

# Trial Court Facility Modification Advisory Committee

## Annual Agenda<sup>1</sup>—2021

Approved by Executive and Planning Committee: March 11, 2021

### I. COMMITTEE INFORMATION

<b>Chair:</b>	Hon. Donald Cole Byrd, Presiding Judge, Superior Court of Glenn County
<b>Vice-Chair:</b>	Hon. William F. Highberger, Judge, Superior Court of Los Angeles County
<b>Lead Staff:</b>	Ms. Pella McCormick, Acting Director, Facilities Services Mr. Jagan Singh, Principal Manager, Facilities Services Ms. Katherine Albertus, Facilities Analyst, Facilities Services
<b>Committee's Charge/Membership:</b> <p><a href="#">Rule 10.65</a> 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"><li>(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.</li><li>(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.</li><li>(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.</li><li>(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>.</li></ol> <p><a href="#">Rule 10.65(c)</a> sets forth the membership position categories of the committee. TCFMAC currently has 11 members. The current composition shown on the committee <a href="#">roster's web page</a> is as follows:</p>	

<sup>1</sup> 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.

- Superior court judge – 5 members
- 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 Groups<sup>2</sup>:**

None.

**Meetings Planned for 2021<sup>3</sup> (Advisory body and all subcommittees and working groups)**

Meeting Date	Time	Location / Teleconference
January 29, 2021	10:00 – 4:00	Teleconference
March 8, 2021	12:00 – 1:30	Teleconference
April 12, 2021	10:00 – 4:00	Teleconference
May 14, 2021	10:00 – 4:00	Teleconference
July 19, 2021	10:00 – 4:00	TBD
August 30, 2021	12:00 – 1:30	Teleconference
October 29, 2021	10:00 – 4:00	Off-site location to be determined
December 6, 2021	12:00 – 1:30	Teleconference

Check here if exception to policy is granted by Executive Office or rule of court.

<sup>2</sup> 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.

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

## II. COMMITTEE PROJECTS

#	New or One-Time Projects <sup>4</sup>	
1.	<b>Project Title</b> <b>Conduct Plumbing Assessments for the Top Five Facilities with the Highest Number of Incidents and Costs Resulting from Plumbing Leaks</b>	<b>Priority<sup>5</sup> 1</b> <b>Strategic Plan Goal<sup>6</sup> VI</b>
<p><b>Project Summary<sup>7</sup>:</b> 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. There will be a new solicitation to hire a specialty contractor to complete the assessments and provide estimates for the mitigation work.</p> <p><b>Status/Timeline:</b> Solicitation and assessments will be completed by FY 2022–23, contingent upon availability of funds.</p> <p><b>Fiscal Impact/Resources:</b> Coordination through lead staff to the committee with input from the Judicial Council’s offices of Facilities Services and Branch Accounting and Procurement.</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><b>Internal/External Stakeholders:</b> Trial courts and justice partners.</p> <p><b>AC Collaboration:</b> None.</p>		

<sup>4</sup> 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.

<sup>5</sup> 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.

<sup>6</sup> Indicate which goal number of The Strategic Plan for California’s Judicial Branch the project most closely aligns.

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

#	<b>New or One-Time Projects<sup>4</sup></b>	
2.	<b>Project Title</b> <b>Guidelines for the Responsibility of Facility Costs between Judicial Council and Trial Courts</b>	<b>Priority<sup>5</sup> 1</b> <b>Strategic Plan Goal<sup>6</sup> VI</b>
<p><b>Project Summary<sup>7</sup>:</b> Approve and adopt the <i>Guidelines for the Responsibility of Facility Costs between the Judicial Council and Trial Courts</i>. This document serves as a guide for the TCFMAC and Judicial Council staff with respect to determining which facility-related capital and operations/maintenance costs are the responsibility of the Judicial Council and which are the responsibility of the trial courts.</p> <p><b>Status/Timeline:</b> Review by the Court Executives Advisory Committee and public comment period are complete. TCFMAC approval expected in Spring 2021.</p> <p><b>Fiscal Impact/Resources:</b> 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><b>Internal/External Stakeholders:</b> Trial courts and justice partners.</p> <p><b>AC Collaboration:</b> Court Executives Advisory Committee.</p>		
3.	<b>Project Title</b> <b>Design for Generators in Preparation for Application to California Governor’s Office of Emergency Services (Cal OES)/Federal Emergency Management Agency (FEMA) for Grant Funding</b>	<b>Priority<sup>5</sup> 1</b> <b>Strategic Plan Goal<sup>6</sup> VI</b>
<p><b>Project Summary<sup>7</sup>:</b> Contingent upon TCFMAC approval of funding in 2021, develop design documents for 14 like-for-like emergency generator replacement projects in preparation for application to Cal OES/FEMA for grant funding. Grant applications were submitted last year, but not approved because Cal OES required design documents in order to move the applications forward. Completing the designs in advance will better position the Judicial Council to receive grant approval when it reapplies during the next application period. Design costs are estimated to be \$750,000.</p> <p><b>Status/Timeline:</b> FY 2021–22.</p> <p><b>Fiscal Impact/Resources:</b> 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><b>Internal/External Stakeholders:</b> Trial courts and justice partners.</p> <p><b>AC Collaboration:</b> None.</p>		

