

SUPREME COURT OF VERMONT
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January 28, 2015

Senator Peg Flory, Chair, Senate Committee on Institutions
Members of Senate Committee on Institutions
Statehouse, 115 State Street
Montpelier, VT 05633

RE: Judiciary Response to Governor's Recommended FY 16-17 Capital Bill

Dear Senator Flory and members of the Committee:

On behalf of the Vermont Supreme Court, please find this response to the Governor's recommended FY 16-17 Capital Bill, including discussion of both those Judiciary requests that were included in the Governor's proposal, and those items that were not.

The discussion below is in the order that the items appear in the BGS documents. In particular, we call your attention to our request for funding in this biennial cycle for a portion of the cost of a new Case Management System. This system is a high priority for the Judiciary, and we were disappointed that it was not included in the Governor's recommendation.

FY 2016-2017 Governor's Proposed Capital Bill – Judiciary Items

Section 1, Line #9: Burlington: 32 Cherry Street (Costello Courthouse: HVAC Continued Improvements \$150,000 in FY 16

This phase of the multi-year project involves replacing approximately 125 variable air volume (VAV) boxes that date back to the original construction of Costello Court at 32 Cherry St., Burlington. These devices provide environmental temperature control for the zones they serve. They now need replacing as many are failing. When a VAV box fails, the respective zone temperature is subsequently controlled by reheating the air and this is a very energy intensive and wasteful sequence compared to varying the air flow volume as per the system design. These particular VAV boxes were not replaced as part of the recent larger project because they appeared to be in good condition. It was believed they would last much longer than this, so they were not replaced in previous phases to save money. BGS advises that they already replaced the DDCs, direct digital controls, for these boxes in the previous projects so this project involves only the physical VAV box and actuators and re-commissioning of them. **The Judiciary strongly supports this request.**

Section 1, Line #25: St. Johnsbury – Caledonia Courthouse: Stabilize Foundation: \$1.7M

The Caledonia State courthouse in St. Johnsbury is currently experiencing structural foundation issues. BGS already has a workplan in place to address it and has included this project under Section 1 (BGS Section) of the Capital Bill.

The original Caledonia Courthouse is an historic structure built in the 1850's. An addition was built on the eastern side in 1999, with EH Danson Associates as the architect. Expanding gaps in the interior, and bulges on the exterior of the original portion, were documented in late November 2013, indicating a worsening structural problem. In December 2013, EH Danson was brought in to assess the situation. EH Danson, along with their sub consultant DeWolfe Engineering, provided investigatory work to create a preliminary structural report. The original foundation has reached the end of its life and is failing by crushing and rotating. This has caused the masonry walls of the building to sink and rotate. The preliminary structural report completed in mid-January of 2014 indicated immediate action needs to be taken to ensure preservation of the historic building. The project will include temporarily consolidating court operations into the new addition and creating a temporary public entrance. Work will consist of excavating three sides of the building and construction of a C-shaped foundation cap and grade beam to stabilize the existing foundation, and threading approximately 15 steel cables through the building in the ceiling and attic space to stabilize the masonry walls in place. **The Judiciary strongly supports this request given the urgency of the needed work.**

Note: The Judiciary's original request of \$1.4M reflected our understanding in the fall of the project's costs. The revised estimate in the Capital Bill of \$1.7M reflects BGS' most current project cost estimate, and we defer to BGS' revised estimate.

