

AGENDA ITEM #14
March 24, 2009

Worksession

MEMORANDUM

March 20, 2009

TO: County Council

FROM: Susan J. Farag, Legislative Analyst *SJF*

SUBJECT: **Worksession: County Executive Recommended Amendment to the FY09-14 Capital Improvements Program: Judicial Center Annex**

The following officials and staff are expected to attend:

Hamid Omidvar, Department of General Services
Pam Harris, Circuit Court Administrator
Amy Wilson, Office of Management and Budget

SUMMARY OF PUBLIC SAFETY COMMITTEE RECOMMENDATION

The Public Safety Committee held a worksession on the Judicial Center Annex on March 12, 2009. The Committee voted 3-0 to approve the Executive's recommended amendment.

The Executive's recommendation shifts \$3.5 million from FY10. This includes \$500,000 in planning, design, and supervision; \$273,000 in construction; and \$2.7 million in "other." The Department of General Services (DGS) and the Office of Management and Budget (OMB) both state that the shift is for budgetary purposes only, and does not impact the construction schedule for either the HVAC upgrade or the Annex. Discussion focused on the shift of funds, specifically on whether the \$2.7 million shifted from the "other" category would have any material impact on the delivery schedule. DGS stated that these funds were primarily for IT services, security, signage, furniture, and moving costs.

COUNTY EXECUTIVE RECOMMENDATION

JUDICIAL CENTER ANNEX (\$ IN THOUSANDS)

	TOTAL	Thru 08	FY09	FY10	FY11	FY12	FY13	FY14
Approved	139,833	4,589	6,744	11,950	16,550	25,000	25,000	25,000
CE Rec.								
01 09	139,833	4,589	6,744	8,450	17,050	25,000	28,000	25,000
Difference	\$0	\$0	\$0	(\$3,500)	\$500	\$0	\$3,500	\$0

The County Executive’s recommendation states that the amendment is a shifting of funds for fiscal capacity reasons (PDF attached at ©3-4).

Estimated cost: \$139,833,000

Recommended FY10 Appropriation: \$7,607,000
 Cumulative Appropriation (As of FY10): \$23,997,000

BACKGROUND

The Circuit Court has been working with the Division of Facilities and Services since 1998 to project future facility needs for the court and related judicial functions. As part of the FY03 CIP, the Council reviewed an analysis of options for providing for the future needs of the Court. At the time (2002), the following reasons for expansion were provided:

- The Judicial Center is out of courtrooms and support space now.
- Projections based on data from 1985-2000 estimated that six additional judges would be needed by 2005, and 16 additional judges would be needed by the year 2020 to meet expected workload.
- By 2005, the Circuit Court and supporting agencies would need almost 80,000 net usable square feet of space. By 2020, the space shortage will increase to almost 127,000 square feet.
- According to statute, the Circuit Court must remain in the County seat (Rockville).
- Experience demonstrates significant operating cost savings when Court functions are consolidated in a single complex.
- Spatial, infrastructure, and security requirements for the court cannot be met in standard commercial leased space.
- When vacated, the Gray Courthouse can be renovated and used for Offices for the State’s Attorney.
- Of all options considered, providing new courtrooms in an annex to the Judicial Center is less costly (in capital and operating), easier to construct, and has a shorter completion timeline than placing all new courtrooms in a renovated and expanded Grey Courthouse or adding an administrative annex and renovating existing space for new courtrooms.

Based on the analysis, the Council added the Judicial Center Annex project to the Capital Improvements Program. The total estimated cost was \$40.555 million. Design was to begin in FY07. The construction was not in the six-year program but was assumed to begin once design was complete (FY09). The plan called for a two-phase annex. Both phases would be designed at the same time, but construction was funded for the first phase only. The first phase would have built eight new courtrooms. The second phase would have finished an additional six courtrooms. Renovations would occur in the existing Judicial Center to meet the growing needs of the support offices (Clerk of the Court, Registrar of Wills, etc.). The project assumed that document imaging would be available to reduce the need for storage space. The plan also required that the State's Attorney's Office be related to another building at an estimated cost of about \$1 million per year if leased space were used. At the time, it was hoped that the Grey Courthouse could be renovated for this purpose, as the District Court was expected to move to its new courthouse in FY09.

