and agricultural resources by protecting and preserving the state's most valuable natural resources? Explain.

The branch is committed to selecting sites with no or least impact to these resources by utilizing previously developed land with existing infrastructure. This project will complete a thorough and responsible CEQA process.

Does the project encourage efficient development patterns by ensuring that infrastructure associated with development, other than infill, support efficient use of land and is appropriately planned for growth? Explain.

The Judicial Council will establish a Project Advisory Group to develop site selection criteria that addresses proximity to public transportation, availability of existing infrastructure, and proximity and relationship to other land uses and current development patterns.

The Project Advisory Group will consist of representatives from the local court, the county (including personnel from county administration, district attorney, public defender, sheriff, probation department, etc.), the city (including personnel from city management, planning, and redevelopment agency), the local community, and local Bar Association.

DRAFT

**STATE OF CALIFORNIA**  
**Capital Outlay Budget Change Proposal (COBCP) - Cover Sheet**  
 DF-151 (REV 07/21)

<b>Fiscal Year</b> 2024-25	<b>Business Unit</b> 0250	<b>Department</b> Judicial Branch	<b>Priority No.</b> 3
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<b>Budget Request Name</b> 0250-XXX-COBCP-2024-GB	<b>Capital Outlay Program ID</b> 0165	<b>Capital Outlay Project ID</b> 0009732
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**Project Title**  
San Luis Obispo County – New San Luis Obispo Courthouse

**Project Status and Type**

Status:  New  Continuing

Type:  Major  Minor

**Project Category (Select one)**

CRI (Critical Infrastructure)  WSD (Workload Space Deficiencies)  ECP (Enrollment Caseload Population)  SM (Seismic)  
 FLS (Fire Life Safety)  FM (Facility Modernization)  PAR (Public Access Recreation)  RC (Resource Conservation)

<b>Total Request (in thousands)</b> \$ 7,772	<b>Phase(s) to be Funded</b> Performance Criteria	<b>Total Project Cost (in thousands)</b> \$ 342,864
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**Budget Request Summary**

The Judicial Council of California requests \$7,772,000 General Fund for the Performance Criteria phase of the New San Luis Obispo Courthouse in San Luis Obispo County. The project will provide construction of a new, 12-courtroom courthouse of approximately 145,000 square feet (SF) in the city of San Luis Obispo. The estimated total project cost is \$342,864,000. The project includes secure parking for judicial officers. The project will require acquisition of a site of approximately 2.5 acres. The project will use a design-build delivery method. The project will replace the Courthouse Annex and the 1070 Palm Street facility.

<b>Requires Legislation</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Code Section(s) to be Added/Amended/Repealed</b>	<b>CCCI</b> 9621
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<b>Requires Provisional Language</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Budget Package Status</b> <input type="checkbox"/> Needed <input checked="" type="checkbox"/> Not Needed <input type="checkbox"/> Existing
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**Impact on Support Budget**

One-Time Costs  Yes  No Swing Space Needed  Yes  No  
 Future Savings  Yes  No Generate Surplus Property  Yes  No  
 Future Costs  Yes  No

**If proposal affects another department, does other department concur with proposal?**  Yes  No  
 Attach comments of affected department, signed and dated by the department director or designee.

<b>Prepared By</b> McCormick	<b>Date</b> 7/31/2023	<b>Reviewed By</b> Cowan	<b>Date</b> 7/31/2023
<b>Chief Administrative Officer</b> John Wordlaw	<b>Date</b> 7/31/2023	<b>Acting Administrative Director</b> Millicent Tidwell	<b>Date</b> 7/31/2023

**Department of Finance Use Only**

<b>Principal Program Budget Analyst</b>	<b>Date submitted to the Legislature</b>
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**A. COBCP Abstract:**

San Luis Obispo County – New San Luis Obispo Courthouse – \$7,772,000 for Performance Criteria. The project includes the construction of a new, 12-courtroom courthouse of approximately 145,000 SF in the city of San Luis Obispo. The project includes secure parking for judicial officers. The project will require acquisition of a site of approximately 2.5 acres. Total project costs are estimated at \$342,864,000, including Acquisition (\$29,169,000), Performance Criteria (\$7,772,000), and Design-Build (\$305,923,000). The design-build amount includes \$258,154,000 for the construction contract, \$7,745,000 for contingency, \$9,115,000 for architectural and engineering services, and \$30,909,000 for other project costs. The Acquisition began in July 2022 and will complete in June 2024. Performance Criteria is scheduled to begin in July 2024 and will be approved in June 2025. Design-Build is scheduled to begin in July 2025 and will be completed in January 2030.

**B. Purpose of the Project:**

Problem: The existing condition and capacity of the Superior Court County of San Luis Obispo Courthouse facilities were evaluated pursuant to Senate Bill (SB) 847 which revised Government Code section 70371.9 and required the Judicial Council of California to reassess projects identified in its *Trial Court Capital-Outlay Plan and Prioritization Methodology* adopted on October 24, 2008. The reassessment which is the basis for the judicial branch's Trial Court Five-Year Infrastructure Plan, was submitted to the Senate Committee on Budget and Fiscal Review and the Assembly Committee on Budget in December 2019.

The Infrastructure Plan project rankings were established through a detailed and systematic analysis of the following criteria:

- The general physical condition of the building;
- Needed improvement to the physical condition of buildings to alleviate the totality of risks associated with seismic conditions, fire and life safety conditions, Americans with Disabilities Act (ADA) requirements, and environmental hazards;
- Court security features within buildings;
- Access to court services;
- Overcrowding; and
- Projects that replace or renovate courtrooms in court buildings where there is a risk to court users due to potential catastrophic events.

Through this assessment process, San Luis Obispo County courthouse facilities affected by this project were determined to be deficient in all categories. This project is ranked in the Immediate Need priority group, and consequently is one of the highest priority trial court capital-outlay projects for the judicial branch. The Reassessment of Trial Court Capital-Outlay Project is available at [www.courts.ca.gov/documents/lr-2019-JC-reassessment-trial-court-capital-outlay-projects-gov70371\\_9.pdf](http://www.courts.ca.gov/documents/lr-2019-JC-reassessment-trial-court-capital-outlay-projects-gov70371_9.pdf).

Program Need: The New San Luis Obispo Courthouse will accomplish the following immediately needed improvements to the superior court and enhance its ability to serve the public:

- Consolidates court operations in the city of San Luis Obispo.
- Provides an accessible, safe, and efficient full-service courthouse.
- Improves security, relieve overcrowding, improve operational efficiency, and customer service.
- Allows the court to operate in a facility with adequate space for greater functionality than in current conditions, including:
  - Safe and secure internal circulation that maintains separate zones for the public, staff, and in-custodies.
  - Secure, dedicated in-custody sally port to the courthouse and secure in-custody holding areas.

- Adequate visitor security screening and queuing in the entrance area.
- Provides attorney-client interview rooms.
- Improves public service, including an adequately sized self-help area.
- Has ADA accessible spaces.
- Adequate staff workstations and meeting spaces.
- Jury assembly with capacity for typical jury pools.
- Facility with dependable physical infrastructure.
- Avoids future expenditures of nearly \$11 million in deferred maintenance and needed security refresh.
- Decommissions a facility with a FEMA P-154 High-Risk seismic rating.

The Superior Court of San Luis Obispo County uses a centralized service model for criminal courts in San Luis Obispo County, with all criminal court operations located in the Courthouse Annex in San Luis Obispo, the county seat. Civil and family court operations are decentralized between the Courthouse Annex and Paso Robles Branch Courthouse. Additional small claims cases are heard at the Grover Beach Branch while the Veteran's Memorial Building is being renovated. Traffic court is decentralized with operations in the Veteran's Memorial Building (under renovation), the Paso Robles Courthouse, and the Grover Beach Branch. Administrative functions are housed in the Courthouse Annex with additional overflow staff offices in the San Luis Obispo County Courthouse, 1070 Palm Street, and 999 Monterey Street, all within San Luis Obispo. Most juvenile court cases occur at the Juvenile Services Center in San Luis Obispo.

Based on the 2022 Judicial Needs Assessment, the San Luis Obispo Court does not have a need for additional judgeships at this time.

The Court occupies eight buildings with a total of 165,785 SF of space. The facilities are summarized in the table below.

	<b>Name</b>	<b>City</b>	<b>Number of Courtrooms</b>	<b>Type</b>	<b>Owner</b>	<b>Year Built</b>
1	Courthouse Annex	San Luis Obispo	12	Courthouse	County	1983
2	Veterans Memorial Building	San Luis Obispo	1	Multi-use	County	1965
3	Juvenile Services Center	San Luis Obispo	1	Multi-use	County	1980
4	Grover Beach Branch	Grover Beach	1	Courthouse	County	1968
5	Grover Beach Clerk's Office	Grover Beach	0	Modular	County	1989
6	1070 Palm St.	San Luis Obispo	0	Office	Judicial Council	1926
7	Paso Robles Courthouse	Paso Robles	2	Courthouse	County	2008
8	999 Monterey St.	San Luis Obispo	0	Office	Leased	2007

Infrastructure Deficiencies in Facilities Affected by Project: The project will replace the county-owned Courthouse Annex in San Luis Obispo (12 courtrooms) and the court office space in the Judicial Council-owned 1070 Palm St. The Courthouse Annex will be vacated by the court and surrendered to the county. The 1070 Palm Street facility will be sold. The findings of the Infrastructure Reassessment are summarized below for the facilities affected by this project.

1. Courthouse Annex (County-Owned)

2019 Assessment Data

Year Built	1983
Number of Courtrooms	12 courtrooms
10 Year Facility Condition Index (FCI)	Poor Condition
FEMA P-154 Seismic Rating	High Risk Seismic Rating
Deferred Maintenance	\$10,009,474
Annual O&M Costs	\$103,394
Security System Refresh Costs	\$243,981

The Courthouse Annex is located at 1035 Palm Street, San Luis Obispo, California. This court is part of a 112,000 SF county-owned and managed building complex. The Court occupies approximately 41,000 SF of court-exclusive space. Criminal, civil, family, and limited juvenile cases are heard at this courthouse. The building is overcrowded with numerous functional and security issues that include undersized courtrooms with inefficient layouts; undersized entrance security screening area; poor functional adjacencies; and ADA non-compliance. The facility has in-custody holding but minimal space for weapons screening. Separate and secure circulation dedicated for judicial officers and staff is marginal and deficient in separating in-custodies from the public and judicial staff. The facility has a FEMA P-154 High-Risk seismic rating and has over \$10 million in deferred maintenance and security refresh needs.

2. 1070 Palm Street (Judicial Council-Owned)

2019 Assessment Data

Year Built	1926
Number of Courtrooms	None
10 Year Facility Condition Index (FCI)	Not Assessed
FEMA P-154 Seismic Rating	Not Assessed
Deferred Maintenance	\$718,603
Annual O&M Costs	\$23,055
Security System Refresh Costs	\$6,770

Located at 1070 Palm Street, San Luis Obispo this is a 2,528 SF Judicial Council-owned, former single-family home now used exclusively for Court offices. This property houses court research attorneys and family court staff.

**C. Relationship to the Strategic Plan:**

The Judicial Council, as the policymaking body for the judicial branch, has the following responsibilities and authorities with regard to court facilities, in addition to any other responsibilities or authorities established by law:

- Exercises full responsibility, jurisdiction, control, and authority as an owner would have over trial court facilities whose title is held by the state, including, but not limited to, the acquisition and development of facilities.
- Exercises the full range of policymaking authority over trial court facilities, including, but not limited to, planning, construction, acquisition, and operation, to the extent not expressly otherwise limited by law.
- Establishes policies, procedures, and guidelines for ensuring that the courts have adequate and sufficient facilities, including, but not limited to, facilities planning, acquisition, construction, design, operation, and maintenance.
- Allocates appropriated funds for court facilities maintenance and construction.
- Prepares funding requests for court facility construction, repair, and maintenance.



- Implements the design, bid, award, and construction of all court construction projects, except as delegated to others.
- Provides for capital outlay projects that may be built with funds appropriated or otherwise available for these purposes according to an approved five-year infrastructure plan for each court.

The provision of this capital outlay request is directly related to the Judicial Council's strategic plan Goal VI: "Branchwide Infrastructure for Service Excellence." By providing the trial courts with the facilities required to carry out the Judiciary's constitutional functions, the proposed project immediately addresses this goal.

In addition, the proposed project supports the Judicial Council's commitment to Goal I: "Access, Fairness, Diversity, and Inclusion", Goal IV: "Quality of Justice and Service to the Public", and Goal VII: "Adequate, Stable, and Predictable Funding for a Fully Functioning Branch".

**D. Alternatives:**

Alternative 1: Build a New 12-courtroom Courthouse.

This alternative will construct a new, 12-courtroom courthouse of approximately 145,000 SF in the city of San Luis Obispo. The estimated total project cost is \$342,864,000. The project will require acquisition of a site of approximately 2.5 acres. The project includes secure parking for judicial officers.

Advantages:

- Enhances the court's ability to serve the residents of San Luis Obispo County by providing a new, modern, and secure courthouse, replacing antiquated and functionally deficient facilities.
- Allows the court to vacate and surrender the existing Courthouse Annex to the county.
- Improves access to justice and enhances public service and court operational efficiency by being compliant with modern regulatory safety, seismic, and accessibility standards.
- Provides San Luis Obispo County residents basic services not currently provided.
- Avoids future expenditure of nearly \$11 million for deferred maintenance and needed security system refresh.
- Removes a facility from service with a FEMA P-154 High-Risk seismic rating.

Disadvantages:

- This alternative requires authorization of funds for site acquisition and related soft costs, design, and construction.

Alternative 2: Renovation of Existing Courthouses.

The existing Courthouse Annex will be renovated and reconfigured to improve the space and more closely align the renovated court space with the Judicial Council Standards. A detailed estimate was not prepared for this alternative as preliminary investigations deemed the solution impracticable. Implementation of this alternative is constrained by site configuration, county ownership of the buildings, and disruption to court and county operations. A renovation without a sizable expansion does not remedy overcrowding.

Advantages:

- This option will improve security, correct infrastructure deficiencies, and more closely align the renovated court space with Judicial Council space standards.

Disadvantages:

- The county holds the title for the Courthouse Annex. The Judicial Council has no right to renovate or expand on the sites without the cooperation and collaboration of the county.
- The Courthouse Annex is part of a 112,000 SF county-owned and managed building complex. Pursuant to the Joint Occupancy Agreements, the costs of facility modifications and renovations are shared between the county and state.
- The building infrastructure systems are not separated into county and state components. Upgrading infrastructure within the court's space will likely affect the infrastructure systems building-wide and will necessitate renovations in county exclusive areas.
- This alternative will be disruptive to court and county operations and incur costs for swing space while renovations are ongoing.
- A renovation project without a sizable expansion does not remedy overcrowding.

Alternative 3: Defer This Project.

Advantages:

- No additional commitment of resources.

Disadvantages:

- This is an urgently needed project. The existing facility does not provide basic services to San Luis Obispo County residents due to overcrowding; proper security; ADA compliance requirements; conflicts in travel paths for judges, staff, the public, and in-custody defendants; lack of space for adequately sized visitor security screening and queuing in the entrance area, courtrooms, jury assembly, and self-help; and no attorney-client interview rooms or secure judicial parking.
- Delay of this project limits the court's ability to consolidate existing operations for enhanced public service and staff efficiency.
- Requires future expenditure of nearly \$11 million for unaddressed deferred maintenance and needed security system refresh.
- Leaves a facility in service with a FEMA P-154 High-Risk seismic rating.

**E. Recommended Solution:**

1. Which alternative and why?

The recommended option is Alternative 1: Approve the construction of a new, 12-courtroom courthouse. This alternative provides the best solution for the superior court and for the benefit of all county residents.

2. Detailed scope description.

The project will provide construction of a new, 12-courtroom courthouse of approximately 145,000 SF in the city of San Luis Obispo. In addition to multipurpose courtrooms suitable for all case types, chambers, and administrative space, major space components include central holding, jury assembly, family court services, and self-help. The project includes secure parking for judicial officers. The project will require acquisition of a site of approximately 2.5 acres.

3. Basis for cost information.

Estimated total project costs are based on conceptual space program and three-page estimate.

4. Factors/benefits for recommended solution other than the least expensive alternative.

The recommended option is Alternative 1: Construct a New 12-courtroom Courthouse. The recommended option will accomplish the following immediately needed improvements to the superior court and enhance its ability to serve the public:

- Increases public's access to justice by providing a modern, safe, and accessible courthouse.
- Relieves the current space shortfall, increases security, and replaces inadequate and obsolete buildings in San Luis Obispo County.
- Improves operational efficiencies by improving space adjacencies and providing spaces in alignment with Judicial Council space standards.
- Avoids future expenditure of nearly \$11 million for deferred maintenance and needed security system refresh.
- Removes a facility from service with a FEMA P-154 High-Risk seismic rating.

5. Complete description of impact on support budget.

Impact on the trial court operation budgets for 2024–25 will not be material. It is anticipated that this project will affect trial court operations budgets in fiscal years beyond the current year.

Impact on the sheriff security funding for 2024–25 will not be material. It is anticipated that this project will affect sheriff security budgets in future fiscal years.

It is anticipated that there will be ongoing costs of \$711,000 for Judicial Council funded O&M and security. The county facility payments established pursuant to Government Code Section 70353 with the transfer of each county facility replaced by this project will be used to partially offset ongoing operations and maintenance costs of the new facility.

As additional programmatic workload and funding drives the need for additional administrative funding, an administrative overhead cost has been included in each capital outlay budget change proposal. The additional funding of \$30,000 will be used to support successful implementation of this request.

6. Identify and explain any project risks.

Any construction project carries risk of increased scope due to discovery of unknown subsurface site conditions throughout the design and construction process that can alter the projected construction cost. These risks can be mitigated or minimized by concurrently developing a prioritized itemization of project features that can be reduced in scope, alternatively approached, or eliminated without affecting the building functionality. The priority list should be updated at the completion of each stage of the design process in connection with the preparation and review of the updated estimates. Some risk is inherent with transfer of real property from one entity to another, regarding schedule and ancillary appropriation timing for funds. Risk is always inherent in the construction and ownership of real property and improvements. Standard risk management procedures are used to control and/or delegate these risks.

