

Supreme Court of Vermont
Office of State Court Administrator

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TO: Senator Peg Flory, Chair
Members Senate Institutions Committee

FROM: Patricia Gabel, Esq., State Court Administrator

RE: Judiciary-related items in the FY 2018-2019 House Capital Bill (H.519)

DATE: April 4, 2017

A handwritten signature in black ink, appearing to read "Patricia Gabel", is written over the "FROM:" line of the letterhead.

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 as reflected in H.519, the FY 2018-19 Capital Bill as passed by the House.

In general, the Judiciary greatly appreciates the general fiscal commitment made by the House, and the Corrections and Institutions Committee, regarding two key priorities for the Judiciary: the Next Generation Case Management System (NG-CMS) and the future renovation of the Supreme Court building. These two key initiatives were also included in the Governor's overall fiscal package, and we appreciate that they were generally preserved in the House plan, despite the overall fiscal pressures confronting the Legislature this year.

This letter addresses some particular areas of concern regarding those two priority issues. **In particular, the Judiciary greatly appreciates the House's commitment to the CMS project in the Capital Bill, and believes that the Capital Bill is the most appropriate venue given that Act 26 provided the original funding. The Judiciary requests that the Senate include the remaining \$2.8M FY19 need in the Capital Bill in order to provide full funding for this critical project.**

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 made by the Governor and the House. 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 – partially funded in House Capital Bill
- Renovation of Supreme Court and former Department of Libraries – funded in House Capital Bill in BGS section
- Barre security infrastructure improvements – not funded in House Capital Bill
- Orleans courthouse(s) – future needs – not funded in House Capital Bill
- Security infrastructure improvements – additional request – not funded in House Capital Bill

Funding for Next Generation Case Management System (NG-CMS):

The following information and numbers are preliminary, pending final vendor selection and contract negotiation. The Judiciary is well into the process of acquiring a NG-CMS to replace its antiquated legacy case docketing system, VTADS. We had 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 \$5.8M 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. (Since the Judiciary's original request in the fall, we have revised our remaining cost need downward to \$5.6M, currently estimated to split equally at \$2.8M each in FY18 and FY19.) The House moved this funding to the Capital Bill, consistent with the first tranche of funding provided in Act 26. Under the House plan, however, only the FY18 portion was included in the Capital Bill. The FY19 portion is unfunded. **As we have communicated to the House, this funding uncertainty creates challenges as the Judiciary attempts to finalize negotiations with a vendor and as we prepare for implementation of this critical initiative.**

The Judiciary greatly appreciates the House's commitment to this project, and believes that the Capital Bill is the most appropriate venue given that Act 26 provided the original funding. The Judiciary requests that the Senate include the remaining \$2.8M FY19 need in the Capital Bill in order to provide full funding for this critical project.

Supreme Court building renovation (BGS appropriation):

The Governor and BGS included \$6.6M in the proposed capital bill for this project. The House Capital Bill funds it at \$4.6M. (Our understanding is that this change reflecting available funds and more realistic project timing.) **The Judiciary strongly supports this item.**

As described in the Governor's Capital Plan, this project is described 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. As discussed during our testimony with the Senate Institutions Committee, the Judiciary looks forward to working in partnership with BGS on this project. It should be noted that it is the Judiciary's view that its needs will fully occupy the Supreme Court building footprint. We look forward to working with BGS to reconcile the Judiciary's future needs with the available renovated space.

Barre security infrastructure improvements – not funded in House 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 nor in the House plan. 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 House 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, nor in the House bill. 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 House 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. This request was not included in the Governor's capital plan nor in the House bill. 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: Chair Alice Emmons and members of House Corrections and 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