The County Executive included the Annex in his FY05-10 CIP. For FY05, the size of the Annex was increased, as a decision was made that the building should be sized to meet the needs of the court through 2025. The total estimated cost for the project was \$47.819 million. Again, the Annex would be built in two phases with both phases designed at the same time. Phase 1 would now build 11 courtrooms. Phase 2 would be designed to provide space for up to an additional 12 court rooms, for a total of 23 new courtrooms. Design was still programmed to begin in FY07, and construction was programmed to begin in FY09 and be completed in FY10. The plan continued to required renovations in the Judicial Center and relocation of the State's Attorney's Office.

For FY07-12, the Council was told that there was a need to spend additional time analyzing what the right size and scope are for this building, given new information on the HVAC system in the Judicial Center. In addition, the State's schedule for leaving the Grey Courthouse was uncertain, and the previous plan relied on leased space for a renovated Grey Courthouse for the State's Attorney's Offices. The best estimate for the cost of the Annex and related Judicial Center renovations was now \$120 million.

On May 22, 2008, the Council approved the FY09-14 Capital Improvements Program (CIP), which included funding for the planning, design, and construction of a Montgomery County Judicial Center Annex, the Judicial Center HVAC Renovation, and other needed renovations to the Judicial Center (PDF attached at ©1-2). The approval provided approximately \$100 million for construction costs. This amount was added in FY12 – FY15. During budget deliberations, the Committee recommended that the Department of Public Works and Transportation (now DGS) develop a plan that expedites the renovation of the HVAC system in the Judicial Center, in order to reduce the chance that the courtrooms might have to close because of a failure of the aging system. The cost of HVAC replacement was estimated at \$25 to \$35 million dollars. In addition, the Committee recommended the size of the Annex be reduced so that it will cost about \$100 million. DGS has worked to modify the concept design to work within these parameters.

In a September 15, 2008 memo (© 5-6), Public Safety Chairman Andrews asked DGS to provide an update of the Judicial Center Annex, including the development of a second option that would add one additional floor to the annex to provide office space only (no courtrooms). The

additional floor should ensure that the Family Division courtrooms and staff could remain in the Annex even after all new courtrooms are eventually built out. In addition, Chairman Andrews asked DGS to explore scheduling alternatives that might allow for higher usage of the courtrooms, including the possibility of night court.

In November 2008, the Committee received an update from DGS, which provided an overview of several design schemes and how each would accommodate staffing and space needs. Focusing on 2015 space needs, DGS sought to provide 10 new courtrooms, seven finished and three shelled, and to provide essential functions to accommodate the new courtrooms. DGS recommended, and the Committee agreed, on Scheme 3 (attached at ©7-12). This layout does not include an additional floor to accommodate more office space as requested by the Committee. DGS said that it would request that the architect design an additional floor of office space to be provided as a bid alternate.

PROJECT TIMELINE

HVAC

- Design Development to be completed May 2009
- Out to bid June 2009
- Construction to begin October 2009

Judicial Center Annex

- Design Development to be completed January 2010
- Construction documents to be completed August 2010
- Construction to begin November 2010 (estimated completion in three years)

<u>This packet includes the following:</u>	<u>©#</u>
Approved PDF for the Judicial Center Annex	1 - 2
CE Recommended Amendment PDF for the Judicial Center Annex	3 - 4
Councilmember Andrews’ September 15, 2008 Memo to DGS	5 - 6
Judicial Center – Conceptual Planning Site and Building Concepts (Scheme 3)	7 - 12
Judicial Center Annex and HVAC Upgrade Projected Timeline	13

