

Trial Court Facility Modification Advisory Committee

Annual Agenda¹—2022

Approved by Executive and Planning Committee: March 10, 2022

I. COMMITTEE INFORMATION

Chair:	Hon. Donald Cole Byrd, Presiding Judge, Superior Court of Glenn County
Vice-Chair:	Hon. William F. Highberger, Judge, Superior Court of Los Angeles County
Lead Staff:	Ms. Pella McCormick, Director, Facilities Services Mr. Jagan Singh, Principal Manager, Facilities Services Ms. Katherine Albertus, Facilities Analyst, Facilities Services
Committee's Charge/Membership: <p>Rule 10.65 of the California Rules of Court states the charge of the Trial Court Facility Modification Advisory Committee (TCFMAC), which is to make recommendations to the Judicial Council on facilities modifications, maintenance, and operations; environmental services; and utility management. In addition, the committee performs the following:</p> <ol style="list-style-type: none">(1) Makes recommendations to the Judicial Council on policy issues, business practices, and budget monitoring and control for all facility-related matters in existing branch facilities.(2) Makes recommendations to the Judicial Council on funding and takes additional action in accordance with council policy, both for facility modifications and for operations and maintenance.(3) Collaborates with the Court Facilities Advisory Committee in the development of the capital program, including providing input on design standards, prioritization of capital projects, and methods to reduce construction cost without impacting long-term operations and maintenance cost.(4) Provides quarterly and annual reports on the facilities modification program in accordance with the Judicial Council's <i>Trial Court Facility Modifications Policy</i>. <p>Rule 10.65(c) sets forth the membership position categories of the committee. TCFMAC currently has 11 members. The current composition shown on the committee roster's web page is as follows:</p> <ul style="list-style-type: none">• Superior court judge – 5 members	

¹ The annual agenda outlines the work a committee will focus on in the coming year and identifies areas of collaboration with other advisory bodies and the Judicial Council staff resources.

- Court executive officer – 3 members
- Deputy Court Executive Officer – 1 member
- Chair and vice-chair of the Court Facilities Advisory Committee, as non-voting members – 2 members

Subcommittees/Working Groups²:

None.

Meetings Planned for 2022³ (Advisory body and all subcommittees and working groups)

Meeting Date	Time	Location / Teleconference
January 31, 2022	10:00 – 3:00	Teleconference
March 7, 2022	12:00 – 1:30	Teleconference
April 11, 2022	10:00 – 3:00	Sacramento*
May 23, 2022	10:00 – 3:00	Sacramento*
July 18, 2022	10:00 – 3:00	Sacramento*
August 29, 2022	12:00 – 1:30	Teleconference
October 28, 2022	10:00 – 3:00	Sacramento*
December 5, 2022	12:00 – 1:30	Teleconference

*In-person meetings are held in Sacramento unless otherwise noted and are subject to change due to the COVID-19 pandemic.

Check here if the exception to policy is granted by the Executive Office.

² California Rules of Court, rule 10.30 (c) allows an advisory body to form subgroups, composed entirely of current members of the advisory body, to carry out the body's duties, subject to available resources, with the approval of its oversight committee.

³ Refer to [Operating Standards for Judicial Council Advisory Bodies](#) for governance on in-person meetings.

II. COMMITTEE PROJECTS

#	New or One-Time Projects ⁴	
1.	<p>Project Title Judicial Council of California Policy on the Use of Air Filtration Devices During Wildfires</p>	<p>Priority⁵ 1 Strategic Plan Goal⁶ VI</p>
<p>Project Summary⁷: Approve the <i>Judicial Council of California Policy on the Use of Air Filtration Devices During Wildfires</i> to proceed to the council for approval. The purpose of this policy is to establish guidelines for the use of air filtration devices during wildfires to mitigate the impacts of wildfire smoke on Judicial Council-owned and Judicial Council-managed court facilities and operations. This policy also includes an analysis of the efficacy of air filtration devices.</p> <p>Status/Timeline: Review by the Court Executives Advisory Committee is complete. Public comment period ends on January 10, 2022. TCFMAC approval expected in January 2022.</p> <p>Fiscal Impact/Resources: Coordination through lead staff to the committee with input from the Judicial Council’s offices of Facilities Services and Budget Services.</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: Trial courts and justice partners.</p> <p>AC Collaboration: Court Executives Advisory Committee.</p>		

⁴ All proposed projects for the year must be included on the Annual Agenda. If a project implements policy or is a program, identify it as *implementation* or a *program* in the project description and attach the Judicial Council authorization/assignment or prior approved Annual Agenda to this Annual Agenda.