The risks associated with not developing a replacement court facility, as responsibility for the facilities it will replace has transferred to the state, are equally compelling. Given the existing physical conditions and practical limitations of improving these facilities, they will generate liabilities for the state the longer they remain unaddressed.

7. List requested interdepartmental coordination and/or special project approval (including mandatory reviews and approvals, e.g. technology proposals).

Inter-agency cooperation will be required among state, county, and local jurisdictional authorities for successful completion of this project. The project will be reviewed by the State Fire Marshal, the Board of State and Community Corrections for compliance with corrections standards, and Department of State Architect for fire and life safety and accessibility. The State Fire Marshal will perform inspections, required by the California Building Code for fire and life safety, during the construction phase.

**F. Consistency with Government Code Section 65041.1:**

Does the recommended solution (project) promote infill development by rehabilitating existing infrastructure and how? Explain.

The recommended solution does not include the rehabilitation of existing infrastructure. Rehabilitating the existing structure is disruptive and costly due to the lack of suitable swing space. The Judicial Council has no right to renovate or expand the Courthouse Annex without the cooperation and collaboration of the county.

Does the project improve the protection of environmental and agricultural resources by protecting and preserving the state's most valuable natural resources? Explain.

The branch is committed to selecting sites with no or least impact to these resources by utilizing previously developed land with existing infrastructure. This project will complete a thorough and responsible California Environmental Quality Act (CEQA) process.

Does the project encourage efficient development patterns by ensuring that infrastructure associated with development, other than infill, support efficient use of land and is appropriately planned for growth? Explain.

The Judicial Council will establish a Project Advisory Group to develop site selection criteria that addresses proximity to public transportation, availability of existing infrastructure, and proximity and relationship to other land uses and current development patterns.

The Project Advisory Group will consist of representatives from the local court, the county (including personnel from county administration, district attorney, public defender, sheriff, probation department, etc.), the city (including personnel from city management, planning, and redevelopment agency), the local community, and local Bar Association.

**STATE OF CALIFORNIA**  
**Capital Outlay Budget Change Proposal (COBCP) - Cover Sheet**  
 DF-151 (REV 07/21)

<b>Fiscal Year</b> 2024-25	<b>Business Unit</b> 0250	<b>Department</b> Judicial Branch	<b>Priority No.</b> 4
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<b>Budget Request Name</b> 0250-XXX-COBCP-2024-GB	<b>Capital Outlay Program ID</b> 0165	<b>Capital Outlay Project ID</b> 0010916
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**Project Title**  
San Joaquin County - New Tracy Courthouse

**Project Status and Type**

Status:  New  Continuing

Type:  Major  Minor

**Project Category (Select one)**

CRI (Critical Infrastructure)     
  WSD (Workload Space Deficiencies)     
  ECP (Enrollment Caseload Population)     
  SM (Seismic)  
 FLS (Fire Life Safety)     
  FM (Facility Modernization)     
  PAR (Public Access Recreation)     
  RC (Resource Conservation)

<b>Total Request (in thousands)</b> \$ 2,645	<b>Phase(s) to be Funded</b> Performance Criteria	<b>Total Project Cost (in thousands)</b> \$ 58,784
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**Budget Request Summary**

The Judicial Council of California requests \$2,645,000 General Fund for the Performance Criteria phase of the New Tracy Courthouse in San Joaquin County. The proposed new courthouse project will provide construction of a new, 2-courtroom courthouse of approximately 28,000 square feet (SF) in the city of Tracy. The project includes secured parking for judicial officers and surface parking spaces. The estimated total project cost is \$58,784,000. The project will use the design-build delivery method. The project will replace four existing court facilities on the Judicial Council-owned site.

<b>Requires Legislation</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Code Section(s) to be Added/Amended/Repealed</b> -	<b>CCCI</b> 9621
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<b>Requires Provisional Language</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Budget Package Status</b> <input type="checkbox"/> Needed <input checked="" type="checkbox"/> Not Needed <input type="checkbox"/> Existing
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<b>Impact on Support Budget</b>	Swing Space Needed	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
One-Time Costs <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Generate Surplus Property	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Future Savings <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Future Costs <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		

**If proposal affects another department, does other department concur with proposal?**  Yes  No  
 Attach comments of affected department, signed and dated by the department director or designee.

<b>Prepared By</b> McCormick	<b>Date</b> 7/31/2023	<b>Reviewed By</b> Stephens/Cowan	<b>Date</b> 7/31/2023
<b>Chief Administrative Officer</b> John Wordlaw	<b>Date</b> 7/31/2023	<b>Acting Administrative Director</b> Millicent Tidwell	<b>Date</b> 7/31/2023

<b>Department of Finance Use Only</b>	
<b>Principal Program Budget Analyst</b>	<b>Date submitted to the Legislature</b>

**A. COBCP Abstract:**

San Joaquin County - New Tracy Courthouse – \$2,645,000 for Performance Criteria. The project includes the construction of a new, two- courtroom courthouse of approximately 28,000 SF in the city of Tracy. The project includes secured parking for judicial officers and surface parking spaces. Total project costs are estimated at \$58,784,000, including Performance Criteria (\$2,645,000) and Design-Build (\$56,139,000). The design-build amount includes \$44,541,000 for the construction contract, \$1,336,000 for contingency, \$2,027,000 for architectural and engineering services, and \$8,235,000 for other project costs. Performance Criteria is scheduled to begin in July 2024 and will be approved in June 2025. Design-Build is scheduled to begin in July 2025 and will be completed in April 2029.

**B. Purpose of the Project:**

Problem: The existing condition and capacity of the Superior Court of San Joaquin County facilities were evaluated pursuant to Senate Bill 847, which revised Government Code section 70371.9 and required the Judicial Council of California to reassess projects identified in its Trial Court Capital-Outlay Plan and Prioritization Methodology adopted on October 24, 2008. The reassessment which is the basis for the judicial branch's Trial Court Five-Year Infrastructure Plan, was submitted to the Senate Committee on Budget and Fiscal Review and the Assembly Committee on Budget in December 2019.

The Infrastructure Plan project rankings were established through a detailed and systematic analysis of the following criteria:

- The general physical condition of the building;
- Needed improvement to the physical condition of buildings to alleviate the totality of risks associated with seismic conditions, fire and life safety conditions, Americans with Disabilities Act (ADA) requirements, and environmental hazard;
- Court security features within buildings;
- Access to court services;
- Overcrowding; and
- Projects that replace or renovate courtrooms in court buildings where there is a risk to court users due to potential catastrophic events.

Through this assessment process, San Joaquin County courthouse facilities affected by this project were determined to be deficient in all categories. This project is ranked in the Immediate Need priority group, and consequently is one of the highest priority trial court capital-outlay projects for the judicial branch. The *Reassessment of Trial Court Capital-Outlay Projects* is available at [www.courts.ca.gov/documents/lr-2019-JC-reassessment-trial-court-capital-outlay-projects-gov70371\\_9.pdf](http://www.courts.ca.gov/documents/lr-2019-JC-reassessment-trial-court-capital-outlay-projects-gov70371_9.pdf).

Program Need: The New Tracy Courthouse will accomplish the following immediately needed improvements to the superior court and enhance its ability to serve the public:

- Provides an accessible, safe, and efficient courthouse to serve south county communities.
- Enhances the public's access to justice by relieving the current space shortfall, increasing security, and replacing inadequate and obsolete buildings in San Joaquin County.
- Allows the Court to operate in a facility with adequate space for greater functionality than in current conditions, including:
  - Safe and secure internal circulation that maintains separate zones for the public, judicial officers and staff, and in-custody defendants.
  - Secure, dedicated in-custody sally port to the courthouse and secure in-custody holding areas.
  - Adequate visitor security screening and queuing in the entrance area.
  - Provides attorney-client interview rooms.
  - Improves public service, including an adequately sized self-help area.
  - Jury assembly with capacity for typical jury pools.

- Has ADA accessible spaces.
- Adequate staff workstations and meeting spaces.
- Facility with dependable physical infrastructure.
- Improves public safety by replacing facilities that are noncompliant with contemporary fire and life safety and ADA codes.
- Restructures operations and functions to optimize use of court facilities.
- Replaces four facilities in poor condition with aging systems.
- Repurposes a Judicial Council-owned site for infill development and eliminates project costs for site acquisition.
- Avoids future expenditure of approximately \$2 million for deferred maintenance and needed security system refresh.

The Superior Court of San Joaquin County uses a decentralized model, with full-service operations in Stockton and branch locations in Manteca, Lodi, French Camp, and Tracy (which has been vacant for several years). Stockton and Lodi serve north county communities, while Manteca has served the south county communities. French Camp is a juvenile court that serves the entire county.

The main courthouse is located in the city of Stockton (county seat). The Stockton Courthouse handles all case types and all jury trials for the county, except for juvenile delinquency case matters. The French Camp facility is the juvenile delinquency court that has three courtrooms and is connected to juvenile hall and the county probation department. The Lodi branch court has one courtroom and handles criminal matters (such as felony arraignments, preliminary hearings, misdemeanor arraignments, and pre-trial conferences). The Manteca Branch Courthouse handles criminal, civil, and traffic matters. The Tracy Branch court facilities have been closed since 2011 owing to budget constraints from the recession and have not reopened due to needed replacement.

The Superior Court of San Joaquin County occupies five buildings in Stockton, Lodi, French Camp, and Manteca with a total of approximately 350,000 SF of space. The four Tracy court facilities are vacant.

	<b>Name</b>	<b>City</b>	<b>Number of Courtrooms</b>	<b>Type</b>	<b>Owner</b>	<b>Year Built</b>
1	Stockton Courthouse	Stockton	28 (plus 1 unfinished)	Courthouse	Judicial Council	2017
2	French Camp Juvenile Justice Center	French Camp	3	Jail	County	1982
3	Manteca Branch Courthouse	Manteca	2	Courthouse	Judicial Council	1965
4	Lodi Department 2	Lodi	0	Courthouse	Judicial Council	1968
5	Lodi Department 1	Lodi	1	Office	Lease	2005
6	Tracy Branch Courthouse	Tracy	1	Courthouse/ Vacant	Judicial Council	1968
7	Tracy Modular 1: Support	Tracy	0	Modular/ Vacant	Judicial Council	1986
8	Tracey Modular 2: Courtroom	Tracy	1	Modular/ Vacant	Judicial Council	1986
9	Tracy Agricultural Building	Tracy	0	Storage/ Vacant	Judicial Council	1960

The project will replace the four Tracy Branch court facilities: Tracy Branch Courthouse, Tracy Modular 1 (Support), Tracy Modular 2 (Courtroom), and Tracy Agricultural Building.

1. Tracy Branch Courthouse (Judicial Council-Owned)

2019 Assessment Data

Year Built	1986
Number of Courtrooms	1 courtroom
10 Year Facility Condition Index (FCI)	Poor Condition
FEMA P-154 Seismic Rating	Acceptable Risk Seismic Rating
Deferred Maintenance	\$1,989,960
Annual O&M Costs	\$22,597
Security System Refresh Costs	Not assessed

Located at 475 East 10th Street in the city of Tracy, the Tracy Branch Courthouse is approximately 7,000 SF in size and is owned and managed by the Judicial Council. The building is in poor condition with aging systems that are at or beyond their useful lives. This facility lacks many modern elements required to function effectively and efficiently, has significant fire and life safety deficiencies, and needs significant structural and technological upgrades. The facility has in-custody holding but minimal space for weapons screening and lacks separate and secure circulation paths dedicated to separate in-custody defendants from the public, jurors, judicial officers, and staff. Owing to budget cuts and need for replacement, this facility has been vacant since 2011.

2. Tracy Modular 1: Support (Judicial Council-Owned)

2019 Assessment Data

Year Built	1986
Number of Courtrooms	None
10 Year Facility Condition Index (FCI)	Not Assessed
FEMA P-154 Seismic Rating	Not Assessed
Deferred Maintenance	Not Assessed
Annual O&M Costs	\$13,133
Security System Refresh Costs	Not Assessed

Tracy Modular 1 (Support) is located on the Tracy campus at 475 East 10th Street in city of Tracy. It is approximately 1,000 SF in size and is owned and managed by the Judicial Council. The modular unit previously served as administrative space. The modular is in poor condition with aging systems. Owing to budget cuts and need for replacement, this facility has been vacant since 2011.

3. Tracy Modular 2: Courtroom (Judicial Council-owned)

2019 Assessment Data

Year Built	1986
Number of Courtrooms	None
10 Year Facility Condition Index (FCI)	Not Assessed
FEMA P-154 Seismic Rating	Not Assessed
Deferred Maintenance	Not Assessed
Annual O&M Costs	\$13,133
Security System Refresh Costs	Not Assessed

Tracy Modular 2 (Courtroom) is located on the Tracy campus at 475 East 10th Street in city of Tracy. It is approximately 1,000 SF in size and is owned and managed by the Judicial Council. The modular unit previously served as a courtroom. The modular is in poor condition with aging systems. Owing to budget cuts and need for replacement, this facility has been vacant since 2011.



4. Tracy Agricultural Building (Judicial Council-owned)

2019 Assessment Data

Year Built	1960
Number of Courtrooms	None
10 Year Facility Condition Index (FCI)	Not Assessed
FEMA P-154 Seismic Rating	Not Assessed
Deferred Maintenance	Not Assessed
Annual O&M Costs	Not Assessed
Security System Refresh Costs	Not Assessed

The Tracy Agricultural Building is located on the Tracy campus at 475 East 10th Street in city of Tracy. It is a single-story building approximately 2,000 SF in size that served as storage space and is owned and managed by the Judicial Council. The building is in poor condition with aging systems. Owing to budget cuts and need for replacement, this facility has been vacant since 2011.

Infrastructure Deficiencies in Facilities Affected by Project: The four existing Tracy Branch facilities (Tracy Branch Courthouse, Tracy Modular 1 (Support), Tracy Modular 2 (Courtroom), and Tracy Agricultural Building) are inadequate and obsolete to be returned to public service. The project will utilize the existing site of these facilities to demolish each deteriorated and vacant building to construct a single modern courthouse building.

**C. Relationship to the Strategic Plan:**

The Judicial Council, as the policymaking body for the judicial branch, has the following responsibilities and authorities with regard to court facilities, in addition to any other responsibilities or authorities established by law:

- Exercise full responsibility, jurisdiction, control, and authority as an owner would have over trial court facilities whose title is held by the state, including, but not limited to, the acquisition and development of facilities;
- Exercise the full range of policymaking authority over trial court facilities, including, but not limited to, planning, construction, acquisition, and operation, to the extent not expressly otherwise limited by law;
- Establish policies, procedures, and guidelines for ensuring that the courts have adequate and sufficient facilities, including, but not limited to, facilities planning, acquisition, construction, design, operation, and maintenance;
- Allocate appropriated funds for court facilities maintenance and construction;
- Prepare funding requests for court facility construction, repair, and maintenance;
- Implement the design, bid, award, and construction of all court construction projects, except as delegated to others; and
- Provide for capital outlay projects that may be built with funds appropriated or otherwise available for these purposes according to an approved five-year infrastructure plan for each court.

The provision of this capital outlay request is directly related to the Judicial Council's strategic plan Goal VI: "Branchwide Infrastructure for Service Excellence." By providing the trial courts with the facilities required to carry out the Judiciary's constitutional functions, the proposed project immediately addresses this goal.

In addition, the proposed project supports the Judicial Council's commitment to Goal I: "Access, Fairness, Diversity, and Inclusion", Goal IV: "Quality of Justice and Service to the Public" and Goal VII: "Adequate, Stable, and Predictable Funding for a Fully Functioning Branch".

**D. Alternatives:**

Alternative 1: Build a New 2-Courtroom Courthouse.

This alternative will construct a new, 2-courtroom courthouse of approximately 28,000 SF in the city of Tracy. The project will include secured parking for judicial officers and surface parking spaces. The estimated total project cost is \$58,784,000. The project includes the demolition of four existing court facilities on the Judicial Council-owned site.

Advantages

- Enhances the public's access to justice by providing a modern, safe, and secure courthouse to serve the south county communities, relieving the current space shortfall, increasing security, and replacing inadequate and obsolete buildings in San Joaquin County.
- Provides multipurpose courtrooms suitable for all case types as well as space for jury assembly, central holding, and self-help services.
- Allows the Court to operate in a facility with adequate space for greater functionality than what had been provided by the existing Tracy Branch court facilities—alleviating overcrowding in staff areas, providing adequate space for security screening and lobby areas and separate paths of circulation for in-custody defendants from the public and judges and staff, and addressing the lack of jury assembly space and jury deliberation rooms.
- Restructures operations and functions to optimize use of court facilities.
- Repurposes a Judicial Council-owned site for infill development and eliminates project costs for site acquisition.
- Avoids future expenditure of approximately \$2 million for deferred maintenance and needed security system refresh.

Disadvantages:

- This alternative requires authorization of funds for design and construction.

Alternative 2:Renovation of Existing Court Facilities.

The four existing Tracy Branch court facilities (Tracy Branch Courthouse, Tracy Modular 1 (Support), Tracy Modular 2 (Courtroom), and Tracy Agricultural Building) will be renovated, reconfigured, and expanded to accommodate the programmatic needs of the court. Detailed estimates were not prepared for this alternative as preliminary investigations deemed the solution requiring multiple projects impracticable and cost ineffective. Multiple renovation projects would be required, yet without sizable expansions still not remedying the space shortfall.

Advantages:

- This option will improve court security, correct infrastructure deficiencies, and more closely align the renovated court space with Judicial Council space standards.

Disadvantages:

- Compared to Alternative 1, this alternative requires authorization of funds for design and construction of multiple projects making its cost ineffective.
- As renovation of the two modular buildings is not practical, given their poor condition with aging systems, replacement would be required.
- Maintains four separate buildings, disallowing the consolidation of separated operations into a single building for improved public service on the existing site.

- Does not allow for operational restructuring and efficiency gains.
- Multiple renovation projects without sizable expansions does not remedy the space shortfall.

Alternative 3:Defer this Project.

Advantages:

- No additional commitment of resources.

Disadvantages:

- This is an urgently needed project. The existing facilities do not provide proper security, are severely overcrowded, are in deteriorating physical condition, and impede the court's ability to operate effectively and efficiently.
- Delay of this project limits the court's ability for staffing efficiency and to provide enhanced public service to the south county communities.
- Does not allow for restructuring of existing operations and efficiency gains.
- Approximately \$2 million in expenditures are needed to address deferred maintenance and needed security system refresh.