Section 1, Line #30: White River Jct – Windsor Courthouse MEP, security energy: \$400,000 in FY16

Funds are requested for design services to renovate the Windsor District Courthouse to upgrade MEP (mechanical, electrical, & plumbing) systems and controls, address water infiltration through the building envelope, improve energy efficiency of building and systems, upgrade security systems and renovate building's interior to respond to changing program needs. **Given the building's current deficiencies, the Judiciary strongly supports this request.**

Section 4, Line #51: Hyde Park, Lamoille County Courthouse: \$5.2M in FY 2016

Funds are requested to continue and complete the Lamoille County Courthouse project. This construction project is proposed to start in the late spring of 2015 with the renovation to the existing 16,655 square foot courthouse, as well as the development of 11,320 square feet of new space. The project intent is to temporarily relocate the court and staff off-site in late Spring 2015 in order to complete the building renovation and additions in a more efficient manner, and without causing

continual disruption to the courts. This project will relieve overcrowding, improve security and building access, provide an ADA compliant building and improve the building's energy profile considerably. **The Judiciary strongly supports this request.**

Note: The Judiciary's original request of \$4.6M reflected our understanding in the fall of the project's costs. The revised estimate in the Capital Bill of \$5.2M reflects BGS' most current project cost estimate, and we defer to BGS' revised estimate.

Section 4, Line # 52: ADA Compliance – County Courthouses: \$180,000 in FY 2016

The Judiciary utilizes county-owned courthouses – in some instances in conjunction with a State courthouse in that county, while in other instances, the county courthouse is the only courthouse in the county. While the restructuring statute requires counties to adequately maintain their courthouses, in some instances, the State has provided assistance in this regard. State law requires the State to facilitate ADA compliance renovations at county courthouses. The two existing capital appropriations for this project are not sufficient to complete it.

The legislature directed BGS through the Capital Construction Bill [Act 154, Sec 235(a) of the Acts of 2009 Adj. Sess. (2010)] to audit (13) County Courthouses for ADA compliance. All facilities were found to have non-compliance issues and in several buildings, it was determined that renovations would be detrimental to the buildings' historical character and/or cost prohibitive to renovate to comply. In those situations, accommodations can be made at other compliant buildings to serve clients with accessibility needs. During FY'16 funds are being requested to continue making repairs and upgrades to help provide reasonable accommodations in the County Courthouse buildings. Section 37 of Act 178 of 2014 (Capital Bill Adjustment) requested BGS and the Judiciary to review the status of the ADA projects and identify any emergency funding required. **The Judiciary strongly supports these requests.**

Estimated cost of remaining renovations/modifications:

• Grand Isle Superior Court	\$33,000
• Bennington Superior Court	\$50,000
• Orleans Superior Court	\$15,000
• Chittenden Superior Court	\$16,000
• Washington Superior Court	\$38,000
• Rutland Superior Court	\$28,000
Total Estimated Cost:	\$180,000

Note: The Judiciary's original request of \$155,000 reflected our understanding in the fall of the projects' costs. The revised estimate in the Capital Bill of \$180,000 reflects BGS' most current projects' cost estimates, and we defer to BGS' revised estimates.

Section 4, Line #54: Statewide Court Security Systems & Improvements: \$100,000 in FY17

Funds are requested to begin addressing state-wide Court security. This appropriation will be used for two state courthouses (Addison and Windham) which require build-out of holding cells. Investment in the security infrastructure at the state's courthouses is essential to meet modern day threats.

The Judiciary's request for this item was \$590,000, reflecting not only the holding cell construction costs in Addison and Windham, but also the construction costs associated with the security study recently conducted under the requirements of Section E.204.1 of Act 179 of 2014 (FY 2015 Big Bill):

Sec. E.204.1 JUDICIARY; SECURITY REPORT

(a) The Court Administrator with the Manager of Security and Safety shall review current court operations and shall submit a report to the House and Senate Committees on Judiciary and on Appropriations by January 15, 2015 with any findings on the current operation and costs of providing security in all the State's courts. The report shall include any recommendations resulting from the review to restructure such operations to result in financial savings without increasing security risk to the Judiciary. Specifically, the report shall address:

- (1) any options to reduce costs when any court is not in session; and
- (2) any options to reduce costs through shared security arraignments with other co-located State agencies.

The completed report sampled four courthouses and identified significant security needs. Some of these needs relate to operating activities and expenditures; others will require physical improvements and associated capital expenditures.

