



# JUDICIAL COUNCIL OF CALIFORNIA

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TRIAL COURT FACILITY MODIFICATION  
ADVISORY COMMITTEE

## TRIAL COURT FACILITY MODIFICATION ADVISORY COMMITTEE

### MINUTES OF OPEN SESSION OF MEETING

July 19, 2021

10:00 AM - 2:24 PM

Judicial Council of California – Videoconference

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**Advisory Body Members Present:** Hon. Donald Cole Byrd, Chair  
Hon. William F. Highberger, Vice-Chair  
Hon. Garry G. Haehnle  
Hon. Jennifer K. Rockwell  
Hon. Vanessa W. Vallarta  
Mr. W. Samuel Hamrick, Jr.  
Mr. Jarrod Orr  
Mr. Darrel E. Parker

**Advisory Body Members Absent:** Hon. Brad R. Hill  
Hon. Patricia M. Lucas  
Mr. Shawn C. Landry

**Staff Present:** The following Judicial Council staff were present:  
Ms. Pella McCormick, Director, Facilities Services  
Mr. Jagan Singh, Principal Manager, Facilities Services  
Mr. Jim Peterson, Principal Manager, Facilities Services  
Ms. Mimi Morris, Principal Manager, Facilities Services  
Mr. Andre Navarro, Manager, Facilities Services  
Ms. Peggy Symons, Manager, Facilities Services  
Ms. Karen Baker, Manager, Facilities Services  
Ms. Mary Bustamante, Manager, Facilities Services  
Ms. Jennifer Chappelle, Manager, Facilities Services  
Ms. Nanci Connelly, Supervisor, Facilities Services  
Mr. Paul Fitzgerald, Supervisor, Facilities Services  
Ms. Donna Jorgensen, Supervisor, Facilities Services  
Mr. Glenn Mantoani, Supervisor, Facilities Services  
Mr. Steve Shelley, Supervisor, Facilities Services  
Mr. Randy Swan, Supervisor, Facilities Services  
Mr. Paul Terry, Supervisor, Facilities Services  
Mr. Patrick Treanor, Supervisor, Facilities Services  
Mr. Yassen Roussev, Supervisor, Facilities Services  
Mr. Ed Ellestad, Supervisor, Facilities Services  
Mr. Charley Martel, Supervising Attorney, Legal Services  
Ms. Kristin Kerr, Attorney, Legal Services  
Ms. Maggie Stern, Attorney, Legal Services  
Ms. Rose Livingston, Senior Analyst, Judicial Council  
Ms. Kate Albertus, Facilities Analyst, Facilities Services  
Ms. Akilah Robinson, Associate Analyst, Facilities Services

**OPEN SESSION OF MEETING**

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**Call to Order, Opening Remarks, and Roll Call**

The chair called the open session of the meeting to order at 10:00 AM, roll was taken, and opening remarks were made.

**Approval of Minutes**

The advisory committee voted to approve the open session minutes of its meeting held on May 14, 2021. *(Motion: Byrd; Second: Hamrick)*

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**PUBLIC WRITTEN COMMENTS**

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No public comments were received.

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**OPEN SESSION - ACTION ITEMS (ITEMS 1-10)**

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**Action Item 1 – Fiscal Year 2021–22 Facility Modification Budget**

The committee approved the proposed Fiscal Year 2021–22 Facility Modification (FM) budget. *(Motion: Haehnle; Second: Rockwell)*

**Action Item 2 – Fiscal Year 2021–22 Operations and Maintenance Spending Plan**

The committee approved the proposed Fiscal Year 2021–22 Operations and Maintenance spending plan.