**E. Recommended Solution:**

1. Which alternative and why?

The recommended solution is Alternative 1: Construct a New 2-courtroom Courthouse. This alternative provides the best solution for the superior court and for San Joaquin County residents.

2. Detailed scope description.

The proposed new courthouse project will provide construction of a new, 2-courtroom courthouse of approximately 28,000 SF in the city of Tracy. Space will be provided for multipurpose courtrooms suitable for all case types, jury assembly, central holding, and self-help services. The project includes secured parking for judicial officers and surface parking spaces. The project includes the demolition of four existing court facilities on the Judicial Council-owned site. The project will relieve the current space shortfall, improve security, accessibility, and safety, and allow the court to improve its service to south county residents for operational efficiency.

3. Basis for cost information.

Estimated total project costs are based on a conceptual space program and three-page estimate.

4. Factors/benefits for recommended solution other than the least expensive alternative.

The recommended option is Alternative 1: Construct a New 2-Courtroom Courthouse. This option is the best solution for the superior court and will accomplish immediately needed improvements to enhance its ability to serve the public:

- Enhances the public's access to justice by providing a modern, safe, and secure courthouse to serve the south county communities.
- Allows the Court to operate in a facility with adequate space for greater functionality than in current conditions—alleviating overcrowding in staff areas, providing adequate space for security screening and lobby areas and separate paths of circulation for in-custody defendants from the public and judges and staff, and addressing the lack of jury assembly space and jury deliberation rooms.
- Restructures operations and functions to optimize use of court facilities.
- Improves operational efficiencies allowing the court to operate effectively and efficiently.

- Repurposes a Judicial Council-owned site for infill development and eliminates project costs for site acquisition.
- Replaces four vacant and obsolete facilities.

5. Complete description of impact on support budget.

Impact on the trial court operation budgets for 2024–25 will not be material. It is anticipated that this project will affect trial court operations budgets in fiscal years beyond the current year.

Impact on the sheriff security funding for 2024–25 will not be material. It is anticipated that this project will affect sheriff security budgets in future fiscal years.

It is anticipated that there will be ongoing costs of \$120,000 for Judicial Council funded O&M and security. The county facility payments established pursuant to Government Code Section 70353 with the transfer of each county facility replaced by this project will be used to partially offset ongoing operations and maintenance costs of the new facility.

As additional programmatic workload and funding drives the need for additional administrative funding, an administrative overhead cost has been included in each capital outlay budget change proposal. The additional funding of \$42,000 will be used to support successful implementation of this request.

6. Identify and explain any project risks.

Any construction project carries risk of increased scope due to discovery of unknown subsurface site conditions throughout the design and construction process that can alter the projected construction cost. These risks can be mitigated or minimized by concurrently developing a prioritized itemization of project features that can be reduced in scope, alternatively approached, or eliminated without affecting the building functionality. The list should be updated at the completion of each stage of the design process in connection with the preparation and review of the updated estimates. Some risk is inherent with transfer of real property from one entity to another, regarding schedule and ancillary appropriation timing for funds. Risk is always inherent in the construction and ownership of real property and improvements. Standard risk management procedures are used to control and/or delegate these risks.

The risks associated with not developing a replacement court facility, as responsibility for the facilities it will replace has transferred to the state, are equally compelling. Given the existing physical conditions and practical limitations of improving these facilities, they will generate liabilities for the state the longer they remain unaddressed.

7. List requested interdepartmental coordination and/or special project approval (including mandatory reviews and approvals, e.g. technology proposals).

Inter-agency cooperation will be required among state, county, and local jurisdictional authorities for successful completion of this project. The updated drawings will be reviewed by the State Fire Marshal, the Board of State and Community Corrections for compliance with corrections standards, and Department of State Architect for fire and life safety and accessibility. The State Fire Marshal will perform inspections, required by the California Building Code for fire and life safety, during the construction phase.

**F. Consistency with Government Code Section 65041.1:**

Does the recommended solution (project) promote infill development by rehabilitating existing infrastructure and how? Explain.

The recommended solution does not include the rehabilitation of existing buildings but does include repurposing a Judicial Council-owned site for infill development. Rehabilitating multiple existing buildings on the existing site is impracticable and cost ineffective, as they have been vacant more than a decade (since 2011) owing to their poor condition with aging systems. Replacement of these

inadequate and obsolete buildings through site redevelopment, which eliminates project costs for site acquisition, is the only viable solution.

Does the project improve the protection of environmental and agricultural resources by protecting and preserving the state's most valuable natural resources? Explain.

The project will be on the site of the existing Tracy Branch court facilities. The branch is committed to selecting sites with no or least impact to these resources by utilizing previously developed land with existing infrastructure. This project will complete a thorough and responsible California Environmental Quality Act (CEQA) process.

Does the project encourage efficient development patterns by ensuring that infrastructure associated with development, other than infill, support efficient use of land and is appropriately planned for growth? Explain.

The Judicial Council will establish a Project Advisory Group to develop site selection criteria that addresses proximity to public transportation, availability of existing infrastructure, and proximity and relationship to other land uses and current development patterns.

The Project Advisory Group will consist of representatives from the local court, the county (including personnel from county administration, district attorney, public defender, sheriff, probation department, etc.), the city (including personnel from city management, planning, and redevelopment agency), the local community, and local Bar Association.

DRAFT

**STATE OF CALIFORNIA**  
**Capital Outlay Budget Change Proposal (COBCP) - Cover Sheet**  
 DF-151 (REV 07/21)

<b>Fiscal Year</b> 2024-25	<b>Business Unit</b> 0250	<b>Department</b> Judicial Branch	<b>Priority No.</b> 5
<b>Budget Request Name</b> 0250-XXX-COBCP-2024-GB		<b>Capital Outlay Program ID</b> 0165	<b>Capital Outlay Project ID</b> 0010918

**Project Title**  
Kern County - New East County Courthouse

**Project Status and Type**

Status:  New  Continuing

Type:  Major  Minor

**Project Category (Select one)**

CRI (Critical Infrastructure)  WSD (Workload Space Deficiencies)  ECP (Enrollment Caseload Population)  SM (Seismic)  
 FLS (Fire Life Safety)  FM (Facility Modernization)  PAR (Public Access Recreation)  RC (Resource Conservation)

<b>Total Request (in thousands)</b> \$ 4,921	<b>Phase(s) to be Funded</b> Acquisition	<b>Total Project Cost (in thousands)</b> \$ 78,748
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**Budget Request Summary**

The Judicial Council of California requests \$4,921,000 General Fund for the Acquisition phase of the New East County Courthouse in Kern County. The proposed new courthouse project will provide construction of a new 3-courtroom courthouse of approximately 45,000 square feet (SF) in the Tehachapi or Mojave areas. The project includes secured parking for judicial officers and surface parking spaces. The estimated total project cost is \$78,748,000. The project will require acquisition of a site of approximately 3.6 acres. The project will use the design-build delivery method. The project will replace and consolidate three facilities.

<b>Requires Legislation</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Code Section(s) to be Added/Amended/Repealed</b>	<b>CCCI</b> 9621
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<b>Requires Provisional Language</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Budget Package Status</b> <input type="checkbox"/> Needed <input checked="" type="checkbox"/> Not Needed <input type="checkbox"/> Existing
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<b>Impact on Support Budget</b>		Swing Space Needed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
One-Time Costs <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Future Savings <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Generate Surplus Property <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Future Costs <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			

**If proposal affects another department, does other department concur with proposal?**  Yes  No  
 Attach comments of affected department, signed and dated by the department director or designee.

<b>Prepared By</b> McCormick	<b>Date</b> 7/31/2023	<b>Reviewed By</b> Cowan	<b>Date</b> 7/31/2023
<b>Chief Administrative Officer</b> John Wordlaw	<b>Date</b> 7/31/2023	<b>Acting Administrative Director</b> Millicent Tidwell	<b>Date</b> 7/31/2023

Department of Finance Use Only	
<b>Principal Program Budget Analyst</b>	<b>Date submitted to the Legislature</b>

**A. COBCP Abstract:**

Kern County - New East County Courthouse – \$4,921,000 for Acquisition. The project includes the construction of a new, 3-courtroom courthouse of approximately 45,000 SF in the Tehachapi or Mojave areas. The project includes secured parking for judicial officers and surface parking spaces. Total project costs are estimated at \$78,748,000, including Acquisition (\$4,921,000), Performance Criteria (\$1,844,000), and Design-Build (\$71,983,000). The design-build amount includes \$56,243,000 for the construction contract, \$1,687,000 for contingency, \$2,840,000 for architectural and engineering services, and \$11,213,000 for other project costs. The Acquisition is scheduled to begin in July 2024 and complete in June 2026. The Performance Criteria is scheduled to begin in July 2026 and will be approved in June 2027. Design-Build is scheduled to begin in July 2027 and will be completed in July 2031.

**B. Purpose of the Project:**

Problem: The existing condition and capacity of the Superior Court of Kern County facilities were evaluated pursuant to Senate Bill 847, which revised Government Code section 70371.9 and required the Judicial Council of California to reassess projects identified in its Trial Court Capital-Outlay Plan and Prioritization Methodology adopted on October 24, 2008. The reassessment which is the basis for the judicial branch's Trial Court Five-Year Infrastructure Plan, was submitted to the Senate Committee on Budget and Fiscal Review and the Assembly Committee on Budget in December 2019.

The Infrastructure Plan project rankings were established through a detailed and systematic analysis of the following criteria:

- The general physical condition of the building;
- Needed improvement to the physical condition of buildings to alleviate the totality of risks associated with seismic conditions, fire and life safety conditions, Americans with Disabilities Act (ADA) requirements, and environmental hazard;
- Court security features within buildings;
- Access to court services;
- Overcrowding; and
- Projects that replace or renovate courtrooms in court buildings where there is a risk to court users due to potential catastrophic events.

Through this assessment process, Kern County courthouse facilities affected by this project were determined to be deficient in all categories. This project is ranked in the Immediate Need priority group, and consequently is one of the highest priority trial court capital-outlay projects for the judicial branch. The *Reassessment of Trial Court Capital-Outlay Projects* is available at [www.courts.ca.gov/documents/lr-2019-JC-reassessment-trial-court-capital-outlay-projects-gov70371\\_9.pdf](http://www.courts.ca.gov/documents/lr-2019-JC-reassessment-trial-court-capital-outlay-projects-gov70371_9.pdf).

Program Need: The New East County Courthouse will accomplish the following immediately needed improvements to the superior court and enhance its ability to serve the public:

- Provides an accessible, safe, and efficient courthouse to serve most of the eastern county communities.
- Enhances the public's access to justice by relieving the current space shortfall, increasing security, and replacing inadequate and obsolete buildings in Kern County.
- Allows the Court to operate in a facility with adequate space for greater functionality than in current conditions, including:
  - Safe and secure internal circulation that maintains separate zones for the public, judicial officers and staff, and in-custody defendants.
  - Secure, dedicated in-custody sally port to the courthouse and secure in-custody holding areas.
  - Adequate visitor security screening and queuing in the entrance area.

- Provides attorney-client interview rooms.
- Improves public service, including an adequately sized self-help area.
- Jury assembly with capacity for typical jury pools.
- Has ADA accessible spaces.
- Adequate staff workstations and meeting spaces.
- Facility with dependable physical infrastructure.
- Improves public safety by replacing facilities that are noncompliant with contemporary fire and life safety and ADA codes.
- Consolidates operations and functions to optimize use of court facilities.
- Vacates three facilities, with court-occupied space in the Mojave court buildings that could be surrendered back to the county.
- Avoids future expenditure of approximately \$2.2 million for deferred maintenance and needed security system refresh.

The Superior Court of Kern County occupies 17 buildings in eight cities in Kern County. Court facilities are located in Bakersfield (county seat), Mojave, Ridgecrest, Delano, Shafter, Lamont, Taft, and Lake Isabella. Refer to the Attachment – A for a complete listing of Kern court facilities. The Superior Court uses a regional service model with operations in four divisions: Metro, North, East, and South Divisions. The Metro Division in Bakersfield provides full-service operations, while the outlying divisions handle most case types for their respective constituents except serious criminal matters and probate cases. Main administrative functions are housed in Bakersfield, the county seat.

The project will replace and consolidate the three Mojave facilities: the Main Courthouse, the County Administration Building, and the Superior Court Modular.

Name	City	Number of Courtrooms	Type	Owner	Year Built
Mojave Main Court Facility	Mojave	1	Multi-Use	County	1974
Mojave County Administration Building	Mojave	1	Multi-Use	County	1978
Mojave Superior Court Modular	Mojave	1	Modular	County	-

1. Mojave Main Court Facility (County-Owned)

2019 Assessment Data	
Year Built	1974
Number of Courtrooms	1 courtroom
10 Year Facility Condition Index (FCI)	Poor Condition
FEMA P-154 Seismic Rating	High Risk Seismic Rating
Deferred Maintenance	\$899,885
Annual O&M Costs	\$26,278
Security System Refresh Costs	Not Assessed

The Mojave Main Court Facility, at 1773 Mojave-Barstow Highway in the town of Mojave, is a single-story building of approximately 12,000 SF that is owned and managed by the county. The Kern court exclusively occupies approximately 4,600 SF, sharing the building with a Sheriff's substation and justice partners. All case types are heard at this location except for juvenile and probate.



2. Mojave County Administration Building (County-owned)

2019 Assessment Data

Year Built	1978
Number of Courtrooms	1 courtroom
10 Year Facility Condition Index (FCI)	Not Assessed
FEMA P-154 Seismic Rating	Not Assessed
Deferred Maintenance	Not Assessed
Annual O&M Costs	\$15,424
Security System Refresh Costs	Not Assessed

Located at 1775 Mojave-Barstow Highway in the town of Mojave, the Mojave County Administration Building is a single-story building of approximately 8,500 SF that is owned and managed by the county. The Kern court exclusively occupies approximately 2,800 SF, sharing the building with justice partners. All case types are heard at this location except for juvenile and probate. The building does not provide a jury assembly room, which requires all jurors to assemble in the adjacent Mojave Main Court facility. Jury deliberation is held in the staff breakroom due to a lack of dedicated jury deliberation space.

3. Mojave Superior Court Modular (County-owned)

2019 Assessment Data

Year Built	Unknown
Number of Courtrooms	None
10 Year Facility Condition Index (FCI)	Not Assessed
FEMA P-154 Seismic Rating	Not Assessed
Deferred Maintenance	Not Assessed
Annual O&M Costs	Not Assessed
Security System Refresh Costs	Not Assessed

This county-owned modular building is approximately 1,000 SF of office support space and is located adjacent to the Mojave Main Court Facility and Mojave County Administration Building.

Infrastructure Deficiencies in Facilities Affected by Project: The three existing Mojave facilities (the Main Courthouse, the County Administration Building, and the Superior Court Modular) are inadequate for public service and for the operational needs of the court. Square footage constraints have resulted in insufficient space for security screening and lobby waiting areas, lack of jury assembly and jury deliberation space, overcrowding of public and staff areas, and no separate paths of circulation for in-custody defendants from the public and judges and staff. These deficiencies pose a safety and security risk to all facility users.

**C. Relationship to the Strategic Plan:**

The Judicial Council, as the policymaking body for the judicial branch, has the following responsibilities and authorities with regard to court facilities, in addition to any other responsibilities or authorities established by law:

- Exercise full responsibility, jurisdiction, control, and authority as an owner would have over trial court facilities whose title is held by the state, including, but not limited to, the acquisition and development of facilities;
- Exercise the full range of policymaking authority over trial court facilities, including, but not limited to, planning, construction, acquisition, and operation, to the extent not expressly otherwise limited by law;
- Establish policies, procedures, and guidelines for ensuring that the courts have adequate and sufficient facilities, including, but not limited to, facilities planning, acquisition, construction, design, operation, and maintenance;
- Allocate appropriated funds for court facilities maintenance and construction;

- Prepare funding requests for court facility construction, repair, and maintenance;
- Implement the design, bid, award, and construction of all court construction projects, except as delegated to others; and
- Provide for capital outlay projects that may be built with funds appropriated or otherwise available for these purposes according to an approved five-year infrastructure plan for each court.

The provision of this capital outlay request is directly related to the Judicial Council's strategic plan Goal VI: "Branchwide Infrastructure for Service Excellence." By providing the trial courts with the facilities required to carry out the Judiciary's constitutional functions, the proposed project immediately addresses this goal.

In addition, the proposed project supports the Judicial Council's commitment to Goal I: "Access, Fairness, Diversity, and Inclusion", Goal IV: "Quality of Justice and Service to the Public" and Goal VII: "Adequate, Stable, and Predictable Funding for a Fully Functioning Branch".

**D. Alternatives:**

Alternative 1: Build a New 3-Courtroom Courthouse.

This alternative will construct a new, 3-courtroom courthouse of approximately 45,000 SF in the Tehachapi or Mojave areas. The project will include secured parking for judicial officers and surface parking spaces. The estimated total project cost is \$78,748,000. The project will require acquisition of a site of approximately 3.6 acres.

Advantages

- Enhances the public's access to justice by providing a modern, safe, and secure courthouse to serve most of the eastern county communities, relieving the current space shortfall, increasing security, and replacing inadequate and obsolete buildings in Kern County.
- Provides multipurpose courtrooms suitable for all case types as well as space for jury assembly, central holding, self-help, and family law services.
- Allows the Court to operate in a facility with adequate space for greater functionality than in current conditions—alleviating overcrowding in staff areas, providing adequate space for security screening and lobby areas and separate paths of circulation for in-custody defendants from the public and judges and staff, and addressing the lack of jury assembly space and jury deliberation rooms.
- Consolidates operations and functions to optimize use of court facilities by vacating three facilities, with court-occupied space in the Mojave court buildings that could be surrendered back to the county.
- Avoids future expenditure of approximately \$2.2 million for deferred maintenance and needed security system refresh.

Disadvantages:

- This alternative requires authorization of funds for site acquisition, design, and construction.

Alternative 2: Renovation of Existing Courthouses.

The three existing Mojave facilities (the Main Courthouse, the County Administration Building, and the Superior Court Modular) will be renovated, reconfigured, and expanded to accommodate the programmatic needs of the court. Detailed estimates were not prepared for this alternative as preliminary investigations deemed the solution requiring multiple projects impracticable and cost ineffective. Implementation of this Alternative is further constrained by county ownership of all three buildings as well as by disruption to court and county operations.

