



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on February 26, 2016

Title

Court Facilities: Scope, Budget, and Schedule
Approval for Downtown Sacramento Capital
Project

Agenda Item Type

Action Required

Effective Date

February 26, 2016

Rules, Forms, Standards, or Statutes Affected

None

Date of Report

February 16, 2016

Recommended by

Court Facilities Advisory Committee

Hon. Brad R. Hill, Chair

Hon. Patricia M. Lucas, Vice-Chair

Hon. Jeffrey W. Johnson, Chair of the

Courthouse Cost Reduction Subcommittee

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Executive Summary

The Court Facilities Advisory Committee (CFAC) recommends approving the scope, budget, and schedule for a new 53-courtroom courthouse in downtown Sacramento. This approval is predicated on two future conditions: the Judicial Council would not commit to move the project into Construction until construction-funding legislation has been enacted, and at the completion of construction, the Judicial Council will dispose of the vacated Gordon D. Schaber Courthouse property. To the benefit of all county residents, this project will consolidate facilities including replacement of the Schaber Courthouse, and provide a modern, secure courthouse in downtown Sacramento for criminal and civil calendars and operations.

Recommendation

The Court Facilities Advisory Committee recommends that the Judicial Council, effective February 26, 2016, approve the scope, budget, and schedule for a new 53-courtroom courthouse in downtown Sacramento, predicated on two future conditions: the Judicial Council would not commit to moving the project into Construction until construction-funding legislation has been

enacted, and at the completion of construction, the Judicial Council will dispose of the vacated Gordon D. Schaber Courthouse property.

Previous Council Action

In anticipation of legislation—which was enacted—that would shift the funding of the Governor George Deukmejian Courthouse in Long Beach from the General Fund to SB 1407 resources, on January 17, 2013, the council indefinitely delayed and suspended work on the capital project’s pre-design and design, and directed staff to seek the necessary funding and approvals for site acquisition for this needed project. The council report documenting this action is available at www.courts.ca.gov/documents/jc-20130117-itemE.pdf. Site acquisition for the capital project was completed in October 2014, with the \$10 million purchase of the 2.4 acre-Railyards site in downtown Sacramento.

On July 29, 2014, the council adopted the recommendation from the CFAC and the Policy Coordination and Liaison Committee to sponsor legislation to appropriate funds for Preliminary Plans and Working Drawings for this capital project, without commitment to move it into Construction until construction-funding legislation has been enacted. The council report documenting this action is available at www.courts.ca.gov/documents/jc-20140729-itemD.pdf. In September 2014, Assembly Bill 1476 was enacted, which amended the 2014 Budget Act to provide the capital project \$27 million for Preliminary Plans and Working Drawings. This authorized funding is listed under Section 1 of AB 1476 and available at www.leginfo.ca.gov/pub/13-14/bill/asm/ab_1451-1500/ab_1476_bill_20140927_chaptered.pdf.

Rationale for Recommendation

Since funding for the capital project’s Preliminary Plans and Working Drawings was authorized in September 2014 as indicated above, the project team—comprised of superior court leadership and staff, Judicial Council staff, and architectural, engineering, construction, and planning consultants—has worked collaboratively to update the project’s program to reflect current court needs. Numerous meetings with the superior court’s leadership and staff at all levels were conducted to update the space programs associated with the authorized project, to account for adjustments occurring over time to the superior court’s operations and workload. A key finding related to space requirements is that the need for new judgeships reduced from 10 in the authorized project to 3, based on the December 2014 Judicial Council adopted update to the Judicial Needs Assessment.¹ Coupled with a review of court workload and distribution of judicial resources, the need for downtown judicial officers was revised from 61 to 53.

During this process, it became clear that the originally authorized plan to perform minimal tenant improvements to the existing Schaber Courthouse was impractical from cost and functionality viewpoints, particularly in light of the reconsidered superior court operations and workload. From that point on, the project team prepared and studied other options to the authorized scope, which led to the options—including the single-building option—presented to the CFAC’s

¹ The December 2014 update to the Judicial Needs Assessment is captured in this council report available at www.courts.ca.gov/documents/jc-20141212-itemT.pdf.