⁵ For non-rules and forms projects, select priority level 1 (must be done) or 2 (should be done). For rules and forms proposals, select one of the following priority levels: 1(a) Urgently needed to conform to the law; 1(b) Urgently needed to respond to a recent change in the law; 1(c) Adoption or amendment of rules or forms by a specified date required by statute or council decision; 1(d) Provides significant cost savings and efficiencies, generates significant revenue, or avoids a significant loss of revenue; 1(e) Urgently needed to remedy a problem that is causing significant cost or inconvenience to the courts or the public; 1(f) Otherwise urgent and necessary, such as a proposal that would mitigate exposure to immediate or severe financial or legal risk; 2(a) Useful, but not necessary, to implement statutory changes; 2(b) Helpful in otherwise advancing Judicial Council goals and objectives.

⁶ Indicate which goal number of [The Strategic Plan for California’s Judicial Branch](#) the project most closely aligns.

⁷ A key objective is a strategic aim, purpose, or “end of action” to be achieved for the coming year.

#	New or One-Time Projects⁴	
2.	Project Title Deferred Maintenance Projects Funded in July 2019 (DMF-3) – Encumber Funds and Monitor Encumbrance Liquidation	Priority⁵ 1 Strategic Plan Goal⁶ VI
<p>Project Summary⁷: Complete all encumbrances and monitor encumbrance liquidation for DMF-3 projects funded by a one-time general fund budget allocation in FY 2019–20 of \$15 million for trial courts. The funding is earmarked for fire alarm systems.</p> <p>Status/Timeline: Complete encumbrances in FY 2021–22 and monitor for liquidation in FY 2023–24.</p> <p>Fiscal Impact/Resources: Coordination through lead staff to the committee with input from the Judicial Council’s offices of Facilities Services and Budget Services.</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: Trial courts and justice partners.</p> <p>AC Collaboration: None.</p>		
3.	Project Title Deferred Maintenance Projects Funded in July 2021 (DMF-4 projects) – Encumber Funds and Monitor Encumbrance Liquidation	Priority⁵ 1 Strategic Plan Goal⁶ VI
<p>Project Summary⁷: In July 2021, the TCFMAC approved a proposed list of DMF-4 projects to be funded by a one-time general fund budget allocation in FY 2021–22 of \$180 million for trial courts. The funding will be encumbered over three years. \$80 million is expected to be encumbered in FY 2021–22, \$80 million in FY 2022–23, and the remaining \$20 million in FY 2023–24. The funding is earmarked primarily for building automation systems (BAS), roofs, and elevators.</p> <p>Status/Timeline: Complete encumbrances in FY 2023–24 and monitor for liquidation in FY 2025–26.</p> <p>Fiscal Impact/Resources: Coordination through lead staff to the committee with input from the Judicial Council’s offices of Facilities Services and Budget Services.</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: Trial courts and justice partners.</p> <p>AC Collaboration: None.</p>		

#	Ongoing Projects and Activities⁴	
1.	Project Title Trial Court Facility Modification Quarterly Activity Reports and Annual Report	Priority⁵ 1 Strategic Plan Goal⁶ VI
<p>Project Summary⁷: Provide the Judicial Council with a report for informational purposes summarizing the committee’s allocation of facility modification funding after the end of each fiscal year quarter. The report for the last quarter also will include a summary of all facility modifications for the fiscal year. These information-only reports are submitted as required by the council’s <i>Trial Court Facility Modifications Policy</i>.</p> <p>Status/Timeline: Ongoing. Fiscal Year 2021–22 reports are proposed for the following Judicial Council meetings: January 2022 for the Q1 report; March 2022 for the Q2 report; May 2022 for the Q3 report; and September 2022 for the Q4 and Annual reports.</p> <p>Fiscal Impact/Resources: Coordination through lead staff to the committee with input from the Judicial Council’s offices of Facilities Services.</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: Trial courts and justice partners.</p> <p>AC Collaboration: None.</p>		
2.	Project Title Energy-Efficiency Facility Modification Projects	Priority⁵ 1 Strategic Plan Goal⁶ VI
<p>Project Summary⁷: Contingent upon TCFMAC approval and funding, develop and implement Priority 3 energy-efficiency facility modification projects for lighting and heating, ventilation, and air conditioning (HVAC) improvements within existing court facilities statewide.</p> <p>Status/Timeline: Ongoing.</p> <p>Fiscal Impact/Resources: Coordination through lead staff to the committee with input from the Judicial Council’s offices of Facilities Services and Budget Services. Savings through energy-efficiency facility modification projects conserves Court Facilities Trust Fund (CFTF) resources.</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p>		