Multiple renovation projects would be required, yet without sizable expansions still not remedying overcrowding.

Advantages:

- This option will improve court security, correct infrastructure deficiencies, and more closely align the renovated court space with Judicial Council space standards.

Disadvantages:

- Compared to Alternative 1, this alternative requires authorization of funds for acquisition, design, and construction of multiple capital-outlay projects making its cost ineffective.
- The county holds title to the three Mojave facilities. The Judicial Council has no right to renovate or expand on these sites without the cooperation, collaboration, and compensation to the county.
- Does not allow for consolidation and efficiency gains.
- Multiple renovation projects without sizable expansions does not remedy overcrowding.
- This alternative will be disruptive to court operations and incur costs for swing space while renovations are ongoing.

Alternative 3: Defer this Project.

Advantages:

- No additional commitment of resources.

Disadvantages:

- This is an urgently needed project. The existing facilities do not provide proper security, are severely overcrowded, are in deteriorating physical condition, and impede the court's ability to operate effectively and efficiently.
- Delay of this project limits the court's ability to provide enhanced public service and staffing efficiency.
- Does not allow for consolidation of existing operations and efficiency gains.
- Approximately \$2.2 million in expenditures are needed to address deferred maintenance and needed security system refresh.

**E. Recommended Solution:**

1. Which alternative and why?

The recommended solution is Alternative 1: Construct a new 3-courtroom courthouse. This alternative provides the best solution for the superior court and for Kern County residents.

2. Detailed scope description.

The proposed new courthouse project will provide construction of a new 3-courtroom courthouse of approximately 45,000 SF in the Tehachapi or Mojave areas. Space will be provided for multipurpose courtrooms suitable for all case types, jury assembly, central holding, self-help, and family law services. The project includes secured parking for judicial officers and surface parking spaces. The project will require acquisition of a site of approximately 3.6 acres.

The proposed New East County Courthouse will replace and consolidate the three Mojave facilities: the Main Courthouse, the County Administration Building, and the Superior Court Modular. The project will relieve the current space shortfall, improve security, accessibility, and safety, and allow the court to collocate functions for operational efficiency.

3. Basis for cost information.

Estimated total project costs are based on a conceptual space program and three-page estimate.

4. Factors/benefits for recommended solution other than the least expensive alternative.

The recommended option is Alternative 1: Construct a New 3-Courtroom Courthouse. This option is the best solution for the superior court and will accomplish immediately needed improvements to enhance its ability to serve the public:

- Provides an accessible, safe, and efficient courthouse to serve most of the eastern county communities.
- Enhances the public's access to justice by consolidating court operations into one location.
- Relieves severe overcrowding and increases security.
- Improves operational efficiencies allowing the court to operate effectively and efficiently.
- Consolidates functions and optimizes the use of court facilities.
- Vacates three non-state-owned facilities, allowing the possibility of court-occupied space to be surrendered back to the county.

5. Complete description of impact on support budget.

Impact on the trial court operation budgets for 2024–25 will not be material. It is anticipated that this project will affect trial court operations budgets in fiscal years beyond the current year.

Impact on the sheriff security funding for 2024–25 will not be material. It is anticipated that this project will affect sheriff security budgets in future fiscal years.

It is anticipated that there will be ongoing costs of \$231,000 for Judicial Council funded O&M and security. The county facility payments established pursuant to Government Code Section 70353 with the transfer of each county facility replaced by this project will be used to partially offset ongoing operations and maintenance costs of the new facility.

As additional programmatic workload and funding drives the need for additional administrative funding, an administrative overhead cost has been included in each capital outlay budget change proposal. The additional funding of \$55,000 will be used to support successful implementation of this request.

6. Identify and explain any project risks.

Any construction project carries risk of increased scope due to discovery of unknown subsurface site conditions throughout the design and construction process that can alter the projected construction cost. These risks can be mitigated or minimized by concurrently developing a prioritized itemization of project features that can be reduced in scope, alternatively approached, or eliminated without affecting the building functionality. The prioritized list should be updated at the completion of each stage of the design process in connection with the preparation and review of the updated estimates. Some risk is inherent with transfer of real property from one entity to another, regarding schedule and ancillary appropriation timing for funds. Risk is always inherent in the construction and ownership of real property and improvements. Standard risk management procedures are used to control and/or delegate these risks.

The risks associated with not developing a replacement court facility, as responsibility for the facilities it will replace has transferred to the state, are equally compelling. Given the existing physical conditions and practical limitations of improving these facilities, they will generate liabilities for the state the longer they remain unaddressed.

7. List requested interdepartmental coordination and/or special project approval (including mandatory reviews and approvals, e.g. technology proposals).

Inter-agency cooperation will be required among state, county, and local jurisdictional authorities for successful completion of this project. The updated drawings will be reviewed by the State Fire Marshal, the Board of State and Community Corrections for compliance with corrections standards, and Department of State Architect for fire and life safety and accessibility. The State Fire Marshal will perform inspections, required by the California Building Code for fire and life safety, during the construction phase.

**F. Consistency with Government Code Section 65041.1:**

Does the recommended solution (project) promote infill development by rehabilitating existing infrastructure and how? Explain.

The recommended solution does not include the rehabilitation of existing infrastructure. Rehabilitating multiple existing buildings is impracticable and cost ineffective. Such efforts are further constrained by nonstate ownership (i.e., county ownership) of all three buildings as well as by disruption to court and county operations and the lack of suitable swing space.

Does the project improve the protection of environmental and agricultural resources by protecting and preserving the state's most valuable natural resources? Explain.

The branch is committed to selecting sites with no or least impact to these resources by utilizing previously developed land with existing infrastructure. This project will complete a thorough and responsible California Environmental Quality Act (CEQA) process.

Does the project encourage efficient development patterns by ensuring that infrastructure associated with development, other than infill, support efficient use of land and is appropriately planned for growth? Explain.

The Judicial Council will establish a Project Advisory Group to develop site selection criteria that addresses proximity to public transportation, availability of existing infrastructure, and proximity and relationship to other land uses and current development patterns.

The Project Advisory Group will consist of representatives from the local court, the county (including personnel from county administration, district attorney, public defender, sheriff, probation department, etc.), the city (including personnel from city management, planning, and redevelopment agency), the local community, and local Bar Association.

Attachment - A

Superior Court of Kern County - Facilities List

ID	Building Name	Address	Type
15-A1	Bakersfield Superior Court	1315 Truxtun Ave, 1415 Truxtun Ave, and 1661 L Street, Bakersfield, CA	Courthouse
15-A2	Bakersfield Superior Court Modular	1415 Truxtun Avenue, Bakersfield, CA	Modular
15-B1	Bakersfield Justice Building	1215 Truxtun Avenue, Bakersfield, CA	Multi-Use
15-C1	Bakersfield Juvenile Justice Center	2100 College Avenue, Bakersfield, CA	Multi-Use
15-D1	Delano/ North Kern Court	1122 Jefferson Street, Delano, CA	Courthouse
15-D2	1022 12th Avenue	1022 12th Avenue, Delano, CA	Courthouse
15-E1	Shafter/ Wasco Courts Building	325 Central Valley Hwy, Shafter, CA	Courthouse
15-F1	Taft Courts Building	311 N Lincoln Street, Taft, CA	Courthouse
15-F2	Taft Superior Court Modular	311 N Lincoln Street, Taft, CA	Modular
15-G1	East Kern Court- Lake Isabella	7046 Lake Isabella Boulevard, Lake Isabella, CA	Multi-Use
15-H1	Arvin/ Lamont Branch Court	12022 Main Street, Lamont, CA	Courthouse
15-I1	Mojave-Main Court Facility	1773 State Highway 58, Mojave, CA	Multi-Use
15-I2	Mojave- County Admin Building	1775 State Highway 58, Mojave, CA	Multi-Use
15-I3	Mojave Superior Court Modular	1773 State Highway 58, Mojave. CA	Modular
15-J1	Ridgecrest - Main Courthouse	132 East Coso Street, Ridgecrest, CA	Courthouse
15-J2	Ridgecrest - Division B Courthouse	420 N China Lake Boulevard, Ridgecrest, CA	Courthouse
15-K1	3131 Arrow Street	3131 Arrow Street, Bakersfield, Ridgecrest, CA	Courthouse

**STATE OF CALIFORNIA**  
**Capital Outlay Budget Change Proposal (COBCP) - Cover Sheet**  
 DF-151 (REV 07/21)

<b>Fiscal Year</b> 2024-25	<b>Business Unit</b> 0250	<b>Department</b> Judicial Branch	<b>Priority No.</b> 6
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<b>Budget Request Name</b> 0250-XXX-COBCP-2024-GB	<b>Capital Outlay Program ID</b> 0165	<b>Capital Outlay Project ID</b> 0009732
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**Project Title**  
Placer County - Tahoe Courthouse Renovation

**Project Status and Type**Status:  New  ContinuingType:  Major  Minor**Project Category (Select one)**

CRI (Critical Infrastructure)       WSD (Workload Space Deficiencies)       ECP (Enrollment Caseload Population)       SM (Seismic)  
 FLS (Fire Life Safety)       FM (Facility Modernization)       PAR (Public Access Recreation)       RC (Resource Conservation)

<b>Total Request (in thousands)</b> \$ 5,299	<b>Phase(s) to be Funded</b> Acquisition Phase	<b>Total Project Cost (in thousands)</b> \$ 22,849
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**Budget Request Summary**

The Judicial Council of California requests \$5,299,000 General Fund for the Acquisition phase of the existing Tahoe Courthouse in Placer County. The proposed renovation project includes acquisition and renovation of approximately 7,200 square feet (SF) of the existing Tahoe Courthouse on the Placer County Burton Creek Campus in Tahoe City. The project includes secure parking for judicial officers. The estimated total project cost is \$22,849,000. The project will use the design-build delivery method.

<b>Requires Legislation</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Code Section(s) to be Added/Amended/Repealed</b>	<b>CCCI</b> 9621
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<b>Requires Provisional Language</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Budget Package Status</b> <input type="checkbox"/> Needed <input checked="" type="checkbox"/> Not Needed <input type="checkbox"/> Existing
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**Impact on Support Budget**

One-Time Costs  Yes  No      Swing Space Needed  Yes  No  
 Future Savings  Yes  No      Generate Surplus Property  Yes  No  
 Future Costs  Yes  No

**If proposal affects another department, does other department concur with proposal?**  Yes  No  
 Attach comments of affected department, signed and dated by the department director or designee.

<b>Prepared By</b> McCormick	<b>Date</b> 7/31/2023	<b>Reviewed By</b> Stephens/Cowan	<b>Date</b> 7/31/2023
<b>Chief Administrative Officer</b> John Wordlaw	<b>Date</b> 7/31/2023	<b>Acting Administrative Director</b> Millicent Tidwell	<b>Date</b> 7/31/2023

**Department of Finance Use Only**

<b>Principal Program Budget Analyst</b>	<b>Date submitted to the Legislature</b>
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**A. COBCP Abstract:**

Placer County – Tahoe Courthouse Renovation – \$5,299,000 for Acquisition phase. The project is a renovation of the existing Tahoe Courthouse. The project will acquire the existing two story, 11,301 SF courthouse, which has a footprint of approximately 7,200 SF on the existing Placer County Burton Creek Campus in Tahoe City. The project includes secure parking for judicial officers. Total project costs are estimated at \$22,849,000, including Acquisition (\$5,457,000), Performance Criteria (\$1,027,000), and Design-Build (\$16,365,000). The design-build amount includes \$11,681,000 for the construction contract, \$818,000 for contingency, \$578,000 for architectural and engineering services, and \$3,288,000 for other project costs. The Acquisition phase is scheduled to begin in July 2024 and is scheduled to be completed in July 2026. Performance Criteria is scheduled to begin in July 2026 and is scheduled to be approved in June 2027. Design-Build is scheduled to begin in July 2027 and scheduled to be completed in August 2030.

Due to insufficient resources in the Immediate and Critical Needs Account, and at its meetings on October 26, 2012, and January 17, 2013, the Judicial Council made a policy decision to place some projects on hold until proper funding could be restored. The impact of the Judicial Council direction to this project was to stop the project in the Acquisition phase. On June 27, 2023, and through action of the Judicial Council's Court Facilities Advisory Committee, the project was changed from new construction to a renovation. The Judicial Council is therefore requesting reactivation of this project for renovation of the existing courthouse. The estimated total project cost of \$22,849,000 includes \$158,000 for Acquisition/Study expenditures incurred under the prior authority.

**B. Purpose of the Project:**

Problem: The existing condition and capacity of the Superior Court County of Placer Courthouse facilities were evaluated pursuant to Senate Bill (SB) 847 which revised Government Code section 70371.9 and required the Judicial Council of California to reassess projects identified in its Trial Court Capital-Outlay Plan and Prioritization Methodology adopted on October 24, 2008. The reassessment which is the basis for the judicial branch's Trial Court Five-Year Infrastructure Plan, was submitted to the Senate Committee on Budget and Fiscal Review and the Assembly Committee on Budget in December 2019.

The Infrastructure Plan project rankings were established through a detailed and systematic analysis of the following criteria:

- The general physical condition of the building;
- Needed improvement to the physical condition of buildings to alleviate the totality of risks associated with seismic conditions, fire and life safety conditions, Americans with Disabilities Act (ADA) requirements, and environmental hazards;
- Court security features within buildings;
- Access to court services;
- Overcrowding; and
- Projects that replace or renovate courtrooms in court buildings where there is a risk to court users due to potential catastrophic events.

Through this assessment process, Placer County Courthouse facilities affected by this project were determined to be deficient in all categories. This project is ranked in the Immediate Need priority group, and consequently is one of the highest priority trial court capital-outlay projects for the judicial branch. The Reassessment of Trial Court Capital-Outlay Project is available at [www.courts.ca.gov/documents/lr-2019-JC-reassessment-trial-court-capital-outlay-projects-gov70371\\_9.pdf](http://www.courts.ca.gov/documents/lr-2019-JC-reassessment-trial-court-capital-outlay-projects-gov70371_9.pdf).



Program Need: The Tahoe Courthouse Renovation will accomplish the following needed improvements to the superior court and enhance its ability to serve the public:

- Provides an accessible, safe, and efficient branch courthouse for all case types.
- Improves security, relieves overcrowding, improves operational efficiency, and customer service.
- Allows the court to operate in a facility with adequate space for greater functionality than in current conditions, including:
  - Adequate visitor security screening and queuing in the entrance area.
  - Adequate courtroom and public waiting areas.
  - Provides attorney-client interview and jury deliberation rooms.
  - Improves public service, including renovated spaces for clerk's office and self-help area.
  - Has ADA accessible spaces.
  - Adequate staff workstations and meeting spaces.
  - Facility with dependable physical infrastructure.

The Superior Court of Placer County uses a centralized service model, with full-service operations centralized in the Hon. Howard G. Gibson Courthouse in Roseville. In Auburn, the County seat, the Historic Courthouse operates most case types, including occasional jury trials. The Tahoe Courthouse is a branch courthouse in Tahoe City, which serves all case types.

The Court occupies six buildings. The facilities are summarized in the table below.

	<b>Name</b>	<b>City</b>	<b>Number of Courtrooms</b>	<b>Type</b>	<b>Owner</b>	<b>Year Built</b>
1	Historic Courthouse	Auburn	6	Courthouse	County	1894
2	County Jail*	Auburn	0	Jail	County	1985
3	Juvenile Hall	Auburn	0	Jail	County	1999
4	Tahoe Courthouse	Tahoe City	1	Multi-use	County	1959
5	Hon. Howard G. Gibson Courthouse	Roseville	9	Courthouse	JCC	2008
6	Placer County Arraignment Court Facility	Roseville	1	Courthouse	JCC	2018

\*Note: The County Jail is no longer occupied by the court.

Infrastructure Deficiencies in Facilities Affected by Project: The project will renovate the existing Tahoe Courthouse in Tahoe City. The county's portion of the building will be acquired by the Judicial Council and included into the renovation project.

1. Tahoe City Courthouse (County-owned)

2019 Assessment Data

Year Built	1959
Number of Courtrooms	1 courtroom
10 Year Facility Condition Index (FCI)	Poor Condition
FEMA P-154 Seismic Rating	Acceptable Seismic Rating
Deferred Maintenance	\$279,924
Annual O&M Costs	\$5,369
Security System Refresh Costs	Not Assessed

The Tahoe Courthouse is located at 2501 North Lake Boulevard in Tahoe City. It is two stories, 11,301 SF, and has a footprint of approximately 7,200 SF on the existing county-owned and managed Placer County Burton Creek Campus. The Placer court exclusively occupies approximately 2,100 SF, sharing the building with justice partners. This branch courthouse hears all case types, including criminal, family law, juvenile, traffic, and civil cases. The building is overcrowded with numerous functional and security issues that include an undersized courtroom with inefficient layout; undersized entrance security screening area; poor functional adjacencies; and ADA non-compliance. The facility has minimal space for weapons screening. The facility has approximately \$280,000 in deferred maintenance.

**C. Relationship to the Strategic Plan:**

The Judicial Council, as the policymaking body for the judicial branch, has the following responsibilities and authorities with regard to court facilities, in addition to any other responsibilities or authorities established by law:

- Exercise full responsibility, jurisdiction, control, and authority as an owner would have over trial court facilities whose title is held by the state, including, but not limited to, the acquisition and development of facilities;
- Exercise the full range of policymaking authority over trial court facilities, including, but not limited to, planning, construction, acquisition, and operation, to the extent not expressly otherwise limited by law;
- Establish policies, procedures, and guidelines for ensuring that the courts have adequate and sufficient facilities, including, but not limited to, facilities planning, acquisition, construction, design, operation, and maintenance;
- Allocate appropriated funds for court facilities maintenance and construction;
- Prepare funding requests for court facility construction, repair, and maintenance;
- Implement the design, bid, award, and construction of all court construction projects, except as delegated to others; and
- Provide for capital outlay projects that may be built with funds appropriated or otherwise available for these purposes according to an approved five-year infrastructure plan for each court.

The provision of this capital outlay request is directly related to the Judicial Council's strategic plan Goal VI: "Branchwide Infrastructure for Service Excellence." By providing the trial courts with the facilities required to carry out the Judiciary's constitutional functions, the proposed project immediately addresses this goal.