Courthouse Cost Reduction Subcommittee (CCRS) on August 10, 2015.² The CCRS directed the review of the proposed changes to the project's scope, budget, and schedule to the full advisory committee. On August 12, 2015, the CFAC chair sent the CCRS presentation materials to the full advisory committee to solicit questions and comments to assist the project team in their preparation for future presentation before the full advisory committee. In preparing responses to all CFAC questions, the project team further studied and refined options to the authorized project scope and the culmination of that effort was presented to the full advisory committee on February 3, 2016.

At its meeting on February 3, 2016, the advisory committee reviewed the proposed options to change to the capital project's scope, budget, and schedule, and recommended Option 3—the single-building option for a new 53-courtroom courthouse in downtown Sacramento.

The materials for the CFAC's meeting on February 3, 2016—which captured responses to all CFAC questions and provides a detailed analysis report on the options to the authorized project scope, including supporting documentation in the appendices on the project site, construction cost information, complete space programs and test fit floor plans for each option, and a condition assessment, leased swing space analysis, and sales proceeds on the Schaber Courthouse—are available at www.courts.ca.gov/documents/cfac-20160203-material.pdf. Because of the comprehensiveness of these materials, this council report does not reiterate those details but summarizes events leading to this meeting.

Comments, Alternatives Considered, and Policy Implications

On August 10, 2015, and as indicated above, the CCRS evaluated the proposed changes to the capital project's scope, budget, and schedule and deferred their consideration to the full advisory committee. In advance of that meeting, the proposed changes were posted for public comment on August 5, 2015, and no public comments were received.

Also, and in advance of the full advisory committee's meeting on February 3, 2016, the proposed changes were posted for public comment on January 29, 2015, and a total of 19 letters from various justice and public agencies and organizations were received. Also, and in support of the single-building option for the capital project, Justice Arthur G. Scotland (Ret.), former Administrative Presiding Justice of the Court of Appeal, Third Appellate District, and Mr. Steve Hansen, Councilmember of the City of Sacramento, spoke during the meeting.

As detailed in the materials linked above that were posted in advance of the advisory committee meeting of February 3, 2016, the project team studied three alternatives:

Option 1: An update to the authorized project that includes a 44-courtroom new courthouse and minimal renovation of the Schaber Courthouse with 9 courtrooms. This option is flawed in that it leaves approximately 77,000 gross square feet of space vacant.

² Minutes and materials from the August 2015 CCRS meeting are available at www.courts.ca.gov/documents/cfac-20150810-ccrs-minutes.pdf and www.courts.ca.gov/documents/cfac-20150810-materials.pdf.

Option 2: This option was developed in response to Option 1 and explored the maximum reuse of the Schaber Courthouse. This option is more expensive than other options studied, from a first-cost perspective as well as total project development and long-term/25-year, life cycle costs. In addition, this option takes longer to implement than the other options. Renovation of a partially-occupied building is very disruptive to the superior court, and the alternative of leasing space to fully vacate the Schaber Courthouse is very costly.

Option 3: The recommended option is construction of a single, 53-courtroom courthouse that fully consolidates all existing downtown leases and allows for expanded court services to the public in downtown Sacramento.

Implementation Requirements, Costs, and Operational Impacts

As indicated above, funding for Preliminary Plans and Working Drawings was authorized in the 2014 Budget Act. Reauthorization of funding for Working Drawings will be requested in FY 2016–2017, to allow the project to proceed from Preliminary Plans to Working Drawings without delay.

Since this capital project was indefinitely delayed with the enactment of the 2013 Budget Act, which shifted the funding of the Governor George Deukmejian Courthouse service fee payments from the General Fund to SB 1407 resources, funding for construction of the project is not possible using SB 1407 resources.

Relevant Strategic Plan Goals and Operational Plan Objectives

The recommended council action supports Goal III, Modernization of Management and Administration, and Goal VI, Branchwide Infrastructure for Service Excellence.