Judicial Center Annex -- No. 100300

APPROVED

Category	Public Safety	Date Last Modified	June 03, 2008
Subcategory	Other Public Safety	Required Adequate Public Facility	No
Administering Agency	General Services	Relocation Impact	None.
Planning Area	Rockville	Status	Preliminary Design Stage

EXPENDITURE SCHEDULE (\$000)

Cost Element	Total	Thru FY07	Est. FY08	Total 6 Years	FY09	FY10	FY11	FY12	FY13	FY14	Beyond 6 Years
Planning, Design, and Supervision	22,282	592	3,988	17,702	6,744	992	3,500	3,500	2,500	466	0
Land	0	0	0	0	0	0	0	0	0	0	0
Site Improvements and Utilities	5,502	0	0	5,502	0	0	3,000	2,502	0	0	0
Construction	108,667	0	0	83,667	0	8,131	10,050	18,452	22,500	24,534	25,000
Other	3,382	9	0	3,373	0	2,827	0	546	0	0	0
Total	139,833	601	3,988	110,244	6,744	11,950	16,550	25,000	25,000	25,000	25,000

FUNDING SCHEDULE (\$000)

Current Revenue: General	355	330	25	0	0	0	0	0	0	0	0
G.O. Bonds	139,478	271	3,963	110,244	6,744	11,950	16,550	25,000	25,000	25,000	25,000
Total	139,833	601	3,988	110,244	6,744	11,950	16,550	25,000	25,000	25,000	25,000

DESCRIPTION

This project provides for the planning, design, and construction of a Montgomery County Judicial Center Annex, the Montgomery County Judicial Center HVAC Renovation, and other needed renovations to Montgomery County Judicial Center. Associated requirements for items such as phasing, parking, and security will also be funded through this project.

COST CHANGE

The County Council has given guidance to the Circuit Court and the Executive branch that the construction cost for the Judicial Center Annex should be approximately \$100 million dollars, which was added in FY12 - FY15. The County Council recognizes that this will require a reduction from the currently proposed 330,000 gross square foot building.

JUSTIFICATION

There are currently 21 Circuit Court Judges. The Judicial Center's 17 courtrooms are all assigned. Four Circuit Court Judges are assigned to other courthouses; three Juvenile Division Judges are housed in the Grey Courthouse and one in the historic Red Brick Courthouse. There are no remaining courtroom spaces available in any of the three courthouses leaving no room for new Circuit Court judicial positions. The October 2003 needs assessment completed by URS projected that to handle the projected number of court filings, 22 judicial positions would be needed in 2005; 25 in 2010; 28 in 2015; 31 in 2020; and 34 in 2025. A projection was also made regarding the staff needed to support these positions in the Circuit Court administrative, Clerk of the Court, Register of Wills, State's Attorney, and Sheriff's offices.

The following studies have been completed as a part of this project: Judicial Center Annex Project Report (URS/ Fentress - 2003), Courtroom Utilization study (URS/Fentress - 2003), Planning drawings for phases 1 and 2 of a judicial center annex (URS - 2003), Circuit Court Facilities Need (Vitetta - 2001), Montgomery County Circuit Court facility master Plan, Impact of family Court, and Staff and Space Requirements (Vitetta - 1998). The project has also been included in studies completed for the Rockville core plan. Courtrooms are designed to meet National Center for State Court standards.

OTHER

The County Council has requested the Circuit Court and Executive branch review and update the case filing and staff projections developed in 2003. The Council has requested this review include information on the weighted caseload trends as collected by the Administrative Office of the Court. The Council has also requested that alternative operational scenarios, such as the use of night court be explored to determine if courtrooms can be used for a longer portion of the day. The Executive branch must provide the Council's Public Safety Committee with progress briefings after the Program of Requirements validation, design of the HVAC renovations, and design development of the annex.

This project was first included in the Capital Improvements Program in FY2003. It was assumed that the annex could be designed to meet long-term needs and then built in two phases to reduce short-term costs. Later studies by DPWT determined that two-phase construction of the annex presents significant issues in terms of construction complexity and total project costs.