#	Ongoing Projects and Activities ⁴	
	<p><i>Internal/External Stakeholders:</i> Trial courts and justice partners.</p> <p><i>AC Collaboration:</i> None.</p>	
3.	<p>Project Title Courthouse Security Systems Maintenance and Replacement</p>	<p>Priority⁵ 1</p> <hr/> <p>Strategic Plan Goal⁶ VI</p>
	<p>Project Summary⁷: Maintain and replace security equipment, including aging camera, access control, and duress alarm systems, within existing court facilities statewide. These projects are necessary to maintain trial court facilities at an industry level of care. Effective FY 2019–20, the Court Security Advisory Committee (CSAC) receives \$6 million annually for these types of projects, funded through the Governor’s Budget. CSAC will have responsibility for projects falling under that budget; however, the TCFMAC will continue to fund some security-related projects not covered by the new funding source and will work in collaboration with the CSAC to identify project responsibility between the two committees.</p> <p>Status/Timeline: Ongoing.</p> <p>Fiscal Impact/Resources: Coordination through lead staff to the committee with input from the Judicial Council’s offices of Facilities Services and Budget Services.</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: Trial courts and justice partners.</p> <p>AC Collaboration: Court Security Advisory Committee.</p>	
4.	<p>Project Title Develop Proposed Budget Change Proposals (BCPs)</p>	<p>Priority⁵ 1</p> <hr/> <p>Strategic Plan Goal⁶ VI</p>
	<p>Project Summary⁷: Determine budget increases to be requested each fiscal year to address the following needs: additional staff to ensure oversight and management of fire safety measures and capital project insurance programs; ongoing deferred maintenance and related staffing; an augmentation to ongoing resources for facility modifications; and some specific larger facility modification projects.</p> <p>Status/Timeline: Ongoing. Typical BCPs timeline: drafts due to Judicial Council Budget Services by February 2022; reviewed by the Judicial Branch Budget Committee in March 2022 and approved in May 2022; and submitted to the California Department of Finance (DOF) in September 2022.</p>	

#	Ongoing Projects and Activities ⁴	
	<p>Fiscal Impact/Resources: Coordination through lead staff to the committee with input from the Judicial Council’s offices of Facilities Services and Budget Services.</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: Trial courts, justice partners, DOF, Legislature, and Office of Governor.</p> <p>AC Collaboration: Judicial Branch Budget Committee.</p>	
5.	<p>Project Title Judicial Branch Facility Modification Projects</p>	<p>Priority⁵ 1</p> <hr/> <p>Strategic Plan Goal⁶ VI</p>
	<p>Project Summary⁷: Review and approve facility modification projects proposed by the trial courts, regional service providers, VFA, Inc. (an asset management firm of deferred facility modification projects), and Judicial Council staff. Approve projects receive funding allocations for execution by Judicial Council staff. Submit recommendations as needed for Judicial Council consideration.</p> <p>Status/Timeline: Ongoing. The committee meets every 30 to 60 days to review proposed projects.</p> <p>Fiscal Impact/Resources: Coordination through lead staff to the committee with input from the Judicial Council’s offices of Facilities Services and Budget Services.</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: Trial courts and justice partners.</p> <p>AC Collaboration: None.</p>	
6.	<p>Project Title Judicial Branch Facility Operations and Maintenance</p>	<p>Priority⁵ 1</p> <hr/> <p>Strategic Plan Goal⁶ VI</p>
	<p>Project Summary⁷: Oversight of judicial branch facilities operations and maintenance spending through annual budget allocation approval and re-evaluation as needed. Oversight of policy issues on operations and maintenance of existing facilities, noncapital-related real estate transactions, energy management, and environmental management and sustainability, including but not limited to, review of the Judicial Council’s preventive maintenance and energy management plans. Submit recommendations as needed for Judicial Council consideration.</p> <p>Status/Timeline: Ongoing.</p>	

#	Ongoing Projects and Activities⁴	
	<p>Fiscal Impact/Resources: Coordination through lead staff to the committee with input from the Judicial Council’s offices of Facilities Services and Budget Services.</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: Trial courts and justice partners.</p> <p>AC Collaboration: None.</p>	
7.	<p>Project Title Judicial Branch Five-Year Master Plan – Trial Court Facilities Deferred Maintenance List</p>	<p>Priority⁵ 1</p> <p>Strategic Plan Goal⁶ VI</p>
	<p>Project Summary⁷: Develop the judicial branch <i>Fiscal Year 2022–23 Five-Year Master Plan - Deferred Maintenance Report</i> for trial court facilities for submission to DOF for consideration of funding. The report for FY 2021–22 contains a list of 22,743 projects at an estimated rough order of magnitude of \$5.01 billion, with the Judicial Council share being \$3.7 billion.</p> <p>Status/Timeline: Ongoing. The five-year master plan is due to the DOF in September of each year.</p> <p>Fiscal Impact/Resources: Coordination through lead staff to the committee with input from the Judicial Council’s offices of Facilities Services and Budget Services.</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: Trial courts and justice partners.</p> <p>AC Collaboration: None.</p>	
8.	<p>Project Title Conduct Plumbing Assessments for the Top Five Facilities with the Highest Number of Incidents and Costs Resulting from Plumbing Leaks</p>	<p>Priority⁵ 1</p> <p>Strategic Plan Goal⁶ VI</p>
	<p>Project Summary⁷: In July 2020, the advisory committee approved the use of Planning funds for assessments of the Judicial Council’s top five facilities with the highest number and most costly domestic water and fixture leaks.</p>	

