

Supreme Court of Vermont
Office of State Court Administrator

PATRICIA GABEL, ESQ., State Court Administrator
patricia.gabel@vermont.gov

Mailing Address:

Office of Court Administrator
109 State Street
Montpelier, VT 05609-0701

Telephone: (802) 828-3278

FAX: (802) 828-3457

MATT RIVEN, Chief of Finance & Administration
matt.riven@vermont.gov

JEFFERY LOEWER, Chief Information Officer
jeffery.loewer@vermont.gov

LINDA RICHARD, Chief of Planning & Court Services
linda.richard@vermont.gov

TARI SCOTT, Chief of Trial Court Operations
theresa.scott@vermont.gov

www.vermontjudiciary.org

TO: Representative Alice Emmons, Chair
Members House Corrections and Institutions

FROM: Patricia Gabel, Esq., State Court Administrator

RE: Judiciary-related items in the FY 2018-2019 Governor's Recommended Capital Bill

DATE: February 2, 2017

On behalf of the Vermont Supreme Court, I write to provide the Judiciary's position on various capital projects either requested by the Judiciary and/or requested by BGS on behalf of Judiciary-occupied buildings. **In general, the Judiciary strongly supports the total fiscal commitment made by the Governor on behalf of these initiatives.** The Judiciary, however, was not consulted regarding the structure and approach of the Governor's fiscal strategy, and we look forward to working with the Legislature to understand it better. (This issue is addressed in more detail below in the discussion of the Next Generation Case Management System.) We also address several items that were requested but not funded. Regarding these items, while we are disappointed that they were not included in this capital cycle, we understand that fiscal constraints required prioritization among the Judiciary's requests and we support the prioritization decisions the Governor made. We look forward to addressing these items again, either as part of a capital budget adjustment next year, or in the next capital cycle.

The following items are addressed below:

- Next Generation Case Management System – funded in Governor's Appropriations Bill
- Renovation of Supreme Court and former Department of Libraries – funded in Governor's Capital Bill in BGS section
- Barre security infrastructure improvements – not funded in Governor's Capital Bill
- Orleans courthouse(s) – future needs – not funded in Governor's Capital Bill
- Security infrastructure improvements – additional request – not funded in Governor's Capital Bill

One-time Funding for Next Generation Case Management System (NG-CMS): \$5.8M -

The following information and figures are preliminary pending final vendor selection and contract negotiation. The Judiciary has begun the process of acquiring an NG-CMS to replace its antiquated current case docketing system. (See [Vermont Judiciary Next Generation Case Management System \(NG-CMS\) Legislative Update](#) previously provided to the Legislature on

January 24, 2017, for additional details about this project). The Judiciary has preliminarily estimated a total project acquisition cost of approximately \$12M. Act 26 of 2015 (FY2016-2017 Capital Bill) appropriated \$4.55M for the first stages of acquisition of the NG-CMS, with the expectation that the Judiciary would return during this Capital Bill cycle to request the remaining funds. This fall, the Judiciary submitted a request of \$5.8M as part of the Governor's Capital Bill development process. (The Judiciary expects to contribute \$1M-\$2M of its own Court Technology Funds toward the acquisition cost.)

As part of the Governor's overall fiscal package, the Governor opted to include the Judiciary's request for NG-CMS funding in his annual Appropriations bill by funding it with one-time "non-budgeted revenue" rather than in the Capital Bill. The Judiciary is pleased that this most critical project is fully funded in the Governor's overall plan, and defers to the other two branches as to the most appropriate means to fund it. The Judiciary, however, would emphasize that the contracting path being taken requires that this funding remains intact.

Montpelier – 111 State Street Renovations: \$6.6M: The Governor and BGS included \$6.6M in the proposed capital bill for this project. **The Judiciary strongly supports this item.** The Governor's proposal is as follows (from page 14 of Capital Plan):

In response to a Legislative request in 2015, BGS conducted an inventory and evaluation of all space in central Vermont, called The Capital District Plan. One of its highest priorities was 111 State Street because the Department of Libraries no longer needs its stack space. This proposed project grew out of that study and its aim is to:

- *improve the use of an essential Complex building, adding 13,500 sf of office space for the Supreme Court, Agency of Administration, and elected officials in the Pavilion;*
- *improve public accessible entry to both 111 and 109 State Street;*
- *improve security for both 111 and 109 State Street, especially for the Court and for the Governor;*
- *mitigate the significant flood hazard of the existing building;*
- *maintain this nationally significant historic building;*
- *update the building for energy efficiency;*
- *reduce operational costs for the building; and*
- *reduce State leased space in central Vermont.*

The Judiciary strongly agrees with all the stated goals above. A renovated and expanded Supreme Court building will: enhance the safety, comfort, and access of all building users including the public and Judiciary employees; and allow Judiciary staff currently located in rental space to work directly with their colleagues in this building, reducing costs and improving operational effectiveness. The Judiciary is currently working closely with BGS in the pre-design phase of this project. We defer to BGS regarding the technical issues of this significant project.