Planning and design development for other County buildings in the Rockville Core as identified in the Government Core Facilities Optimization Master Plan Study are funded through Project No. 360901, Montgomery County Government Complex.

APPROPRIATION AND EXPENDITURE DATA	COORDINATION	MAP
Date First Appropriation	FY03 (\$000)	
First Cost Estimate	FY09 139,833	
Current Scope	FY09 139,833	
Last FY's Cost Estimate	39,833	
Appropriation Request	FY09 14,983	
Appropriation Request Est.	FY10 7,607	
Supplemental Appropriation Request	0	
Transfer	0	
Cumulative Appropriation	8,994	
Expenditures / Encumbrances	7,131	
Encumbered Balance	1,863	
Partial Closeout Thru	FY06 0	
New Partial Closeout	FY07 0	
Total Partial Closeout	0	

Circuit Court
 Sheriff's Office
 State Attorney's Office
 Register of Wills
 Clerk of the Circuit Court
 Department of General Services
 Department of Technology Services
 County Council
 Criminal Justice Coordinating Commission
 City of Rockville

Special Capital Projects Legislation [Bill No. 23-06] was adopted by Council June 13, 2006.

Judicial Center Annex -- No. 100300 (continued)

An architect was selected in 2007.

FISCAL NOTE

The funding in this project is expected to provide for the costs of planning, design, and supervision of renovations to the Judicial Center and the construction of the Judicial Center Annex. The estimate will be updated after validation of the Program of Requirements and design development of the HVAC renovations to the Judicial Center and the Judicial Center Annex. Because of the age of the HVAC system in the Judicial Center, the County Council has requested that the planning include an expedited schedule for these HVAC upgrades. Upgrades to the existing courtrooms are most critical. Upgrades to the remainder of the Judicial Center may be provided in the most cost effective manner in coordination with the construction of the Judicial Center Annex. HVAC upgrades are expected to cost between \$25 million and \$35 million.

OTHER DISCLOSURES

- A pedestrian impact analysis will be performed during design or is in progress.

Judicial Center Annex -- No. 100300

RECOMMENDED AMENDMENT

Category
Subcategory
Administering Agency
Planning Area

Public Safety
Other Public Safety
General Services
Rockville

Date Last Modified
Required Adequate Public Facility
Relocation Impact
Status

January 14, 2009
No
None.
Preliminary Design Stage

EXPENDITURE SCHEDULE (\$000)

Cost Element	Total	Thru FY08	Rem. FY08	Total 6 Years	FY09	FY10	FY11	FY12	FY13	FY14	Beyond 6 Years
Planning, Design, and Supervision	22,281	1,255	3,324	17,702	6,744	492	4,000	3,500	2,500	466	0
Land	0	0	0	0	0	0	0	0	0	0	0
Site Improvements and Utilities	5,502	0	0	5,502	0	0	3,000	2,502	0	0	0
Construction	108,668	1	0	83,667	0	7,858	7,323	18,452	25,500	24,534	25,000
Other	3,382	9	0	3,373	0	100	2,727	546	0	0	0
Total	139,833	1,265	3,324	110,244	6,744	8,450	17,050	25,000	28,000	25,000	25,000

FUNDING SCHEDULE (\$000)

Current Revenue: General	355	330	25	0	0	0	0	0	0	0	0
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DESCRIPTION

This project provides for the planning, design, and construction of a Montgomery County Judicial Center Annex, the Montgomery County Judicial Center HVAC Renovation, and other needed renovations to Montgomery County Judicial Center in Rockville. Associated requirements for items such as phasing, parking, and security will also be funded through this project.