In addition, the proposed project supports the Judicial Council's commitment to Goal I: "Access, Fairness, Diversity, and Inclusion", Goal IV: "Quality of Justice and Service to the Public" and Goal VII: "Adequate, Stable, and Predictable Funding for a Fully Functioning Branch".

**D. Alternatives:**

Alternative 1: Renovation of Existing Courthouse.

The existing Tahoe Courthouse will be renovated and reconfigured to improve the space and more closely align the renovated court space with Judicial Council facilities standards. The estimated total project cost is \$22,849,000. The project will require acquisition of the existing facility. The project includes secure parking for judicial officers.

Advantages:

- Improves access to justice and public service.
- Enhances court operational efficiency.
- Compliant with modern regulatory safety, seismic, and accessibility standards.

- Renovation of existing facility is more sustainable and allows for less of an environmental impact.

Disadvantages:

- This alternative requires authorization of funds for site acquisition, design, and construction.
- Potential for unforeseen conditions such as structural condition and hazard material abatement.
- Thirty year expected life cycle is less than new construction.

Alternative 2: New 1-Courtroom Courthouse.

This alternative will construct a new, 1-courtroom courthouse of approximately 7,100 SF in the Lake Tahoe area to replace the existing facility. The estimated total project cost is \$28,823,000. The project will require acquisition of a site of approximately 1.5 acres. The project includes secure parking for judicial officers.

Advantages:

- Provides durable, safe, and maintainable facility with 50-year lifespan.
- Most aligned with modern regulatory safety, seismic, and accessibility standards.
- Allows for an opportunity to obtain higher quality systems which reduces O&M and renewal costs.
- Provides greater design flexibility and interior layout.

Disadvantages:

- The estimated total project cost, including all phases for acquisition, performance criteria, and Design-build, is higher than a renovation.

Alternative 3: Defer This Project.

Advantages:

- No additional commitment of resources.

Disadvantages:

- This is an urgently needed project. The existing facility does not provide basic services to Placer County residents due to overcrowding; lack of proper security; noncompliance with ADA requirements; lack of space for adequately sized visitor security screening and queuing in the entrance area, courtroom, and self-help; and no attorney-client interview rooms or secure judicial parking.
- Delay of this project limits the court's ability to serve the public.

**E. Recommended Solution:**

1. Which alternative and why?

The recommended option is Alternative 1: Renovation of Existing Courthouse. This alternative provides the best solution for the superior court and for Placer County residents.

2. Detailed scope description.

The project will acquire and renovate approximately 7,200 square feet (SF) of the existing Tahoe Courthouse on the Placer County Burton Creek Campus in Tahoe City. The project includes secure parking for judicial officers.

3. Basis for cost information.

Estimated total project costs are based on conceptual space program and three-page estimate.

4. Factors/benefits for recommended solution other than the least expensive alternative.

The recommended option is Alternative 1: Renovation of Existing Courthouse. The recommended option will accomplish the following immediately needed improvements to the superior court and enhance its ability to serve the public:

- Increases public's access to justice by providing a modern, safe, and accessible courthouse.
- Relieves the current space shortfall, increases security, and renovates an inadequate building in Placer County.
- Improves operational efficiencies by improving space adjacencies and providing spaces in alignment with Judicial Council facilities standards.

5. Complete description of impact on support budget.

Impact on the trial court operation budgets for 2024–25 will not be material. It is anticipated that this project will affect trial court operations budgets in fiscal years beyond the current year.

Impact on the sheriff security funding for 2024–25 will not be material. It is anticipated that this project will affect sheriff security budgets in future fiscal years.

It is anticipated that there will be ongoing costs of \$106,000 for Judicial Council funded O&M and security. The county facility payments established pursuant to Government Code Section 70353 with the transfer of each county facility replaced by this project will be used to partially offset ongoing operations and maintenance costs of the new facility.

As additional programmatic workload and funding drives the need for additional administrative funding, an administrative overhead cost has been included in each capital outlay budget change proposal. The additional funding of \$41,000 will be used to support successful implementation of this request.

6. Identify and explain any project risks.

Any construction project carries risk of increased scope due to discovery of unknown conditions throughout the design and construction process that can alter the projected construction cost. These risks can be mitigated or minimized by concurrently developing a prioritized itemization of project features that can be reduced in scope, alternatively approached, or eliminated without affecting the building functionality. The list should be updated at the completion of each stage of the design process in connection with the preparation and review of the updated estimates. Some risk is inherent with transfer of real property from one entity to another, regarding schedule and ancillary appropriation timing for funds. Risk is always inherent in the construction and ownership of real property and improvements. Standard risk management procedures are used to control and/or delegate these risks.

The risks associated with not developing a replacement court facility, as responsibility for the facilities it will replace has transferred to the state, are equally compelling. Given the existing physical conditions and practical limitations of improving these facilities, they will generate liabilities for the state the longer they remain unaddressed.

7. List requested interdepartmental coordination and/or special project approval (including mandatory reviews and approvals, e.g. technology proposals).

Inter-agency cooperation will be required among state, county, and local jurisdictional authorities for successful completion of this project. The project will be reviewed by the State Fire Marshal, the Board of State and Community Corrections for compliance with corrections standards, and Department of State Architect for fire and life safety and accessibility. The State Fire Marshal will perform inspections, required by the California Building Code for fire and life safety, during the construction phase.

**F. Consistency with Government Code Section 65041.1:**

Does the recommended solution (project) promote infill development by rehabilitating existing infrastructure and how? Explain.

The recommended solution does involve the rehabilitation of existing infrastructure. The rehabilitation of the existing courthouse is less costly than construction of a new courthouse facility.

Does the project improve the protection of environmental and agricultural resources by protecting and preserving the state's most valuable natural resources? Explain.

The branch is committed to selecting sites with no or least impact to these resources by utilizing previously developed land with existing infrastructure. This project will complete a thorough and responsible CEQA process.

Does the project encourage efficient development patterns by ensuring that infrastructure associated with development, other than infill, support efficient use of land and is appropriately planned for growth? Explain.

The Judicial Council will establish a Project Advisory Group that will consist of representatives from the local court, the county (including personnel from county administration, district attorney, public defender, sheriff, probation department, etc.), the local community, and local Bar Association.

DRAFT



# Judicial Council of California

455 Golden Gate Avenue · San Francisco, California 94102-3688

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## REPORT TO THE JUDICIAL COUNCIL

*Item No.: 23-114*

For business meeting on July 21, 2023

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**Title**

Judicial Branch Administration: Procedures for Submitting Contentions Regarding Administration of the Courts of Appeal

**Agenda Item Type**

Action Required

**Effective Date**

September 1, 2023

**Rules, Forms, Standards, or Statutes Affected**

Adopt Cal. Rules of Court, rule 10.1014

**Date of Report**

June 26, 2023

**Recommended by**

Administrative Presiding Justices Advisory Committee  
Hon. Patricia Guerrero, Chair

**Contact**

Laura Speed, 916-323-3235  
[laura.speed@jud.ca.gov](mailto:laura.speed@jud.ca.gov)

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### Executive Summary

The Administrative Presiding Justices Advisory Committee recommends adopting a new rule to establish procedures for submitting to the administrative presiding justices (APJs) contentions that an APJ or presiding justice has not properly addressed or managed an important matter related to the administration of a Court of Appeal or a division of a Court of Appeal. This proposal is based on a recommendation from the Appellate Caseflow Workgroup and would advance the efficient, effective, and proper administration of the Courts of Appeal.

### Recommendation

The Administrative Presiding Justices Advisory Committee recommends that the Judicial Council, effective September 1, 2023, adopt new rule 10.1014 to:

- Provide a procedure by which any person may submit a contention to the administrative presiding justices regarding an APJ or presiding justice related to the administration of a Court of Appeal or a division of a Court of Appeal;
- Provide authority for the APJs to collectively review and address such contentions;

- Require the cooperation of justices who are the subject of contentions under review; and
- Address the confidentiality of submitted contentions.

The proposed new rule is attached at pages 10–13.

## **Relevant Previous Council Action**

The Judicial Council has not previously considered a procedure by which any person may submit a contention to the APJs regarding an APJ or presiding justice (PJ) related to the administration of a Court of Appeal or a division of a Court of Appeal.

## **Analysis/Rationale**

### **Background**

In June 2022, former Chief Justice Tani G. Cantil-Sakauye formed the Appellate Caseflow Workgroup in response to findings issued by the Commission on Judicial Performance concerning case delays in the Third Appellate District of the Court of Appeal. The workgroup was chaired by Administrative Presiding Justice James M. Humes, Court of Appeal, First Appellate District, and its membership included APJs and associate justices from each of the six appellate districts, appellate court clerk/executive officers, appellate court managing attorneys, and attorneys who practice before the courts of appeal. The workgroup was directed to review the policies, procedures, and management and administrative practices of the Courts of Appeal and to recommend measures to promote transparency, accountability, and efficiency in issuing timely judgments. Former Chief Justice Cantil-Sakauye also directed the workgroup to recommend measures for these courts to report metrics on case delays. The workgroup delivered a final report on December 6, 2022, with 22 recommendations. One of the recommendations was that the Chief Justice urge the Administrative Presiding Justices Advisory Committee (APJAC) to recommend that the Judicial Council adopt a new rule or amend an existing rule to authorize the APJs to collectively review and address contentions that an APJ or PJ has not properly managed an important matter.<sup>1</sup> Former Chief Justice Cantil-Sakauye directed the APJAC to develop a rule proposal and recommend it to the Judicial Council for adoption. This proposal is intended to fulfill that direction.

### **Purpose of the rule**

Subdivision (a) of the proposed rule states its purpose. Specifically, it states that the rule would advance the objective that APJs and PJs are accountable for the efficient, effective, and proper administration of the Courts of Appeal and each division of the Courts of Appeal.

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<sup>1</sup> Appellate Caseflow Workgroup, *Report to the Chief Justice* (Dec. 6, 2022), p. 35, [https://newsroom.courts.ca.gov/sites/default/files/newsroom/2022-12/Appellate%20Caseflow%20Workgroup%20Report\\_Final.pdf](https://newsroom.courts.ca.gov/sites/default/files/newsroom/2022-12/Appellate%20Caseflow%20Workgroup%20Report_Final.pdf).

## **Proposed rule 10.1014**

### ***Procedures for submitting a contention***

Subdivision (b) of the proposed rule would provide procedures for submitting a contention that an APJ or PJ has not properly addressed or managed an important matter related to the administration of a Court of Appeal or a division of a Court of Appeal. Although contentions would be submitted to the APJs collectively, any APJ who is the subject of a contention would be recused from reviewing the contention. In addition, any APJ or PJ who is the subject of such a contention would be required to cooperate with the APJs responsible for reviewing that contention.

Under the proposed rule, anyone may submit such a contention. As noted in the advisory committee comment, the term “any person” is intended to be construed broadly and would include a judicial officer, court employee, attorney, litigant, or member of the public.

The contentions that could be submitted to the APJs under the proposed rule would be only those that relate to the *administration* of a Court of Appeal district or a division of a Court of Appeal. Contentions related to the adjudication of a specific case or the decision in a specific case would not be subject to the procedures in the proposed rule because these are matters governed by other existing legal procedures, for example, motions and writ petitions filed in a court. Similarly, personnel matters, including complaints by or against employees, are already governed by employment laws and individual court personnel policies and procedures that vest responsibility with the clerk/executive officer, not with the APJ.

Following the receipt and review of a contention, the proposed rule would authorize the APJs collectively to take appropriate remedial or other lawful action to address the contention. Examples of actions that the APJs could take include recommending amendments to the California Rules of Court or operational policies of the Courts of Appeal, referring a contention to the Commission on Judicial Performance (CJP), referring it to mediation, and conducting informal discussions with the person who submitted the contention and the justice who is the subject of the contention. These are examples only and would not limit the categories of actions the APJs could take. The proposed rule, however, would not authorize APJs to take actions that are within the sole purview of the Supreme Court or the CJP—for example, the removal, censure, or admonishment of a justice. Similarly, the rule would not authorize the APJ to take personnel actions, as such actions would be governed by other legal authorities and policies.

If an APJ were to receive a submission that the APJ considers outside the scope of the rule, it would be appropriate for the APJ or the APJ’s delegate to return the submission to the person who submitted it or to forward it to the official with responsibility for the contention, with a copy notifying the person who submitted it. For example, a personnel matter would be forwarded to the clerk/executive officer of the court.

Information on how to submit a contention would be posted on the judicial branch website. The committee considered it important that this information be publicly available but considered it inappropriate to provide more detail in the rule. This lack of specificity will allow the APJs



greater flexibility in determining how the information is made available. It is not intended to limit the APJs from making the information available in ways other than posting on the judicial branch website.

***Presiding justices in districts with more than one division***

Generally, the APJ of an appellate district “is responsible for leading the court, establishing policies, promoting access to justice for all members of the public, providing a forum for the fair and expeditious resolution of disputes, and maximizing the use of judicial and other resources.”<sup>2</sup>

In the three Court of Appeal districts with only one division (i.e., the Third, Fifth, and Sixth Appellate Districts), the presiding justice acts as the APJ.<sup>3</sup> In the three Court of Appeal districts with more than one division (i.e., the First, Second, and Fourth Appellate Districts), the Chief Justice designates a presiding justice to act as APJ.<sup>4</sup> Each division in a multidivision district includes at least two associate justices and a presiding justice.<sup>5</sup> The office of presiding justice is distinct from the office of associate justice, subject to separate appointment and confirmation.<sup>6</sup>

APJs of Courts of Appeal with more than one division in the same city and the PJs of all other Courts of Appeal are generally responsible for ensuring that all appellate records and briefs are promptly filed, which is important for assuring the progress of appellate matters in each district.<sup>7</sup> The justices, therefore, have a number of duties related to applications for extensions of time for filings and to noncompliance with the California Rules of Court.<sup>8</sup> The presiding justices in each division also have the responsibility to report to the CJP a justice’s “[s]ubstantial failure to perform judicial duties, including any habitual neglect of duty.”<sup>9</sup> Presiding justices in divisions

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<sup>2</sup> Cal. Rules of Court, rule 10.1004(b). All further references to rules are to the California Rules of Court unless otherwise indicated.

<sup>3</sup> Rule 10.1004(a)(3).

<sup>4</sup> Rule 10.1004(a)(1).

<sup>5</sup> Article VI, section 3 of the California Constitution provides that “[e]ach division consists of a presiding justice and 2 or more associate justices.”

<sup>6</sup> See Cal. Const., art. VI, §§ 2, 3 (distinguishing the Chief Justice and presiding justice offices from the other offices of a reviewing court); Elec. Code, § 13109(i) (same; election ballot).

<sup>7</sup> Rule 10.1012(a).

<sup>8</sup> Rule 10.1012(b):

Notwithstanding any other rule, the administrative presiding justices and presiding justices referred to in (a) may:

- (1) Grant or deny applications to extend the time to file records, briefs, and other documents, except that a presiding justice may extend the time to file briefs in conjunction with an order to augment the record;
- (2) Order the dismissal of an appeal or any other authorized sanction for noncompliance with these rules, if no application to extend time or for relief from default has been filed before the order is entered; and
- (3) Grant relief from default or from a sanction other than dismissal imposed for the default.

<sup>9</sup> Rule 10.1016(a).

that are geographically separate<sup>10</sup> have additional administrative responsibilities, subject to the oversight of the APJ.<sup>11</sup>

Subdivision (c) of the proposed rule is intended to be consistent with this existing governance structure and the oversight responsibilities of APJs in districts with more than one division. The committee, therefore, proposes that before a person submits a contention under (b)(1) of the rule about a presiding justice of a district with more than one division, including those in geographically separate divisions, that person must first submit the contention to the APJ of the district in which the division is located. Doing so will provide an opportunity for the contention to be addressed by that APJ before it is elevated to the APJs collectively and could allow for a prompt, efficient resolution of a contention by the APJ who is likely to be in the best position to address the contention. If the person submitting the contention is dissatisfied with how the APJ addresses the contention, or if the contention concerns an APJ, the rule allows for the person to submit the contention to the APJs collectively.

To assure that this procedure for an individual APJ to accept and address contentions works, the proposed rule would require PJs in districts with more than one division, including those in geographically separate divisions, to cooperate with the APJ of the district in which the division is located when the APJ is carrying out oversight responsibilities under the rule. This requirement would parallel the responsibilities of PJs to cooperate, in subdivision (b)(2), and is consistent with the existing general oversight authority of APJs over PJs in districts with more than one division.

### ***Confidentiality***

Subdivision (d) provides that all procedures under this rule must be conducted in a manner that is as confidential as is reasonably possible, consistent with the need to conduct a thorough and complete investigation, the need for a proper administration of the court, and resolution of the contention.

As noted in the advisory committee comment, providing a process under this rule for persons to submit contentions for consideration and action by APJs, either individually or collectively, will advance the efficient, effective, and proper administration of the Courts of Appeal and each division of the Courts of Appeal. Establishing the confidentiality of this procedure would be critical to encouraging persons to submit contentions with candor. The necessity for preserving

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<sup>10</sup> Division Six of the Second Appellate District (in Ventura County) and Divisions Two and Three of the Fourth Appellate District (in Riverside and Orange Counties).

<sup>11</sup> Rule 10.1004(d):

Under the general oversight of the administrative presiding justice, the presiding justice of a geographically separate division:

- (1) Generally directs and supervises all of the division's court employees not assigned to a particular justice;
- (2) Has authority to act on behalf of the division regarding day-to-day operations;
- (3) Administers the division budget for day-to-day operations, including expenses for maintenance of facilities and equipment; and
- (4) Operates, maintains, and assigns space in all facilities used and occupied by the division.

the confidentiality of these procedures and of communications with APJs would outweigh the necessity for disclosure in the interest of justice.

The confidentiality provided is consistent with confidentiality provisions in other rules. Specifically, the text of subdivision (d) is modeled after provisions in rule 10.703 regarding the confidentiality of proceedings related to complaints about subordinate judicial officers in trial courts and authorizing certain notices regarding those proceedings, as well as in rule 102 of the Rules of the Commission on Judicial Performance. The subdivision is also consistent with the confidentiality of complaints against judges provided in California Rules of Court, rule 10.500(f)(7).