Barre security infrastructure improvements – not funded in Governor's Capital Bill: This Judiciary request followed up on the Barre courthouse infrastructure and design study funded in the FY17 capital adjustment act (\$40K in H.878, Sec.5(d)(2)). The issues to be addressed in the study are those raised by court security experts, including: lack of sallyport; prisoner transport

flow through courthouse; location of judges' chambers in relation to prisoner transport. BGS selected a vendor and the study is underway. As part of the FY 2018/19 Capital Bill request, the Judiciary requested that BGS pursue next steps that would follow from the study's results, including any necessary funding. This request was not included in the Governor's recommendation. As noted above, the Judiciary recognizes the prioritization of funding that was required. The Judiciary, however, expects that the study will confirm the need for these security modifications and illuminate a path to address them in the future.

Orleans courthouse(s) – future needs – not funded in Governor's Capital Bill:

This Judiciary request followed up on the Orleans courthouse(s) infrastructure and design study funded in the FY17 capital adjustment act (\$50K in H.878, Sec.5(d)(1)). In Newport, Judicial operations are currently split between the State and County courthouses, across the street from each other. This split limits operational efficiencies and creates unnecessary security risks. Both buildings have physical plant limitations and shortcomings. Both State and County buildings have physical challenges, which argues for a holistic approach rather than project-based repairs. Subsequent NEK EB5 issues have created a large vacant property site in downtown Newport. Results of this study would indicate options and recommend next potential steps. BGS selected a vendor and the study is underway. As part of the FY 2018/19 Capital Bill request, the Judiciary requested that BGS pursue next steps that would follow from the study's results, including any necessary funding. This request was not included in the Governor's recommendation. As noted above, the Judiciary recognizes the prioritization of funding that was required. The Judiciary, however, expects that the study will confirm the need for a long-term plan in Newport and identify the merits and costs of various options, so that this issue can be addressed in the future.

Security infrastructure improvements – additional request – not funded in Governor's Capital Bill: In previous security studies, the Judiciary identified an estimated \$2.1M of security infrastructure needs. The Judiciary very much appreciates that during the FY16-FY17 capital cycle, the Legislature funded \$915K of this request. The Judiciary has earmarked these funds for several high-priority security projects: build-out of critically needed secure courthouse holding cells at two courthouses (Brattleboro and Middlebury), and addressing the statewide critical need to replace obsolete and inadequate security video cameras and duress alarms. Construction contracts (under the supervision of BGS project management) are underway at both courthouses to build the holding cells. The Judiciary issued an RFP for security camera and duress alarm design, equipment, installation, and service. None of the bids received met all the criteria sought by the Judiciary. The Judiciary intends to complete the design work in an expedited fashion, and then issue a new RFP for equipment and installation.

As part of the FY 2018/19 capital request process, the Judiciary requested the remaining estimated \$1.2M of security infrastructure needs. This request would have funded items including: replacement of aging X-ray machines and metal detectors; installation of access control card readers for internal doors; strengthening screening post and courtroom ballistic protection; installation of intrusion alarms; and renovating and expanding other prisoner holding cells. As noted above, the Judiciary recognizes the prioritization of funding that was required. Recent events, however, including the Sobel shooting have confirmed the findings of multiple

studies that emphasize the need for these enhancements. The Judiciary looks forward to working with the Legislature to continue to address these critical issues in the future.

The Judiciary thanks the Committee and the Legislature for its support of recent Judiciary-related projects, and we look forward to working with you to advance the items discussed above. Please feel free to contact us with any questions.

cc: Sen. Peg Flory and Members of Senate Institutions Committee
Catherine Benham, JFO
Steve Klein, JFO
Brad Ferland, Deputy Secretary of Administration
Christopher Cole, Commissioner of BGS
Nick Foss, Budget and Management Analyst
Matt Riven, Judiciary Chief of Finance and Administration
Rebecca Baruzzi, Committee Assistant – House Corrections and Institutions
Heather Calderwood, Committee Assistant – Senate Institutions