JUSTIFICATION

There are currently 21 Circuit Court Judges. The Judicial Center's 17 courtrooms are all assigned. Four Circuit Court Judges are assigned to other courthouses; three Juvenile Division Judges are housed in the Grey Courthouse and one in the historic Red Brick Courthouse. There are no remaining courtroom spaces available in any of the three courthouses leaving no room for new Circuit Court judicial positions. The October 2003 needs assessment completed by URS projected that to handle the projected number of court filings, 22 judicial positions would be needed in 2005; 25 in 2010; 28 in 2015; 31 in 2020; and 34 in 2025. A projection was also made regarding the staff needed to support these positions in the Circuit Court administrative, Clerk of the Court, Register of Wills, State's Attorney, and Sheriff's offices.

The following studies have been completed as a part of this project: Judicial Center Annex Project Report (URS/ Fentress - 2003), Courtroom Utilization Study (URS/Fentress - 2003), Planning Drawings for Phases 1 and 2 of a Judicial Center Annex (URS - 2003), Circuit Court Facilities Need (Vitetta - 2001), Montgomery County Circuit Court Facility Master Plan (Vitetta - 1998), Impact of Family Court Division (Vitetta - 1998), and Staff and Space Requirements (Vitetta - 1998). The project has also been included in studies completed for the Rockville Core Plan. Courtrooms are designed to meet National Center for State Court standards.

OTHER

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This project was first included in the Capital Improvements Program in FY2003. It was assumed that the annex could be designed to meet long-term needs and then built in two phases to reduce short-term costs. Later studies by DPWT determined that two-phase construction of the annex presents significant issues in terms of construction complexity and total project costs.

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FISCAL NOTE

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APPROPRIATION AND EXPENDITURE DATA	COORDINATION	MAP
Date First Appropriation FY03 (\$000)	Circuit Court	
First Cost Estimate Current Scope FY09 139,833	Sheriff's Office	
Last FY's Cost Estimate 139,833	State Attorney's Office	
Appropriation Request FY10 7,607	Register of Wills	
Supplemental Appropriation Request 0	Clerk of the Circuit Court	
Transfer 0	Department of General Services	
Cumulative Appropriation 23,977	Department of Technology Services	
Expenditures / Encumbrances 3,165	County Council	
Unencumbered Balance 20,812	Criminal Justice Coordinating Commission	
Partial Closeout Thru FY07 0	City of Rockville	
New Partial Closeout FY08 0	Special Capital Projects Legislation [Bill No. 23-06] was adopted by Council June 13, 2006.	
Total Partial Closeout 0		

Recommended

Judicial Center Annex -- No. 100300 (continued)

expected to cost between \$25 million and \$35 million. The fiscal year expenditure schedule has been amended; changes will not impact the project delivery.

OTHER DISCLOSURES

- A pedestrian impact analysis will be performed during design or is in progress.



MONTGOMERY COUNTY COUNCIL
ROCKVILLE, MARYLAND

OFFICE OF THE COUNCIL PRESIDENT

September 15, 2008

MEMORANDUM

TO: David Dise, Director, Department of General Services

FROM: Phil Andrews, Chair, Public Safety Committee

SUBJECT: **Request for Two Cost Estimates for Judicial Center Annex**

I have received an update from Council staff on the August 21 presentation to stakeholders on the concept design for the Judicial Center Annex. I appreciate the work that your staff and the architects have done. I am pleased to hear that there has been so much effort to work within the \$140 million allocated by the Council for construction of the annex, renovations to the current Judicial Center, and HVAC replacement and repairs.

There are four major goals for this project:

- Replace and repair the aging HVAC system in the current Judicial Center to avoid a situation where the court would have to shut down because of an HVAC failure.
- Increase the number of Circuit Court courtrooms as all courtrooms are currently assigned and the county has no space for additional judges when they are approved by the State.
- Bring all the Circuit Court courtrooms into one building/secure perimeter. The county is currently operating from three courthouses.
- Fully integrate the Juvenile Division and the Family Division into a true Family Division. This is not currently possible because of the multiple courthouses.

I understand that the current plans will provide for the needed courtrooms and HVAC repair. I further understand that there are certain elements (such as all the projected space for the State's Attorney's Office and Register of Wills) that may not be able to be

accommodated. However, I am concerned that there is not space for the projected Court and Clerk of the Court's staff for the Family Division and that this will impact the county's ability to achieve the goal of an integrated Family Division.