Proposed rule 10.1014 states explicitly that subdivision (d) does not:

- Prohibit the person who submitted the contention or the justice who is the subject of the contention from making statements regarding the conduct underlying the contention;
- Preclude APJs from communicating with the person who submitted the contention or the justice who is the subject of the contention about the conduct underlying the contention or the investigation, conclusion, or resolution of the contention;
- Preclude PJs from providing a notice to the Commission on Judicial Performance or forwarding to the commission any requested information; or
- Preclude APJs from making public, when appropriate, the conclusion or resolution of the contention.

The committee determined that these four provisions needed to be made explicitly to further the efficient and effective operation of the procedure set out in the rule.

### **Policy implications**

The proposal is based on the recommendation of the Appellate Caseflow Workgroup and will advance the objective that APJs and PJs are accountable for the efficient, effective, and proper administration of the Courts of Appeal and each division of the Courts of Appeal.

### **Comments**

This proposal was circulated for public comment from March 30 to May 12, 2023. The committee received and considered a total of six comments, three from organizations and three from justices of the California Courts of Appeal. Two organizations agreed with the proposal: the California Academy of Appellate Lawyers and the California Lawyers Association, Litigation Section, Committee on Appellate Courts. The third organization, the Los Angeles County Bar Association, Appellate Courts Section, agreed if the proposal was modified. Two of the justices agreed with the proposal if modified: Associate Justice Lamar W. Baker, Court of Appeal, Second Appellate District, Division Five, and Associate Justice Frank J. Menetrez, Court of Appeal, Fourth Appellate District, Division Two. The third justice, Presiding Justice

Kathleen E. O’Leary, Court of Appeal, Fourth Appellate District, Division Three, did not agree with the proposal.

A chart with the full text of the comments received and the committee’s responses is attached at pages 14–28.

### ***Confidentiality***

Both Justice Baker and Justice Menetrez raised concerns that the confidentiality provision of the proposed rule was unclear as to who was bound to keep information or records confidential, what information or records were to be kept confidential, and from whom information and records were to be kept confidential.

The committee agreed that clarification was appropriate and revised subdivision (c), modeling it on some portions of two existing authorities on procedures that involve the review and resolution of matters related to the judicial officers. Specifically, California Rules of Court, rule 10.703, which governs the confidentiality of proceedings related to complaints about subordinate judicial officers in trial courts and authorizes certain notices regarding those proceedings, and Rules of the Commission on Judicial Performance, rule 102, which governs the confidentiality of proceedings before the commission. Although those models were instructive, the procedure under proposed rule 10.1004 is less formal and focused on justices’ administrative responsibility, which required a different approach to the confidentiality provision. Four specific provisions were included to clarify that the rule does not preclude certain individuals from disclosing certain categories of information that the committee deemed appropriate for the effective and proper operation of the process.

### ***Scope of the contentions considered***

Justice O’Leary commented that the rule was unclear as to the scope of the contentions that could be submitted to APJs under the proposed procedure. In particular, she expressed concern that the term “an important matter of administration related to a Court of Appeal” was too broad and that it would be read as being comparable to the term “judicial administrative record” in rule 10.500. The committee does not intend that those terms have the same meaning or be read in the same manner. As the commenter noted, the context and purpose of the two rules is entirely different. Rule 10.500 governs public access to judicial administrative records and is intended to facilitate public transparency. Proposed rule 10.1014 relates to the administration of the Courts of Appeal and is intended to assure that PJs and APJs are accountable for how they carry out their administrative duties.

Justice O’Leary also specifically asked whether contentions related to internal personnel matters could be submitted. The committee did revise the proposal to address this question. Personnel matters, including complaints by or against employees, are already governed by employment laws and individual court personnel policies and procedures that vest primary responsibility with the clerk/executive officer, not with APJs. To make this point unequivocally clear, the committee added language to the advisory committee comment, stating that personnel and employment matters are not subject to the procedures in this rule. If an APJ were to receive a submission that

the APJ considered outside the scope of the rule, it would be appropriate for the APJ or the APJ's delegate to return the submission to the person who submitted it or to forward it to the appropriate official with responsibility for the contention, with a copy notifying the individual who submitted it. For example, a personnel matter would be forwarded to the clerk/executive officer of the court.

### ***Other provisions considered vague***

Justice Baker commented on two other provisions that he considered vague and suggested would benefit from clarification. Specifically, he noted that proposed rule 10.1014(b)(4) provides that APJs “may take appropriate remedial or other lawful action” to address a contention. The phrase, however, was intentionally drafted to provide the APJs with the greatest flexibility possible in resolving contentions and not to exclude any possible solutions they might have available to address a contention. The phrase is also constrained, however, to limit any remedies to “lawful action.” Finally, the comment on subdivision (b) explains at great length the scope of the actions APJs may take and provides examples. For these reasons, the committee determined no revision of the rule was necessary.

The second provision that Justice Baker considered vague is proposed rule 10.1014(b)(2) to the extent it does not explain what it means in requiring an APJ or PJ to “cooperate with” the APJs reviewing a contention. The committee notes that the term “cooperate” is used in a number of other contexts. Specifically, the word “cooperate” is used without further definition in article VI, section 6(f) of the California Constitution, requiring judges to cooperate with the Judicial Council when reporting concerning the condition of judicial business in their courts. Similarly, the words “cooperation” and “cooperate” are used throughout the California Rules of Court without further definition, including in rule 10.1004(c), which describes the APJs as having the duty to cooperate with the Chief Justice in “the making of reports and the assignment of judges or retired judges under article VI, section 6 of the California Constitution” and “expediting judicial business and equalizing the work of judges by recommending, when appropriate, the transfer of cases by the Supreme Court under article VI, section 12 of the California Constitution.” (Cal. Rules of Court, rule 10.1004(c)(3) and (4).) The committee, therefore, considers the use of the term “cooperate” in proposed rule 10.1014 to be sufficiently clear without further definition.

### ***The role of administrative presiding judges***

The advisory committee comment on subdivision (c) as circulated included a statement that APJs have “broad oversight authority under rule 10.1004(d).” Justice Baker took issue with the statement on the ground that the cited subdivision concerns the authority of a presiding justice and suggested that it should be deleted. The committee agrees that the comment as circulated may have been ambiguous in citing only subdivision (d). The advisory committee comment has been revised. The revised comment still confirms that proposed rule 10.1014(c) is consistent with the governing structure and the respective roles of PJs and APJs that are set out in rule 10.1004, and discusses the relevant portions of that rule.

### ***Rule unnecessary***

Justice O’Leary notes that since the issues that arose in the Third Appellate District and were identified, the Courts of Appeal have introduced many changes to their operations to reduce delays in caseflow and that the proposed rule is unnecessary. The committee applauds the efforts that have been made to improve the Courts of Appeal’s transparency, accountability, and efficiency in issuing timely judgments. The Appellate Caseflow Workgroup recommended that the committee develop and recommend that the Judicial Council adopt a new rule, or amend an existing rule, of the California Rules of Court authorizing the APJs to collectively review and address contentions that an APJ or PJ has not properly managed an important matter. This proposal is intended to satisfy that recommendation, prevent issues from recurring, and build trust and confidence in the Courts of Appeal.

### **Alternatives considered**

In addition to considering the alternatives commenters suggested, the committee considered making no recommendation. For the reasons stated in the Appellate Caseflow Workgroup’s report, however, enhanced oversight by the APJs collectively and a procedure for submitting and considering contentions about the administration of the Courts of Appeal will help to address issues early; improve the efficient, effective, and proper management of the Courts of Appeal; and strengthen confidence in the judicial branch.

### **Fiscal and Operational Impacts**

The proposal is not expected to result in any significant additional costs. Although it may require some additional work by the APJs and administrative staff, the committee anticipates that the work can be accomplished without additional resources. One justice suggested that the proposed rule would place a significant workload burden on the Courts of Appeal. The committee, whose members and staff will bear much of that burden, has concluded that the benefit from increased accountability and confidence in the Courts of Appeal will outweigh any burden from the additional effort required. The committee will monitor the workload and may consider amendments to the rule if it thinks they are appropriate.

### **Attachments and Links**

1. Cal. Rules of Court, rule 10.1014, at pages 10–13
2. Chart of comments, at pages 14–28

Rule 10.1014 of the California Rules of Court is adopted, effective September 1, 2023, to read:

1 **Rule 10.1014. Oversight of administrative presiding justices and presiding justices**  
2

3 **(a) Purpose**  
4

5 Administrative presiding justices and presiding justices are accountable for the  
6 efficient, effective, and proper administration of the Courts of Appeal and each  
7 division of the Courts of Appeal. This rule is intended to advance that objective.  
8

9 **(b) Contention procedure**  
10

11 (1) Any person who contends that an administrative presiding justice or  
12 presiding justice has not properly addressed or managed an important matter  
13 related to the administration of a Court of Appeal or a division of a Court of  
14 Appeal may submit that contention to the administrative presiding justices  
15 collectively for their review, subject to (c)(1).  
16

17 (2) Any administrative presiding justice or presiding justice who is the subject of  
18 a contention under this paragraph must cooperate with the administrative  
19 presiding justices responsible for reviewing that contention.  
20

21 (3) Any administrative presiding justice who is the subject of a contention under  
22 this paragraph is recused from reviewing the contention.  
23

24 (4) Following receipt and review of a contention, the administrative presiding  
25 justices collectively may take appropriate remedial or other lawful action to  
26 address the contention.  
27

28 (5) Information on how to submit a contention will be posted on the judicial  
29 branch website.  
30

31 **(c) Presiding justices in districts with more than one division**  
32

33 (1) Before a person submits a contention under (b)(1) about a presiding justice of  
34 a district with more than one division, including the presiding justice of a  
35 geographically separate division, that person must first submit the contention  
36 to the administrative presiding justice of the district in which the division is  
37 located to provide an opportunity for the contention to be addressed by that  
38 administrative presiding justice.  
39

40 (2) Presiding justices in districts with more than one division, including the  
41 presiding justice of a geographically separate division, must cooperate with  
42 the administrative presiding justice of the district in which the division is

1 located when the administrative presiding justice is carrying out oversight  
2 responsibilities under this rule.

3  
4 **(d) Confidentiality**

5  
6 All procedures under this rule must be conducted in a manner that is as confidential  
7 as is reasonably possible, consistent with the need to conduct a thorough and  
8 complete investigation, the need for proper administration of the court, and  
9 resolution of the contention.

10  
11 (1) This subdivision does not prohibit the person who submitted the contention  
12 or the justice who is the subject of the contention from making statements  
13 regarding the conduct underlying the contention.

14  
15 (2) This subdivision does not preclude administrative presiding justices from  
16 communicating with the person who submitted the contention or the justice  
17 who is the subject of the contention about the conduct underlying the  
18 contention or the investigation, conclusion, or resolution of the contention.

19  
20 (3) This subdivision does not preclude presiding justices from providing a notice  
21 to the Commission on Judicial Performance or forwarding to the commission  
22 any requested information.

23  
24 (4) This subdivision does not preclude administrative presiding justices from  
25 making public, when appropriate, the conclusion or resolution of the  
26 contention.

27  
28  
29 **Advisory Committee Comment**

30  
31 **Subdivision (b).** Subdivision (b) provides a procedure by which any person may submit a  
32 contention to the administrative presiding justices regarding an administrative presiding justice or  
33 presiding justice related to the administration of a Court of Appeal or a division of a Court of  
34 Appeal.

35  
36 **Subdivision (b)(1).** The term “any person” is intended to be construed broadly and would include  
37 a judicial officer, court employee, attorney, litigant, or member of the public.

38  
39 The contentions that may be submitted to the administrative presiding justices under the  
40 procedures authorized by this rule are those that relate to the administration of a Court of Appeal  
41 district or a division of a Court of Appeal. Contentions related to the adjudication of a specific  
42 case or the decision in a specific case are not subject to the procedures in this rule. Personnel and  
43 employment matters are not subject to the procedures in this rule. Personnel matters, including



1 complaints by or against employees, are already governed by employment laws and individual  
2 court personnel policies and procedures that vest responsibility for handling such matters with the  
3 clerk/executive officer. If an administrative presiding justice receives a submission and considers  
4 it outside the scope of the rule, it would be appropriate for the administrative presiding justice or  
5 their delegate to return the submission to the person who submitted it or to forward it to the  
6 appropriate official with responsibility for the contention, with a copy notifying the person who  
7 submitted it. For example, a personnel matter would be forwarded to the clerk/executive officer  
8 of the court.

9  
10 **Subdivision (b)(4).** This paragraph authorizes the administrative presiding justices collectively to  
11 take appropriate remedial or other lawful action to address the contentions submitted under the  
12 procedures in this rule. Examples of actions that the administrative presiding justices may take  
13 include recommending amendments to the California Rules of Court or operational policies of the  
14 Courts of Appeal, referring a contention to the Commission on Judicial Performance, referring it  
15 to mediation, and conducting informal discussions with the person who submitted the contention  
16 and the justice who is the subject of the contention. This paragraph does not authorize  
17 administrative presiding justices to take actions that are within the sole purview of the Supreme  
18 Court or the Commission on Judicial Performance, for example, the removal, censure, or  
19 admonishment of a justice. Similarly, the rule does not authorize an administrative presiding  
20 justice to take personnel actions, as such actions are governed by other legal authorities and  
21 policies.

22  
23 **Subdivision (c).** This subdivision is consistent with the governance structure provided in rule  
24 10.1004, which gives administrative presiding justices responsibility for “leading the court,  
25 establishing policies, promoting access to justice for all members of the public, providing a forum  
26 for the fair and expeditious resolution of disputes, and maximizing the use of judicial and other  
27 resources” (Cal. Rules of Court, rule 10.1004(b)), along with more specific duties (Cal. Rules of  
28 Court, rule 10.1004(c)), and which also prescribes areas in which a presiding justice in a  
29 geographically separate division is given authority under the general oversight of the  
30 administrative presiding justice (Cal. Rules of Court rule 10.1004(d)).

31  
32 **Subdivision (d).** Providing a process for persons to submit contentions under this rule for  
33 consideration and action by administrative presiding justices, either individually or collectively,  
34 will advance efficient, effective, and proper administration of the Courts of Appeal and each  
35 division of the Courts of Appeal. Establishing the confidentiality of this procedure is critical to  
36 encouraging persons to submit contentions with candor. The necessity for preserving the  
37 confidentiality of these procedures and of communications with administrative presiding justices  
38 outweighs the necessity for disclosure in the interest of justice.

39  
40 Subdivision (d) is consistent with confidentiality provisions in other rules. Specifically, the text of  
41 subdivision (d) is modeled after provisions in California Rules of Court, rule 10.703(e), regarding  
42 the confidentiality of proceedings related to complaints about subordinate judicial officers in trial  
43 courts and authorizing certain notices regarding those proceedings, and in Rules of the

- 1 Commission on Judicial Performance, rule 102. This subdivision is also consistent with
- 2 maintaining the confidentiality of complaints against judges provided in California Rules of
- 3 Court, rule 10.500(f)(7).

DRAFT

**Judicial Branch Administration: Procedures for Submitting Contentions Regarding Administration of the Courts of Appeal**  
 (adopt Cal. Rules of Court, rule 10.1014)

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
1.	Hon. Lamar W. Baker, Associate Justice of the Court of Appeal, Second Appellate District, Division Five Los Angeles, California	AM	<p>Thank you for the opportunity to comment on the new proposed rule. My brief comments are reflected below.</p> <p>1. The advisory committee comment statement in the proposed rule that an administrative presiding justice (APJ) wields “broad oversight authority under rule 10.1004(d)” should be deleted. The cited subdivision concerns the authority of a presiding justice. Regardless, APJs do not have broad oversight authority. They have well-defined and limited administrative responsibilities and authority (and some only if delegated by a majority of justices) under rule 10.1004(c).</p>	<p>The committee appreciates the commenter’s thoughtful review of the proposal.</p> <p>The advisory committee comment has been revised in response to this comment. The committee agrees that the comment, as circulated, may have been ambiguous in citing only subdivision (d).</p> <p>Under rule 10.1004(b), administrative presiding justices (APJs) have authority “for leading the court, establishing policies, promoting access to justice for all members of the public, providing a forum for the fair and expeditious resolution of disputes, and maximizing the use of judicial and other resources.” In addition, under rule 10.1004(c), an APJ “must perform any duties delegated by a majority of the justices in the district with the Chief Justice’s concurrence,” and has a range of specific responsibilities identified in the subdivision. As the commenter notes, subdivision (d) identifies the responsibilities of a presiding justice (PJ) in a geographically separate division (division 6 of the Second Appellate District, and divisions 2 and 3 of the Fourth Appellate district). The PJ duties identified in subdivision (d) are performed “[u]nder the general oversight of the administrative presiding justice.”</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated.

**Judicial Branch Administration: Procedures for Submitting Contentions Regarding Administration of the Courts of Appeal**

(adopt Cal. Rules of Court, rule 10.1014)

All comments are verbatim unless indicated by an asterisk (\*).