*(Motion: Highberger; Second: Vallarta)*

**Action Item 3 – List A – Emergency Facility Modification Funding (Priority 1)**

The committee approved 53 projects for a total of \$753,917 to be paid from FM program funds to be encumbered for Priority 1 projects. *(Motion: Parker; Second: Haehnle)*

**Action Item 4 – List B – Facility Modifications Under \$100K (Priority 2)**

The committee approved 35 projects for a total of \$360,667 to be paid from FM program funds to be encumbered for Priority 2 projects under \$100K. *(Motion: Vallarta; Second: Orr)*

**Action Item 5 – List C – Facility Modification Cost Increases Over \$50K**

The committee approved cost increases of over \$50K for 7 projects for a total cost of \$736,554 to be paid from FM program funds. *(Motion: Highberger; Second: Haehnle)*

**Action Item 6 – List D – Facility Modifications Over \$100K (Priority 2) and Priority 3 Facility Modifications**

The committee approved 9 projects over \$100K for a total FM program share of \$3,390,466. *(Motion: Rockwell; Second: Vallarta)*

### **Action Item 7 – Use of Air Scrubbers During Wildfires**

The committee approved the following motion:

Whereas, the Judicial Council has provided air scrubbers to various trial courts in response to wildfires in the last several fiscal years, at a cost of \$4.6 million in FY 2020–21 for the deployment of 754 air scrubbers; and

Whereas, a review of the practices of other California state government agencies demonstrates that air scrubbers are not used by the Department of Corrections, the Department of General Services, or other state agencies for their state-owned buildings; and

Whereas, a similar review of the practices of public and private universities in California has failed to demonstrate any regular use of air scrubbers by these entities in their properties during the occasions of wildfire; and

Whereas, there is no indication of consistent use of such air scrubbers by building owners in the private sector; and

Whereas, the effectiveness of the air scrubbers deployed by the Judicial Council to date is uncertain because the buildings remained open to staff and the public and thus, due to COVID conditions, had to have a rather large amount of contaminated air steadily brought into the buildings, negating the full effectiveness of the air scrubbers, which work best when a building is sealed; and

Whereas, the Judicial Council through the TCFMAC is going to undertake a focused study on the actual effectiveness of air scrubbers in the context of courthouses.

It is therefore, the recommendation of the TCFMAC that going forward effective July 19, 2021, that:

1. The deployment of any such air scrubbers hereafter (until such time the Judicial Council adopts a formal policy) be on a cost-share basis on the following basis:
  - a. If the outside Air Quality Index (AQI) (level) is 400 or less, the air scrubbers be provided exclusively at the expense of the trial court that requests the use of such devices; and
  - b. If the AQI (level) is in excess of 400, the cost of air scrubbers for that trial court locality will be shared 50/50 between the Judicial Council’s budget and the budget of the trial court;
2. A policy be developed on air scrubbers (discussing deployment and costs) for future adoption by the Judicial Council; and
3. The pilot project for data collection (i.e., study) will run from July 19 through September 30, 2021, with an intent to provide a formal submittal (of the study data captured in the policy document) to the Judicial Council on March 3, 2022.

*(Motion: Highberger; Second: Rockwell)*

**Action Item 8 – Judicial Council Membership in Tuolumne Public Power Agency for New Sonora Courthouse**

The committee approved the *Court Facilities: Membership in Tuolumne Public Power Agency for the New Sonora Courthouse* report dated July 6, 2021, for submittal to the Judicial Council as a consent item. (*Motion: Highberger; Second: Haehnle; Opposed: Rockwell*)

**Action Item 9 – Trial Court Facility Modifications Q4 Report and Annual Summary of Facility Modifications for Fiscal Year 2020–21**

The committee approved the Trial Court Facility Modifications Q4 report—noting two edits to the title and description of Spotlight Projects on pages 4 and 5—and the Annual Summary of Facility Modifications Report for Fiscal Year 2020–21 for submission to the Judicial Council. (*Motion: Vallarta; Second: Highberger*)