I am requesting that in addition to the current plans being developed, the Council be provided with the cost for a second option that would add one additional floor that would be office space only (no courtrooms). This additional floor should ensure that the Family Division courtrooms and staff can remain in the Annex even after all the courtrooms are eventually built out. Because all the foundation work is already included in the current plans and because this would only be office space, I am expecting that the marginal cost per square foot will be significantly lower than the average cost per square foot being used for the current cost estimate.

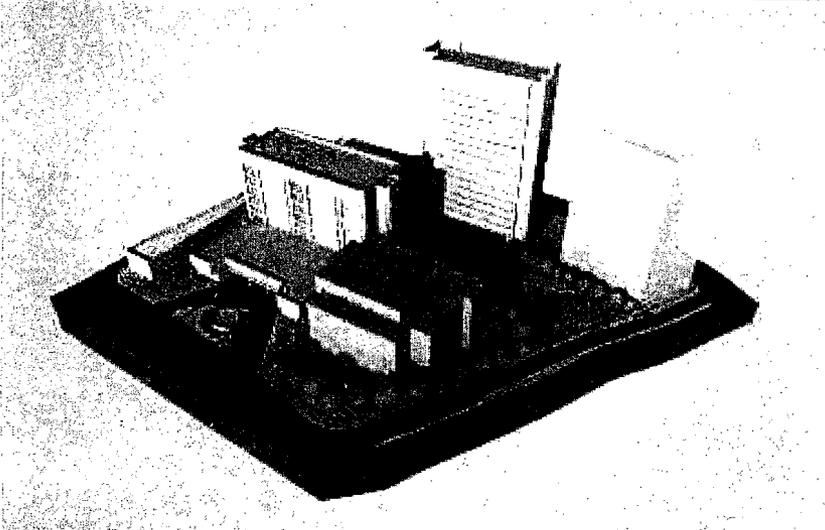
In addition, when the Council approved the funds for this project we specifically asked that scheduling alternatives be explored to see how we might get even higher usage out of our courtrooms. I want to emphasize that I still want to push the envelope in this regard and request that the Court and DGS explore whether some relatively simple changes, such as some additional judge's chambers, might allow the county to use additional retired judges or bring in judges to work in the evening for special courts like the drug court.

The Public Safety Committee has scheduled an update on the Judicial Center Annex for November 20th at 9:30 a.m. I am requesting that the option of an additional floor of office space and how the building will accommodate flexible scheduling be included as a part of your presentation.

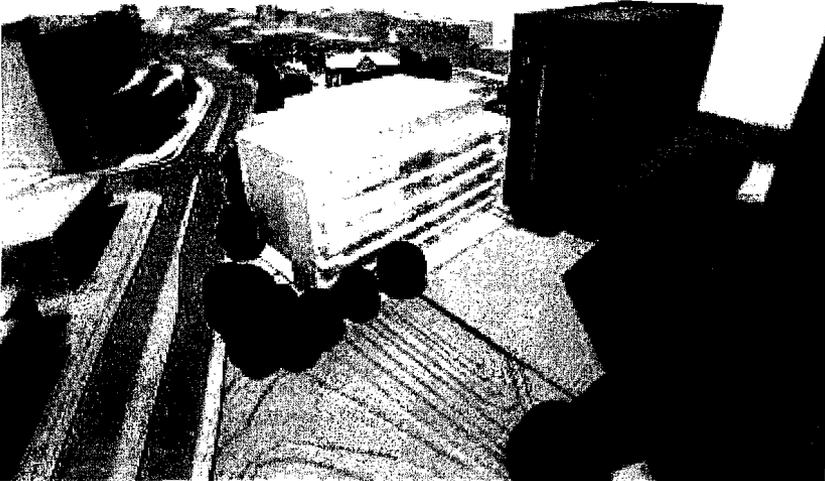
Thank you very much for your attention to this matter. If you have any questions, please call me or Susan John of Council staff (x77921).