#	<b>Ongoing Projects and Activities<sup>4</sup></b>	
1.	<b>Project Title</b> <b>Trial Court Facility Modification Quarterly Activity Reports</b>	<b>Priority<sup>5</sup> 1</b> <b>Strategic Plan Goal<sup>6</sup> VI</b>
<p><b>Project Summary<sup>7</sup>:</b> 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><b>Status/Timeline:</b> Ongoing. For 2021, reports are proposed for the following Judicial Council meetings: March 2021 for the FY 2020–21, Q1 and Q2 reports; July 2021 for the FY 2020–21, Q3 report; and September/October 2021 for the FY 2020–21, Q4 report.</p> <p><b>Fiscal Impact/Resources:</b> 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><b>Internal/External Stakeholders:</b> Trial courts and justice partners.</p> <p><b>AC Collaboration:</b> None.</p>		
2.	<b>Project Title</b> <b>Energy-Efficiency Facility Modification Projects</b>	<b>Priority<sup>5</sup> 1</b> <b>Strategic Plan Goal<sup>6</sup> VI</b>
<p><b>Project Summary<sup>7</sup>:</b> 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><b>Status/Timeline:</b> Ongoing.</p> <p><b>Fiscal Impact/Resources:</b> 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>		

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	<p><i>Internal/External Stakeholders:</i> Trial courts and justice partners.</p> <p><i>AC Collaboration:</i> None.</p>	
3.	<p><b>Project Title</b>  <b>Courthouse Security Systems Maintenance and Replacement</b></p>	<p><b>Priority<sup>5</sup> 1</b></p> <p><b>Strategic Plan Goal<sup>6</sup> VI</b></p>
	<p><b>Project Summary<sup>7</sup>:</b> 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><b>Status/Timeline:</b> Ongoing.</p> <p><b>Fiscal Impact/Resources:</b> 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><b>Internal/External Stakeholders:</b> Trial courts and justice partners.</p> <p><b>AC Collaboration:</b> Court Security Advisory Committee.</p>	
4.	<p><b>Project Title</b>  <b>Develop Proposed Budget Change Proposals (BCPs)</b></p>	<p><b>Priority<sup>5</sup> 1</b></p> <p><b>Strategic Plan Goal<sup>6</sup> VI</b></p>
	<p><b>Project Summary<sup>7</sup>:</b> Determine budget increases to be requested each fiscal year to address the following needs: operations and maintenance, leased space, energy efficiency measures, deferred maintenance and revenue shortfalls in the State Court Facilities Construction Fund (SCFCF).</p> <p><b>Status/Timeline:</b> Ongoing. Typical BCPs timeline: drafts due to Judicial Council Budget Services by February 2021; reviewed by the Judicial Branch Budget Committee in March 2021 and approved in May 2021; and submitted to the California Department of Finance (DOF) in September 2021.</p>	

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	<p><b>Fiscal Impact/Resources:</b> 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><b>Internal/External Stakeholders:</b> Trial courts, justice partners, DOF, Legislature, and Office of Governor.</p> <p><b>AC Collaboration:</b> Judicial Branch Budget Committee.</p>	
5.	<p><b>Project Title</b> <b>Judicial Branch Facility Modification Projects</b></p>	<p><b>Priority<sup>5</sup> 1</b></p> <hr/> <p><b>Strategic Plan Goal<sup>6</sup> VI</b></p>
	<p><b>Project Summary<sup>7</sup>:</b> 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><b>Status/Timeline:</b> Ongoing. The committee meets every 30 to 60 days to review proposed projects.</p> <p><b>Fiscal Impact/Resources:</b> 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><b>Internal/External Stakeholders:</b> Trial courts and justice partners.</p> <p><b>AC Collaboration:</b> None.</p>	
6.	<p><b>Project Title</b> <b>Judicial Branch Facility Operations and Maintenance</b></p>	<p><b>Priority<sup>5</sup> 1</b></p> <hr/> <p><b>Strategic Plan Goal<sup>6</sup> VI</b></p>
	<p><b>Project Summary<sup>7</sup>:</b> 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><b>Status/Timeline:</b> Ongoing.</p>	