Ongoing Projects and Activities⁴

Status/Timeline: Solicitation and assessments are ongoing and mitigation efforts will be brought to the committee as we move forward, contingent upon availability of funds.

Fiscal Impact/Resources: Coordination through lead staff to the committee with input from the Judicial Council's offices of Facilities Services and Branch Accounting and Procurement.

This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.

Internal/External Stakeholders: Trial courts and justice partners.

AC Collaboration: None.

III. LIST OF 2021 PROJECT ACCOMPLISHMENTS

#	Project Highlights and Achievements
1.	Ongoing: Collaborated with the Court Security Advisory Committee to complete security-related projects.
2.	Ongoing: Reviewed and approved facility modification projects, including security-related facility modifications, proposed by the trial courts, regional service providers, VFA, Inc. (an asset management firm of deferred facility modification projects), and Judicial Council staff.
3.	Ongoing: Oversaw judicial branch facilities operations and maintenance spending and policy issues on operations and maintenance of existing facilities, non-capital-related real estate transactions, energy management, and environmental management and sustainability.
4.	Ongoing: Collaborated with the Court Facilities Advisory Committee in the development of the Judicial Branch Capital Program.
5.	Ongoing: Monitored construction progress of deferred maintenance projects funded in July 2018 (DMF-2) and in July 2019 (DMF-3) for roof, elevator/lift/escalator replacements, BAS upgrades, and fire alarm systems in trial court facilities.
6.	Completed: In January 2021, approved FY 2022–23 Budget Change Proposals (BCPs) for facility modifications, deferred maintenance, sustainability measures, operations and maintenance, and the council’s share of the County of San Diego’s project cost to modernize the San Diego Hall of Justice’s conveying (elevators and escalators) and HVAC systems.
7.	Completed: As informational items in March, May, and October 2021, the Judicial Council received FY 2020–21 quarterly activity reports and the annual report on the allocation of funding for trial court facility modifications.
8.	Completed: In March 2021, approved and adopted the <i>Guidelines for the Responsibility of Facility Costs between the Judicial Council and Trial Courts</i> .
9.	Completed: In April 2021, removed the temporary hold on funding Priority 2 facility modifications (instituted in December 2020) based on administrative savings and the DOF’s support for the branch to request \$2.5 million in FY 2020–21 from the Immediate and Critical Needs Account (ICNA) of the State Court Facilities Construction Fund (SCFCF).
10.	Completed: In May 2021, completed all encumbrances for DMF-2 projects.
11.	Completed: In July 2021, approved the proposed list of DMF-4 projects, encumbered \$10 million in funding, and started assessments and design work.
12.	Completed: In 2021, to address a budget shortfall resulting from increased requests for air scrubbers during wildfire events, approved five separate budget reallocations totaling \$10 million over a six-month period. The Judicial Council also worked with DOF to secure a budget augmentation to the FM budget of \$2.5 million and used one-time administrative savings of \$6.4 million for facility modifications to cover the shortfall.
13.	Completed: In July 2021, approved the proposed FY 2021–22 Facility Modifications budget and the Operations and Maintenance spending plan.

#	Project Highlights and Achievements
14.	Completed: In July 2021, approved the <i>Court Facilities: Membership in Tuolumne Public Power Agency for the New Sonora Courthouse</i> report, for submittal to the Judicial Council as a consent item.
15.	Completed: In July 2021, approved 1) a pilot project to study the effectiveness of air scrubbers when deployed during wildfires, to run from July 19 through September 30, 2021; and 2) interim guidelines for air scrubber costs, establishing that trial courts pay 50 percent of the cost when the outdoor Air Quality Index (AQI) is greater than 400, and 100 percent of the cost when the outdoor AQI is 400 or less.
16.	Completed: In August 2021, approved the judicial branch’s <i>Five-Year Master Plan – Deferred Maintenance Report for Fiscal Year 2021–22</i> for submission to DOF.
17.	Completed: In November 2021, approved the draft <i>Judicial Council of California Policy on the Use of Air Filtration Devices During Wildfires</i> to proceed to public comment from November 22, 2021 to January 10, 2022.
18.	Completed: During 2021, 17 facility modification projects on the Architectural Revolving Fund project list were completed.