The Governor's Capital Bill includes \$100,000 in FY 2017, and then identifies \$500,000 in FY 2018 as part of its long-term plan. While we appreciate that the project is included in the Governor's out-year plan, given the pressing security needs, the Judiciary reiterates its request for full capital funding in the current Capital Bill. We therefore request that the original \$590,000 request be restored in the FY16-17 Capital Bill, in order to provide funding to make security-related capital improvements at the sample courthouses as well as other courthouses where similar needs exist.

Judiciary Requested Capital Items – NOT included in Governor's Recommended FY16-17 Capital Bill

Case Management System (See Line Item #53)

The Judiciary intends to implement a new Case Management System (CMS). The expected acquisition and implementation costs are not precisely known at this time, but are currently estimated at

approximately \$10 million. Given that (1) this is a one-time cost that clearly cannot be funded from operating budget sources; and (2) the system is likely to be utilized over many years, it is appropriate to request capital funds to support the project. The Judiciary requested capital funds for half of the project, with the remainder to be funded by current and potential annual special fund sources.

The Governor's recommendation includes \$5M for project costs in FY 2018, which is outside the scope of the current Capital Bill. While we appreciate that the project is included in the Governor's out-year plan, the Judiciary reiterates its request for capital funding in the current Capital Bill. It is noteworthy that the Governor's proposal includes \$31M for information technology projects in the Agency of Human Services and the Agency of Administration. In the Judiciary's view, the CMS is equally critical to governmental modernization and efficiency.

Reconfiguration of Courthouses to optimize space – (See Line Item #55)

Three state courthouses – Barre, Burlington (Costello), and St. Albans (State), as well as the Supreme Court Building – require reconfiguration of existing space in order to increase justice service capacity and/or modernize service provision. Interior space layout requires changes. In some instances, non-Judiciary tenants are occupying space intended for courtrooms or other Judiciary operations, thereby limiting justice service capacity. The Judiciary has repeatedly requested capital funds for this purpose at these locations.

The Judiciary requested \$650,000 in capital funds to identify and address configuration issues within these buildings. The Governor's recommendation includes no funds for this project in the FY16-17 Capital Bill. **The Governor's recommendation includes the requested \$650,000 for project costs in FY 2018, which is outside the scope of the current Capital Bill. While we appreciate that the project is included in the Governor's out-year plan, the Judiciary reiterates its request for capital funding in the current Capital Bill.**

The Judiciary has been challenged to work with its justice partners to identify opportunities to provide the same high level of judicial services in a more cost-efficient manner. As a building tenant, however, the Judiciary has very little opportunity to reduce costs associated with facilities. The Judiciary has, and will continue, to bring to the attention of BGS any opportunities to reduce facility operations costs (both large and small) in State-owned courthouses. The locations identified in our request offer the opportunity to provide more efficient court services; however, capital work is likely required to harvest those savings opportunities.

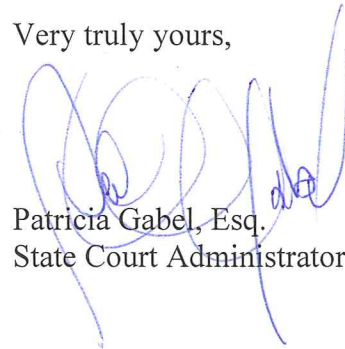
Conclusion:

We look forward to the opportunity to discuss our capital items -- both those that were included in the Governor's recommendation and those that were not – and their importance to an effective and

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efficient 21st Century judicial system. In the meantime, if you have any questions about our response, please feel free to contact us.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Patricia Gabel', is written over the typed name and title.

Patricia Gabel, Esq.
State Court Administrator

cc:

Representative Maxine Grad, Chair
House Judiciary Committee

Senator Richard Sears, Chair
Senate Judiciary Committee

Supreme Court Justices
Patricia Gabel, Esq., State Court Administrator

Steve Klein, Director, Joint Fiscal Office
Catherine Benham, Joint Fiscal Office

Wanda Minoli, BGS