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	<p><b>Fiscal Impact/Resources:</b> 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><b>Internal/External Stakeholders:</b> Trial courts and justice partners.</p> <p><b>AC Collaboration:</b> None.</p>	
7.	<p><b>Project Title</b>  <b>Judicial Branch Five-Year Master Plan – Trial Court Facilities Deferred Maintenance List</b></p>	<p><b>Priority<sup>5</sup> 1</b></p> <hr/> <p><b>Strategic Plan Goal<sup>6</sup> VI</b></p>
	<p><b>Project Summary<sup>7</sup>:</b> Annually, develop the judicial branch <i>Five-Year Master Plan - Deferred Maintenance Report</i> for trial court facilities for submission to DOF for consideration of funding. The report for FY 2020–21 contains a list of 23,268 projects at an estimated rough order of magnitude of \$5.2 billion, with the Judicial Council share being \$4.1 billion.</p> <p><b>Status/Timeline:</b> Ongoing. The five-year master plan is due to the DOF in September of each year.</p> <p><b>Fiscal Impact/Resources:</b> 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><b>Internal/External Stakeholders:</b> Trial courts and justice partners.</p> <p><b>AC Collaboration:</b> None.</p>	



### III. LIST OF 2020 PROJECT ACCOMPLISHMENTS

#	Project Highlights and Achievements
1.	Ongoing: Developed and implemented Priority 3 energy-efficiency facility modification projects for lighting and HVAC improvements within existing court facilities statewide
2.	Ongoing: Collaborated with the Court Security Advisory Committee to complete security-related projects.
3.	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.
4.	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.
5.	Ongoing: Collaborated with the Court Facilities Advisory Committee in the development of the Judicial Branch Capital Program.
6.	Ongoing: Monitored progress of deferred maintenance list projects (DMF II and III) for roof, elevator/lift/escalator replacements, building automation system upgrades (BAS), and fire alarm systems in trial court facilities.
7.	Completed: As informational items in May, July, and September 2020, the Judicial Council received FY 2019–20 quarterly activity reports on the allocation of funding for trial court facility modifications.
8.	Completed: On January 27, 2020, approved FY 2021–22 Budget Change Proposals (BCPs), including a BCP to address the revenue shortfall for the SCFCF (Fund 3037).
9.	Completed: As of May 2020, all projects on the deferred maintenance list (DMF I) for roof and elevator/lift/escalator replacements in trial court facilities were completed.
10.	Completed: On May 15, 2020, approved the expenditure of up to \$5 million in Maintenance Budget funds to implement social distancing measures in trial court facilities and approved development of a Social Distancing Best Practices Guide for trial courts.  On June 1, 2020, approved a methodology for allocating the funds to trial courts statewide for temporary facilities modifications related to the re-opening of courthouses during the COVID-19 pandemic. As of December 31, 2020, a total of \$4.57 million had been disbursed.
11.	Completed: On July 20, 2020, approved submittal of a BCP to fund the fire/life/safety corrections to the Orange County Central Justice Center (CJC) required by the Office of the State Fire Marshal.

#	Project Highlights and Achievements
	<p>On August 31, 2020, approved submittal of a BCP to fund the fire/life/safety corrections to the San Diego County East County Regional Center (ECRC) required by the Office of the State Fire Marshal.</p> <p>In September 2020, staff submitted a BCP requesting \$67.7 million General Funds in FY 2021–22 (\$52.8 million for the CJC and \$14.9 million for the ECRC).</p>
12.	<p>Completed: On August 31, 2020, approved the judicial branch’s <i>Five-Year Master Plan - Deferred Maintenance Report</i> for trial court facilities for FY 2020–21 for submission to DOF.</p>
13.	<p>Completed: On October 28, 2020, the draft <i>Guidelines for the Responsibility of Facility Costs between the Judicial Council and Trial Courts</i> was presented to the CEAC Executive Committee. From November 3 through December 4, 2020, the draft guidelines were posted for public comment.</p>
14.	<p>Completed: In 2020, 35 Facility Modification projects on the Architectural Revolving Fund project list were completed.</p>
15.	<p>Completed: On December 7, 2020, approved the <i>Sustainability Plan for Trial Court Facilities</i> 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 energy usage, carbon footprint, and utility costs by pursuing energy efficiency measures; educating staff, key stakeholders, and service providers on specific energy-saving practices and broader sustainability issues; conserving other natural resources; and improving the power resiliency of the judicial branch’s portfolio through onsite renewable energy systems and storage.</p>