	Commenter	Position	Comment	Committee Response
				<p>The committee agrees that the comment, as circulated, may have been ambiguous in citing only subdivision (d) of rule 10.1004. Nonetheless, proposed rule 10.1014(c) would be consistent with several rules of court that give PJs, including those in geographically separate divisions, a role in the administration of the Courts of Appeal, some under the oversight of administrative presiding justices. (Cal. Rules of Court, rules 10.1000(b) [APJ authority to transfer cases between divisions within the district], 10.1004 [discussed above], 10.1012 [APJ and PJ responsibility to supervise progress of appeals].)</p>
			<p>2. The advisory committee comment should explain how the rule is consistent with existing constitutional and statutory provisions—perhaps most prominently Article VI, Section 6(e) of the California Constitution, which assigns to the Chief Justice responsibility for expediting judicial business and equalizing the work of justices, and Article VI, Section 12(a), which assigns to the Supreme Court authority to transfer a cause from one court of appeal to another.</p>	<p>The proposed rule is consistent with the two constitutional provisions cited by the commenter. Specifically, nothing in the rule authorizes the transfer of causes from one district to another. The committee notes that under rule 10.1004(c)(3) and (4), APJs are required to cooperate with the Chief Justice in both responsibilities. As a result, the advisory committee has concluded that it is not necessary to add to the advisory committee comment.</p>
			<p>3. Several provisions in the rule as proposed would benefit from clarification and further revision.</p> <p>In particular, proposed rule 10.1014(b)(4) provides APJs “may take appropriate remedial or other</p>	<p>The phrase in proposed rule 10.1014(b)(4) cited by the commenter was intentionally drafted to provide the APJs the greatest flexibility possible in</p>

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**Judicial Branch Administration: Procedures for Submitting Contentions Regarding Administration of the Courts of Appeal**

(adopt Cal. Rules of Court, rule 10.1014)

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	Commenter	Position	Comment	Committee Response
			lawful action” to address a contention. That is too vague (and perhaps too broad).	<p>resolving contentions and to not exclude any possible solutions they might have available to address a contention. The phrase is also constrained, however, to limit any remedies to “lawful action.” Although this term is also not specific, it is intended to clarify that the proposed paragraph does not authorize any actions that would be inconsistent with existing law.</p> <p>In addition, the comment on this subdivision clarifies the scope of the possible actions by providing examples:</p> <p style="padding-left: 40px;">This paragraph authorizes the administrative presiding justices collectively to take appropriate remedial or other lawful action to address the contentions submitted under the procedures in this rule. Examples of actions that the administrative presiding justices may take include recommending amendments to the California Rules of Court or operational policies of the Courts of Appeal, referring a contention to the Commission on Judicial Performance, referring it to mediation, and conducting informal discussions with the person who submitted the contention and the justice who is the subject of the contention. This paragraph does not authorize administrative presiding justices to take actions that are within the sole purview of the Supreme Court or the Commission on Judicial</p>

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	Commenter	Position	Comment	Committee Response
			<p>In addition, proposed rule 10.1014(d) provides a communication regarding a contention is “confidential”; confidential as to whom? The public? Or an APJ or presiding justice who may be the subject of the contention? If the latter, how will Due Process considerations be respected?</p>	<p>Performance, for example, the removal, censure, or admonishment of a justice. Similarly, the rule does not authorize an administrative presiding justice to take personnel actions, as such actions are governed by other legal authorities and policies.</p> <p>The committee concluded, therefore, that revision of the proposed rule was unnecessary.</p> <p>On the proposed confidentiality provision in proposed rule 10.1014(d), please see the committee response to Justice Menetrez below at page 22.</p> <p>In addition, it is not anticipated that a remedy under this rule would result in the deprivation of the life, liberty, or property of a justice who is the subject of a contention. The proposed advisory committee comment on subdivision (b)(4), addresses the scope of actions the APJs may take:</p> <p>Examples of actions that the administrative presiding justices may take include recommending amendments to the California Rules of Court or operational policies of the Courts of Appeal, referring a contention to the Commission on Judicial Performance, referring it to mediation, and conducting informal discussions with the person who</p>

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**Judicial Branch Administration: Procedures for Submitting Contentions Regarding Administration of the Courts of Appeal**  
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	Commenter	Position	Comment	Committee Response
			<p>Finally, proposed rule 10.1014(b)(2) states an APJ or presiding justice must “cooperate with” the APJs reviewing a contention. The proposed rule would benefit from further definition of what it means to “cooperate.”</p>	<p>submitted the contention and the justice who is the subject of the contention. This paragraph does not authorize administrative presiding justices to take actions that are within the sole purview of the Supreme Court or the Commission on Judicial Performance, for example, the removal, censure, or admonishment of a justice.</p> <p>In addition, implicit in the duty of such individuals to cooperate with the consideration of contention concerning the individual is that the individual will have an opportunity to respond to the contention.</p> <p>Accordingly, the proposed rule would not implicate any justice’s due process rights.</p> <p>The committee considers this provision sufficiently clear without further definition. The committee notes that the word “cooperate” is used without further definition in Article VI, section 6(f) of the California Constitution, requiring judges to cooperate with the Judicial Council when reporting concerning the condition of judicial business in their courts. Similarly, the words “cooperation” and “cooperate” are used throughout the California Rules of Court without further definition, including in rule 10.1004(c), which describes the APJs as having the duty to cooperate with the Chief Justice in:</p>

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**Judicial Branch Administration: Procedures for Submitting Contentions Regarding Administration of the Courts of Appeal**

(adopt Cal. Rules of Court, rule 10.1014)

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
				<ul style="list-style-type: none"> <li>• “[T]he making of reports and the assignment of judges or retired judges under article VI, section 6 of the California Constitution”; and</li> <li>• “[E]xpediting judicial business and equalizing the work of judges by recommending, when appropriate, the transfer of cases by the Supreme Court under article VI, section 12 of the California Constitution.”</li> </ul> (Cal. Rules of Court, rule 10.1004(c)(3) & (4).)
2.	California Academy of Appellate Lawyers by Wendy Cole Lascher, Rules Commentary Chair Ventura, California	A	The California Academy of Appellate Lawyers (“CAAL”) is devoted to promoting and encouraging reforms in appellate practice that ensure effective representation of litigants and more efficient administration of justice.	The committee appreciates the commenter’s support for the proposal.
3.	California Lawyers Association, Litigation Section, Committee on Appellate Courts by Kelly Woodruff, Chair San Francisco, California	A	The CAC supports the proposal set forth in SPR23-01, which would adopt California Rules of Court, rule 10.1014. This new rule would set forth a procedure, stated on the court website, by which any person may submit a contention, relating to the administration of a Court of Appeal district or a division of a Court of Appeal, to the administrative presiding justices regarding an administrative presiding justice or presiding justice. The rule would authorize administrative presiding justices to collectively review and address such contentions and require the cooperation of justices who are the subject of a contention under review. The submitted contentions would be confidential.	The committee appreciates the commenter’s support for the proposal.

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**Judicial Branch Administration: Procedures for Submitting Contentions Regarding Administration of the Courts of Appeal**  
 (adopt Cal. Rules of Court, rule 10.1014)

All comments are verbatim unless indicated by an asterisk (\*).

	Commenter	Position	Comment	Committee Response
			<p>This rule was first proposed by the Appellate Caseflow Workgroup (ACW), formed by former Chief Justice Tani G. Cantil-Sakauye to investigate and address delays in the Third District Court of Appeals. As set forth in ACW’s report to the Chief Justice, “the issues in the Third District might have been identified and remediated earlier if there had been, in addition to better management in the Third District, a mechanism for supplementary state-level management oversight.” (ACW’s Report to the Chief Justice, at p. 35.) The proposal flows from the need for further oversight of decisions from administrative presiding justices, who had operated with nearly complete independence and whose management actions or inactions were “effectively immune from review.” (Id.)</p> <p>The procedure for administrative complaints set forth in SPR23-01 appears to be thoughtful and comprehensive. The CAC writes to emphasize that the confidentiality provision is instrumental to the effectiveness of this new procedure. Without confidentiality provisions, attorneys would be dissuaded from submitting a candid criticism of the administrative presiding justice or presiding justice’s management of the court district or division, for fear of offending that justice. The disincentive would apply with special force to attorneys who practice regularly in the appellate courts, the very attorneys who would likely offer</p>	

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SPR23-01

**Judicial Branch Administration: Procedures for Submitting Contentions Regarding Administration of the Courts of Appeal**  
(adopt Cal. Rules of Court, rule 10.1014)

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			the greatest insight into potential court administrative problems.	
4.	Los Angeles County Bar Association, Appellate Courts Section by John A. Taylor, Jr., Executive Committee Member	AM	The Appellate Courts Section of the Los Angeles County Bar Association (LACBA-ACS) supports SPR23-01, with a proposed modification. Proposed Rule 10.1014 provides a needed safety valve for addressing contentions that an administrative presiding justice or presiding justice has not properly managed an important matter related to the administration of a Court of Appeal or one of its divisions, and will promote transparency, accountability, and efficiency in issuing timely judgments.	The committee appreciates the commenter’s support for the proposal.
			The LACBA-ACS agrees with the “Invitation to Comment” observation (at page 3) that the proposed rule should limit submissions to those relating to the administration of a Court of Appeal district or division, and not include contentions regarding a specific case or decision. The LACBA-ACS suggests that this limitation be stated either expressly in the new rule or in the Advisory Committee Comment to the rule.	The committee agrees with the commenter and the proposal will include similar language in the advisory committee comment on subdivision (b)(1) of the proposed rule.
5.	Hon. Frank Menetrez, Associate Justice of the Court of Appeal, Fourth Appellate District, Division Two Riverside, California	AM	Subdivision (d) of the proposed rule provides that “Any communication with the administrative presiding justices regarding a contention submitted under this rule, or the investigation or resolution of such a contention, is confidential.” I am concerned about this provision because it does not make clear	The committee appreciates the commenter’s thoughtful review of the proposal.  As noted in the proposed advisory committee comment on subdivision (d), the proposed rule would authorize a procedure that would “advance efficient, effective, and just administration of the

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**Judicial Branch Administration: Procedures for Submitting Contentions Regarding Administration of the Courts of Appeal**

(adopt Cal. Rules of Court, rule 10.1014)

All comments are verbatim unless indicated by an asterisk (\*).

	Commenter	Position	Comment	Committee Response
			<p>*who* is supposed to keep *what* confidential from *whom*.</p> <p>For example, I would think that a complainant should not be required to keep their contention confidential; rather, they may discuss it with others or disclose it publicly. Likewise, I would expect that the administrative presiding justices should not be required to keep the resolution of a contention confidential from the complainant; rather, the resolution should be disclosed to the complainant. Neither of those points is clear in the proposed rule, and the proposed rule could be read as providing to the contrary. The second point might be particularly important because the proposed rule requires the complainant to submit the contention to the local APJ before submitting it to the APJ committee. If the local APJ keeps the resolution of the contention confidential from the complainant, how is the complainant to know whether to take the contention to the committee?</p> <p>I expect that the committee’s intention was to make the contention procedure confidential in roughly the same way that proceedings of the commission on judicial performance are confidential. (The CJP is prohibited from public disclosure of various things, but a CJP complainant can make their own complaint public, etc.) But without some kind of additional</p>	<p>Courts of Appeal and each division of the Courts of Appeal. Establishing the confidentiality of this procedure is critical to encouraging persons to submit contentions with candor. The necessity for preserving the confidentiality of these procedures and communications with administrative presiding justices outweighs the necessity for disclosure in the interest of justice.”</p> <p>The committee intended this subdivision on confidentiality to be simple and unspecific, consistent with the proposed procedure. Based on this comment and the comment from Justice Baker, however, the committee reconsidered the proposed language in subdivision (d), looked to other models, and is proposing language that provides more detail to address the concerns raised by these commenters.</p> <p>The new language is modeled in part on a portion of Rules of the Commission on Judicial Performance, rule 102, which addresses confidentiality of proceedings before the Commission on Judicial Performance, and in part on California Rules of Court, rule 10.703(e), which provides for the confidentiality of proceedings concerning complaints about subordinate judicial officers in the trial courts. The new language is intended to be simpler than either of those models, consistent with the less formal nature of the procedures in the proposed rule.</p>

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**Judicial Branch Administration: Procedures for Submitting Contentions Regarding Administration of the Courts of Appeal**  
 (adopt Cal. Rules of Court, rule 10.1014)

All comments are verbatim unless indicated by an asterisk (\*).

	Commenter	Position	Comment	Committee Response
			clarifying language, I am concerned that the proposed provision may be misinterpreted misapplied.	Proposed subdivision (d) would: <ul style="list-style-type: none"> <li>• Provide that “[a]ll procedures under this rule must be conducted in a manner that is as confidential as is reasonably possible,” consistent with the purpose of the rule;</li> <li>• “[N]ot prohibit the person who submitted the contention or the justice who is the subject of the contention from making statements regarding the conduct underlying the contention”;</li> <li>• “[N]ot preclude administrative presiding justices from communicating with the person who submitted the contention or the justice who is the subject of the contention about the conduct underlying the contention or the investigation, conclusion, or resolution of the contention”;</li> <li>• “[N]ot preclude presiding justices from providing a notice to the Commission on Judicial Performance or forwarding to the commission any requested information”; and</li> <li>• “[N]ot preclude administrative presiding justices from making public, when appropriate, the conclusion or resolution of the contention.”</li> </ul>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated.

**Judicial Branch Administration: Procedures for Submitting Contentions Regarding Administration of the Courts of Appeal**  
 (adopt Cal. Rules of Court, rule 10.1014)

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
6.	Hon. Kathleen E. O’Leary Presiding Justice of the Court of Appeal, Fourth Appellate District, Division Three Orange, California	N	<p>I oppose proposed CRC Rule 10.1014. It does not appropriately address the stated purpose.</p> <p>Many new procedures have been successfully implemented by the APJs to prevent a reoccurrence of the case delay issues that arose in the Third District and were identified in the Appellate Caseflow Workgroup Report to the Chief Justice. Additionally, the mechanism in the proposed rule is ambiguous and lacking in clear definitions and has the potential of imposing an unintended scope of work which will place a significant burden on the COAs with little benefit.</p> <p>In June 2022 Chief Justice Tani G. Cantil-Sakauye formed the Appellate Caseflow Workgroup (workgroup) in response to findings issued by the Commission on Judicial Performance (CJP) concerning case delays in the Third District Court of Appeal (Third District). The Chief Justice directed the workgroup to review policies, procedures, and management and administrative practices of the Courts of Appeal, and to recommend measures to promote transparency, accountability, and efficiency in issuing timely judgments. She also directed the workgroup to recommend measures for these courts to report metrics on case delays.</p>	<p>The committee appreciates the commenter’s thoughtful review of the proposal.</p> <p>The committee agrees with the commenter that the Courts of Appeal have successfully implemented changes that will help prevent case delay issues that arose in the Third Appellate District of the Court of Appeal. It is important, however, that this work continues as recommended by the Appellate Caseflow Workgroup. The proposed rule implements a procedure, recommended by the workgroup, that will assure that APJs and PJs continue to be accountable for the efficient, effective, and just administration of the Courts of Appeal and each division of the Courts of Appeal. Although the procedure may involve some additional work for the Courts of Appeal, the committee concluded that the benefit from increased accountability and confidence in the courts will outweigh any burden from the additional effort.</p>

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	Commenter	Position	Comment	Committee Response
			<p><b>Unnecessary</b>                      Prior to the report and proposed new rule, there has been a comprehensive audit of all cases pending in the COAs. Explanations have been required from the various courts as to why any case has been pending for an extended period of time. Managing attorneys from all the COAs are required to regularly report to APJs on aging cases older than one year. Two data analysts have been approved to be hired to monitor statewide COA caseload statistics. These measures address the Chief Justice’s concern for report metrics on case delays. Additionally, where appropriate, the APJs have transferred cases between Districts and Divisions to facilitate timely adjudication. The most recent Court Statistic Report shows courts have made significant progress in eliminating their backlogs. Without this new rule while the report was being prepared, the APJs effectively addressed the concerns regarding accountability and efficiency in issuing timely judgments expressed by the Chief Justice.</p> <p><b>Overly broad and burdensome due to lack of clarity</b>                      The lack of definition of the terms used in the proposed rule make its implementation challenging. What does the phrase “an important matter related to the administration” of a COA mean in the context of delay reductions efforts?</p>	<p>The committee applauds the efforts that have been made to improve the Courts of Appeal’s transparency, accountability, and efficiency in issuing timely judgments. The Appellate Caseflow Workgroup also recommended that to improve and strengthen confidence in management decisions, the Administrative Presiding Justices Advisory Committee recommend that the Judicial Council adopt a new rule, or amend an existing rule, of the California Rules of Court authorizing the APJs to collectively review and address contentions that an APJ or PJ has not properly managed an important matter. This proposal is intended to satisfy that recommendation, prevent issues from recurring, and build trust and confidence in the Courts of Appeal.</p> <p>The advisory committee comment has been revised in response to this comment. The advisory committee comment explains the scope of the rule beginning at page 11, line 39.</p>

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**Judicial Branch Administration: Procedures for Submitting Contentions Regarding Administration of the Courts of Appeal**

(adopt Cal. Rules of Court, rule 10.1014)

All comments are verbatim unless indicated by an asterisk (\*).