**Action Item 10 – \$180 Million Allocated to the FY 2021–22 Budget for Trial Court Deferred Maintenance Projects**

The committee approved the proposed list of facility modification projects to be funded from \$180 million allocated to the FY 2021–22 budget for Trial Court deferred maintenance (the DMF-4 Project List). The list includes 212 trial court HVAC, roof, elevator, electrical, and fire protection projects across 24 counties. In addition to the trial court projects, there are 70 appellate court projects not on the list, which received \$8 million in funding, for a total deferred maintenance allocation of \$188 million. Staff noted that due to inflationary cost escalations, not all projects listed will be funded but additional project managers are being hired to ensure that all available funding is utilized. Prioritization of the projects will be based on several factors, including most urgent need, ability of counties to fund their share of the cost, design phase timelines, and potential energy savings from building automation system upgrades. (*Motion: Rockwell; Second: Haehnle*)

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**OPEN SESSION - DISCUSSION ITEMS (ITEMS 1–5)  
(NO ACTION REQUIRED)**

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**Discussion Item 1 – Director’s Report**

The committee received updates on the following:

1. 2021 Budget Act Outcome – Funding Received:
  - Full funding for the preventative maintenance program;
  - \$188 million in deferred maintenance funding (\$180 million to trial courts and \$8 million to appellate courts);
  - Capital program funding will allow decommissioning of the most deficient buildings;
  - FM funding for two large projects: the Orange County Central Justice Center Fire and Life Safety project received \$4 million this year for design and \$48.8 million next year for construction; and the San Diego East County Regional Center Egress project received \$14.9 million this year for construction;
  - \$24.4 million increase for trial court maintenance and addition of 5 positions;

- \$18.7 million increase for utilities;
  - \$7.6 million for leases; and
  - State Court Facilities Construction Fund and Immediate and Critical Needs Account were combined into one fund.
2. FY 2022–23 Budget Change Proposals:
    - \$35 million ongoing general fund augmentation to the current \$65 million budget for facility modifications for total of \$100 million;
    - \$26 million one-time general fund for the San Diego Hall of Justice County-Managed renovation project;
    - \$100 million and 3 positions for ongoing deferred maintenance; and
    - \$1.75 million one-time general fund for water-leak detection equipment.
  3. New Building Activations: New courthouses in Yreka and Sonora in 2021, and in Shasta, Imperial, and Glenn counties in 2022.
  4. Surplus Property: Starting surplus legislative process to obtain approval to sell several decommissioned courthouses.
  5. Projects of Interest: Orange Central Justice Center interim project to bridge the larger fire and life safety project; the Stanley Mosk Courthouse flood; and the Solano Hall of Justice Asset Protection project to address periodic flooding.

#### **Discussion Item 2 – List E – Court-Funded Requests (CFRs)**

The committee reviewed CFR projects approved by the Facilities Services Director since the last meeting: 7 lease extension CFRs were approved. No CFRs were cancelled during the reporting period.

#### **Discussion Item 3 – List F – Funded Facility Modifications on Hold**

The committee reviewed the list of previously funded FM projects on hold.

#### **Discussion Item 4 – Trial Courts Real Estate Expense and Revenue Forecast for Fiscal Year 2021–22**

The committee reviewed the trial courts real estate expense and revenue forecast for Fiscal Year 2021–22.

#### **Discussion Item 5 – Report on Facility Modification Projects \$2,000 and Less for Fiscal Year 2020–21**

The committee reviewed the report on facility modification projects \$2,000 and less for Fiscal Year 2020–21.

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**OPEN SESSION – INFORMATION-ONLY ITEMS (ITEMS 1–3)  
(NO ACTION REQUIRED)**

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**Information Item 1 – DMF-2 Projects Update**

The committee received an update on the status of DMF-2 projects.

**Information Item 2 – DMF-3 Projects Update**

The committee received an update on the status of DMF-3 projects.

**Information Item 3 – Architectural Revolving Fund Projects Update**

The committee received an update on FM projects in the Architectural Revolving Fund.

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**ADJOURNMENT TO CLOSED SESSION AND ADJOURNMENT**

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There being no further open session business, the open session of the meeting was adjourned at 2:24 PM, and the advisory committee moved to the closed session of the meeting. The closed session of the meeting—which was closed to the public for discussion of security-related items (per Cal. Rules of Court, Rule 10.75(d))—was adjourned at 2:30 PM.

Approved by the advisory body on August 30, 2021.