	Commenter	Position	Comment	Committee Response
			<p>CRC Rule 10.500 refers to public access to judicial administrative records. That rule provides for public access to nondeliberative and nonadjudicative court records, budget, and management information. The rule defines “Judicial administrative record” as “any writing containing information relating to the conduct of the people’s business that is prepared, owned, used, or retained by a judicial branch entity regardless of the writing’s physical form or characteristics, except an adjudicative record. The term ‘judicial administrative record’ does not include records of a personal nature that are not used in or do not relate to the people’s business, such as personal notes, memoranda, electronic mail, calendar entries, and records of Internet use.” Rule 10.500 further provides that the public’s right of access to judicial administrative records and must be broadly construed to further the public’s right of access. This broad access to information is totally appropriate given the branch’s goal of transparency, but is it intended that COAs will need to respond to contentions on such a wide-ranging list of administrative issues including internal management decisions and budget management?</p> <p>What is the definition of an “important” matter “related to the administration of a Court of Appeal or a division of a Court of Appeal?” APJs and PJs routinely make decisions that could be described</p>	<p>The commenter expresses concern that the term “an important matter related to administration” of a court of appeal could be read as comparable to the term “judicial administrative record” in rule 10.500. The committee does not intend that those terms have the same meaning or be read in the same manner. As the commenter notes, the context and purpose of the two rules is entirely different. Rule 10.500 governs public access to judicial administrative records and is intended to facilitate transparency. Proposed rule 10.1014 relates to the administration of the Courts of Appeal and is intended to assure that presiding justices and administrative presiding justices are accountable for how they carry out their administrative duties. It is not the intent of the committee that the scope of proposed rule 10.1014 be interpreted in light of rule 10.500.</p> <p>The commenter also questions whether the rule would apply to personnel matters, among other subjects. Personnel matters, including complaints by or against employees, are already governed by employment laws and individual court personnel policies and procedures that vest responsibility for handling such matters with the clerk/executive officer, not with APJs. To make this point unequivocally clear, the committee is adding language to the advisory committee comment that states that personnel and employment matters are not subject to the procedures in this rule. If an</p>

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	Commenter	Position	Comment	Committee Response
			<p>as administrative decisions. Many of those decisions likely will be deemed “important” to some people. Is an ADA accommodation - granted or denied –related to the administration of an appellate court? Are facility issues related to the administration of an appellate court? Are internal personnel matters such as promotions and hiring issues related to the administration of an appellate court? There is no connection between issues such as these and the objective of identifying and remediating the problems that were identified in the Appellate Court Caseflow Workgroup Report.</p> <p>Reading the proposed rule in context with the definition of administrative records in CRC Rule 10.500, and with the new rule being silent on the definition, one would reasonably assume that the broad definition in CRC Rule 10.500 applies to the newly proposed CRC Rule 10.1014. This would create a tremendous amount of work for the COAs. It is one thing to provide access to information on a broad scope of administrative matters, but to require APJs and PJs to review every contention made in reference to such a broad scope of administrative matters could result in hundreds of hours of research and response time.</p> <p><b>Alternative approach</b>                      Rather than adopt a statewide court rule, why not have each district include on its website a</p>	<p>administrative presiding justice were to receive a submission that the APJ considered outside the scope of the rule, it would be appropriate for the APJ or the APJ’s delegate to return the submission to the person who submitted it or to forward it to the appropriate official with responsibility for the contention, with a copy notifying the individual who submitted it. For example, a personnel matter would be forwarded to the clerk/executive officer of the court.</p> <p>The committee appreciates the commenter’s suggestion and is not opposed to courts including</p>

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**Judicial Branch Administration: Procedures for Submitting Contentions Regarding Administration of the Courts of Appeal**  
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	Commenter	Position	Comment	Committee Response
			<p>statement that demonstrates the court is committed to the timely adjudication of cases and invite anyone with a comment or concern about the timely adjudication of cases to submit the comment or concern to the court electronically.</p> <p>Each district could then adopt a policy that the PJs and APJs are required to address the comment or concern in a set amount of time. All responses would be reviewed first by the APJ in the District and then collectively by the APJs.</p> <p>Should there be a need to modify the comment process, a change can be made quickly to a [policy] as opposed to going through the cumbersome process required to amend a Rule of Court.</p>	<p>such a statement on their websites. To assure continued efficient, effective, and proper administration of the courts, the Courts of Appeal need a procedure codified in the California Rules of Court that gives persons who contend that an administrative presiding justice or presiding justice has not properly addressed or managed an important matter related to the administration of the court a method of submitting these contentions for consideration. This proposal effects that purpose and is necessary to implement the recommendation of the Appellate Caseload Workgroup.</p>

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# Judicial Council of California

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## REPORT TO THE JUDICIAL COUNCIL

*Item No.: 23-111*

For business meeting on: July 21, 2023

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**Title**

Court Facilities: Revised *Courthouse Naming Policy*

**Agenda Item Type**

Action Required

**Effective Date**

July 21, 2023

**Rules, Forms, Standards, or Statutes Affected**

None

**Date of Report**

July 3, 2023

**Recommended by**

Court Facilities Advisory Committee  
Hon. Brad R. Hill, Chair  
Hon. Patricia M. Lucas (Ret.), Vice-Chair  
Hon. Keith D. Davis (Ret.), Chair of the  
Subcommittee on Courthouse Names

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### Executive Summary

The Court Facilities Advisory Committee and its Subcommittee on Courthouse Names recommend adoption of the revised *Courthouse Naming Policy*. Changes over time necessitate an update to the policy since it was adopted by the Judicial Council in 2014.

### Recommendation

The Court Facilities Advisory Committee and its Subcommittee on Courthouse Names recommend that the Judicial Council, effective July 21, 2023, adopt the revised *Courthouse Naming Policy* (see Attachment A).

### Relevant Previous Council Action

On May 11, 2009, the *Courthouse Naming Policy* was adopted. On April 25, 2014, the council adopted a revision to its policy (see Link A).

## Analysis/Rationale

The current *Courthouse Naming Policy* provides that the Judicial Council, acting through its Court Facilities Advisory Committee's (CFAC) Subcommittee on Courthouse Names, name courthouses based on standards for consistency of identification. These standards are applied to newly constructed courthouses and renovated courthouses, which the Judicial Council has financed in whole or in part, and to existing courthouses, where the council is the facility owner or majority tenant.

The proposed revision to the current policy maintains the integrity of the standards and their applicability for consistency in identifying courthouses and is based on changes over time that necessitate an update to reflect past practices.

The primary update is to the category for naming a courthouse after a person. Policy section III.B.2.b. is revised to maintain the 10-year deceased criterion as a rebuttable presumption but provides an exception for persons deceased less than 10 years or who are still living where articulable circumstances exist that ensure full knowledge of the person's character and the *person's character and reputation were previously investigated, extensively and repeatedly, in connection with the person's prior selection or appointment to position(s) of public service.* Past naming practices are summarized as follows and in Table 1 below:

1. Of all properties (approximately 450) in the council's real estate portfolio, 27 are court facilities named after a person.
2. Half (13 of 27) of these persons were living at the time of naming approval.
3. Only five (Sisk, Foltz, Joseph, Tamura, and Gibson) were deceased more than 10 years.
4. The council has approved six courthouse names (highlighted in Table 1) including two who were living persons and one who was deceased less than 10 years.

**Table 1: Courthouse Naming Approvals**

Line #	County	Building Name	Approval Authority	Date Approved	Year of Death	Deceased at Time of Approval? (Y/N)	City	Year Built
1.	Alameda	Rene C. Davidson Courthouse	County	circa 1995	1994	Y	Oakland	1935
2.	Alameda	Wiley W. Manuel Courthouse	County	5/21/82	1981	Y	Oakland	1978
3.	Alameda	George E. McDonald Hall of Justice	County	Unk.	2016	N	Alameda	1985
4.	Contra Costa	Richard E. Arnason Justice Center	Judicial Council	10/24/2008	2015	N	Pittsburg	2010
5.	Contra Costa	A. F. Bray Courthouse	County	Unk.	1987	Unk.	Martinez	1986
6.	Contra Costa	George D. Carroll Courthouse	County	2009	2016	N	Richmond	1953
7.	Contra Costa	Spinetta Family Law Center	County	circa 2003	-	N	Martinez	2003
8.	Contra Costa	Wakefield Taylor Courthouse	County	Unk.	2005	N	Martinez	1901
9.	Fresno	B.F. Sisk Courthouse	Judicial Council	4/25/2014	1995	Y > 10 yrs.	Fresno	1967
10.	Humboldt	John Hayes Memorial Veterans Hall	County	Unk.	2004	N	Garberville	1950
11.	Los Angeles	Michael D. Antonovich Antelope Valley Courthouse	County	circa 2003	-	N	Lancaster	2003
12.	Los Angeles	Governor George Deukmejian Courthouse	Judicial Council	2/25/2011	2018	N	Long Beach	2013
13.	Los Angeles	Edmund D. Edelman Children's Courthouse	County	circa 1992	2016	N	Monterey Park	1992
14.	Los Angeles	Clara Shortridge Foltz Criminal Justice Center	County	2002	1934	Y > 10 yrs.	Los Angeles	1972
15.	Los Angeles	Alfred J. McCourtney Juvenile Justice Center	County	Unk.	1975	Unk.	Lancaster	1960
16.	Los Angeles	Stanley Mosk Courthouse	County	2002	2001	Y	Los Angeles	1957
17.	Merced	Robert M. Falasco Justice Center (Los Banos Division)	Judicial Council	8/21/2015	2012	Y	Los Banos	2016
18.	Merced	Charles James Ogletree, Jr. Courthouse	Legislation	9/18/2022	-	N	Merced	2006
19.	Modoc	Robert A. Barclay Justice Center	County	1993	2010	N	Alturas	1976
20.	Nevada	Joseph Government Center (Truckee Courthouse)	County	circa 1970	1897	Y > 10 yrs.	Truckee	1970
21.	Orange	Betty Lou Lamoreaux Justice Center	County	5/14/1992	2018	N	Orange	1992
22.	Orange	Stephen K. Tamura Courthouse (West Justice Center)	Judicial Council	4/16/2020	1982	Y > 10 yrs.	Westminster	1967
23.	Placer	Howard G. Gibson Courthouse	Judicial Council	10/27/2015	1986	Y > 10 yrs.	Roseville	2008
24.	Riverside	Larson Justice Center	County	1997	2020	N	Indio	1997
25.	Sacramento	Carol Miller Justice Center	County	circa 1991	1990	Y	Sacramento	1991
26.	Sacramento	William R. Ridgeway Family Relations Courthouse	County	circa 1999	1998	Y	Sacramento	1999
27.	Sacramento	Gordon D. Schaber Sacramento County Courthouse	County	2002	1997	Y	Sacramento	1965

As shown above in Table 1, most of the facilities were named at the local level and prior to the transfer of responsibility of court space or transfer of title to the state. Moreover, the following should be noted for the six courthouse names approved by the council:

1. The Richard E. Arnason Justice Center was approved prior to the implementation of a naming policy, as the council adopted its first naming policy in 2009.
2. The Governor George Deukmejian Courthouse was approved in conformance to the 2009 naming policy that allowed for names after living persons.
3. The Sisk, Tamura, and Gibson courthouses were approved in conformance to the current policy.
4. The Robert M. Falasco Justice Center was approved with an exception to the current policy since he had been deceased less than 10 years.

In addition, the proposed revision captures minor edits to remove outdated references, such as to the Administrative Office of the Courts.

### **Policy implications**

In proposing a revision to the council's naming policy, the process for naming a courthouse under policy section III.C. is unchanged. Moreover, the revised policy was evaluated first by the CFAC's Subcommittee on Courthouse Names, with a recommendation to the full advisory committee. Each evaluation was carried out at a public meeting as described below.

### **Comments**

The CFAC's Subcommittee on Courthouse Names previously discussed the attached revised policy at a meeting, open to the public, on June 12, 2023. It was posted in advance of that meeting for public comment, and no public comments were received. Moreover, the subcommittee directed its posting, again, for a 14-day public comment period for the CFAC to consider public comments before taking final action. The draft policy was shared via email with all Presiding Judges and Court Executive Officers and posted on two separate webpages on the California Courts website—CFAC and Invitations to Comment. The public comment period was from June 12–26, 2023, and only one public comment was received. On June 27, 2023, and at a meeting, open to the public, the full advisory committee directed that the revised policy, incorporating language suggested by that public comment and as shown under Tab 6 of the meeting materials available at [www.courts.ca.gov/documents/cfac-20230627-materials.pdf](http://www.courts.ca.gov/documents/cfac-20230627-materials.pdf), move forward to the Judicial Council for adoption.

### **Alternatives considered**

To implement the revised policy in advance of any future courthouse naming requests submitted to the council, no alternatives to the recommended action were considered. The CFAC and its Subcommittee on Courthouse Names strongly support this proposal.

### **Fiscal and Operational Impacts**

Implementation of the revised policy will not require new costs, as costs associated with administering it are paid from funds for Judicial Council Facilities Services staffing. Costs associated with the design, fabrication, and installation of signage are paid from different

sources, such as capital project funds or local court operating budgets, depending on the court facility identified for the name.

### **Attachments and Links**

1. Attachment A: *Courthouse Naming Policy* (revised July 21, 2023)
2. Link A: *Courthouse Naming Policy* (revised April 25, 2014),  
[www.courts.ca.gov/documents/cthse-naming-policy-2014.pdf](http://www.courts.ca.gov/documents/cthse-naming-policy-2014.pdf)

DRAFT



# Courthouse Naming Policy

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ADOPTED: MAY 11, 2009

REVISED: JULY 21, 2023

DRAFT



Judicial Council of California

## **I. Purpose of the Policy**

The Judicial Council of California (Judicial Council) is responsible for California's courthouses under the Trial Court Facilities Act of 2002 and related legislation, which also includes responsibility for construction of new courthouses and renovation of existing courthouses. It is the policy of the Judicial Council, acting through the Court Facilities Advisory Committee, Subcommittee on Courthouse Names, through its directives to Judicial Council staff, to name courthouses based on standards. This will provide consistency in identifying courthouses in California.

The naming of courthouses will follow the standards set forth in this policy in naming new courthouses, and in naming existing courthouses—including court facilities that are renovated.

## **II. Application of Courthouse Naming Standards**

The Judicial Council's naming standards will be applied to newly constructed courthouses and renovated courthouses which the Judicial Council has financed—in whole or in part—and to existing courthouses, where the judicial branch is the facility owner or majority tenant.

## **III. Names for Trial and Appellate Courthouses**

### **A. Definitions**

*Court facility* refers to any building that the local court occupies to provide its main services, its branch services, or other services and operations. As used in this policy, the word *courthouse* is considered interchangeable with this term.

*Court Facilities Advisory Committee (CFAC)* is an advisory body to the Judicial Council on all facilities-related matters. The members of this advisory committee are appointed by the Chief Justice of California. The CFAC is charged with providing ongoing oversight of the Judicial Branch program that manages new construction and renovations for the superior courts and Courts of Appeal throughout the state. It oversees the work of the Judicial Council staff in its management of court facilities statewide and in its effort to implement the judicial branch's capital improvement program.

*Subcommittee on Courthouse Names* (the subcommittee) is the subcommittee of the CFAC charged with responsibility to review and consider options in naming specific new and existing courthouses. The chair of the Subcommittee on Courthouse Names is appointed by the chair of the CFAC. The members of the subcommittee are appointed by the subcommittee chair. The subcommittee is responsible for recommending to the CFAC names for courthouses and in doing so may consider comments from members of CFAC, or refer requests for naming to the Judicial Council where appropriate. The subcommittee's operating protocols, including the term of each member, will be established by the CFAC.

*Case type* can include but is not limited to the following caseload identifiers: family law, juvenile, criminal, civil, traffic, probate, small claims, mental health, and drug.

*Location* of a court facility refers to the building's physical location in either an incorporated (i.e., town or city) or unincorporated (i.e., county or region) geographical area.

**B. Naming Standards for Trial and Appellate Courthouses**

1. Courthouses will be named based on one of the following two categories:
  - a. Location and case type, which is the category most commonly used; or
  - b. A person, which is a rarely used category.

A courthouse name will not include the name of any business entity, institution, foundation, or other organization, whether for profit or not for profit.

2. An explanation of each category follows. For all name categories, the courthouse name must include “Superior Court” or “Court of Appeal” *and* “California.” In each case, the building name may include the term “Courthouse,” “Justice Center,” or “Hall of Justice.”
  - a. Naming Preference 1: Location and Case Type (Most Commonly Used). It is the preference of the Judicial Council to name courthouses after their location and, if applicable, case type. This convention supports the Judicial Council’s goal of enhancing access to justice because naming courthouses after the location and case type provides users with key information about where the courthouse is located and the type of proceedings conducted within the courthouse.

Examples of courthouse names under the preferred naming standard for trial courts are as follows:

<b>Format Examples</b>	<b>Courthouses</b>	<b>Justice Centers</b>	<b>Halls of Justice</b>
<b>Example 1</b>	El Centro Family Courthouse Superior Court of California County of Imperial	Selma Regional Justice Center Superior Court of California County of Fresno	East County Hall of Justice Superior Court of California County of Alameda
<b>Example 2</b>	El Centro Family Courthouse Superior Court of California Imperial County	Selma Regional Justice Center Superior Court of California Fresno County	East County Hall of Justice Superior Court of California Alameda County

Examples of courthouse names under the preferred naming standard for appellate courts are as follows:

<b>Format Examples</b>	<b>Appellate Courthouse Names</b>
<b>Example 1</b>	State of California Court of Appeal First Appellate District Courthouse
<b>Example 2</b>	California Court of Appeal Fourth Appellate District Division Three
<b>Example 3</b>	State of California Court of Appeal Fifth Appellate District



b. Naming Preference 2: A Person (Rarely Used). Naming a courthouse after a person must be carefully considered to protect the integrity and independence of the judicial branch. A courthouse may be named after a person upon consideration of *all* the following criteria:

- i. The person made recognizable, significant contributions to the state or national justice system.
- ii. There is a rebuttable presumption that the name of a living person or one who died fewer than 10 years before the naming of the courthouse should not be used. Ten years is a reasonable time during which facts bearing upon such a person's character would come to light.

If articulable circumstances exist that ensure full knowledge of the character of a living person or one who died fewer than 10 years before the naming of the courthouse, this presumption may be overcome. An example of such circumstances is if the person's character and reputation were previously investigated, extensively and repeatedly, in connection with the person's prior selection or appointment to position(s) of public service.

- iii. The person, or the estate of the person, or any otherwise related entity deemed to pose a potential conflict of interest by the subcommittee, does not have any case pending before any court, and no such case is reasonably likely to come before any court, in future litigation.
- iv. The naming does not present a potential conflict of interest as may be viewed by the public, government entities, or private businesses.
- v. Consistency with the California Code of Judicial Ethics.

Examples of persons who meet these criteria may include a former Governor of California, a former Chief Justice of California, a former member of the California or United States Supreme Court, a former appellate court justice, a former trial court judge, a former court executive officer, a former president of a state or local bar association, or a former state or federal legislator.

### C. **Process for Naming Courthouses**

#### **Courthouses will be named by the following process:**

1. Requests for courthouse naming will be submitted to the chair of the subcommittee by the presiding judge or assistant presiding judge, or the court executive officer or the administrative presiding justice, or the clerk/executive officer of the Court of Appeal, or their designee, of the subject court. Concurrently, the chair of the subcommittee will in turn provide the request(s) to the local court or committee as to process and minimum requirements set forth in this policy.

2. The subcommittee will evaluate each proposed name under the standards set forth in this policy.
3. Upon consideration of any request, the chair of the subcommittee will propose requests for names under section 2(a) preference 1, and all requests under section 2 (b) preference 2, for consideration by the CFAC.
4. Upon consideration, the CFAC shall present a recommendation on the name of a courthouse to the Judicial Council, which presentation will include the subcommittee's recommendation.
5. Where appropriate, the chair of the subcommittee will be delegated by the chair of CFAC to approve standard courthouse names under section 2(a) of this policy, on behalf of the CFAC of the Judicial Council. This approval shall be subject to ratification by the Judicial Council. Requests for those names must have been duly submitted under C.1 of this policy.

**D. Designation of Courthouse Names in Building Signage and Plaques**

Signage and plaques on buildings shall designate the duly approved names under this policy subject to the following requirements:

1. Standards: All signage and plaques must comply with the requirements of the *California Trial Court Facilities Standards*<sup>1</sup> and its addenda as pertain to signage, use of seals by courts<sup>2</sup> and plaques.
2. Application of courthouse names: Subject to the foregoing, each state trial courthouse shall have reflected in its exterior signage designated under this policy: “Superior Court of California, County of [County name]” and the Great Seal of the State of California.

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<sup>1</sup> Judicial Council's *California Trial Court Facilities Standards*, 2020.

<sup>2</sup> Gov. Code §§ 68074, 68076 *et seq.*