C: The Honorable Ann Harrington, Circuit Court
Councilmembers
Tim Firestine, Chief Administrative Officer
Joe Beach, Management and Budget
Hamid Omidvar, General Services

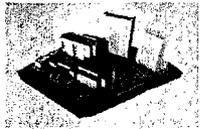
Scheme 3 Attributes



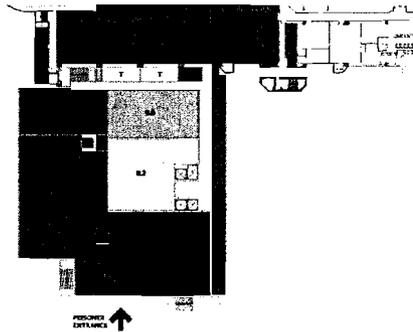
- +/- 137,000 GSF
- 5 story Annex / Bldg Ht. = 101'
- 4 courts per floor
- Expansive curtainwall at lobbies
- Public views to east plaza
- Juvenile floor / Trial floor (1 each)
- Shared juvenile / trial floor (1)
- Building Efficiency = 1.43
- Estimated Cost = \$80.8M



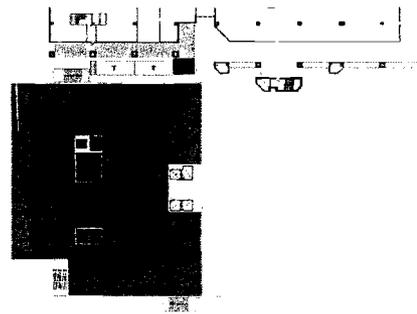
Scheme 3 – Floor Plans



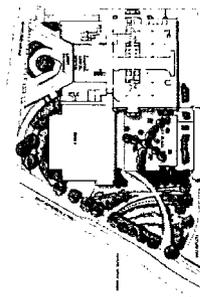
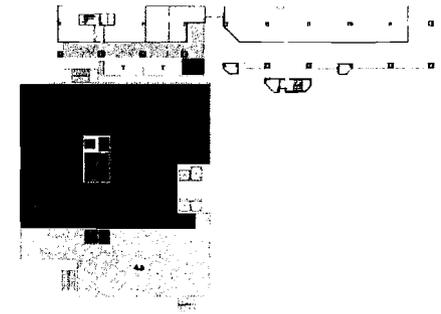
TERRACE LEVEL



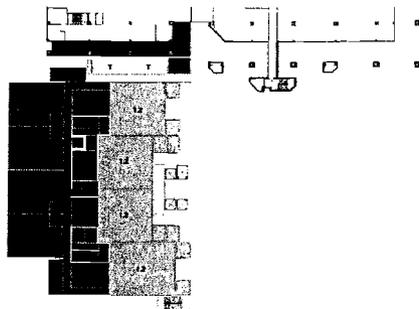
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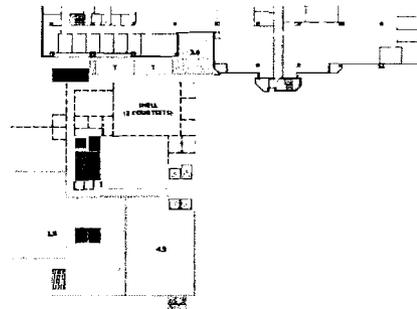
ALTERNATE FIRST LEVEL



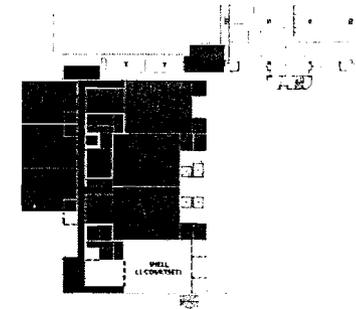
SECOND LEVEL



THIRD LEVEL



FOURTH LEVEL



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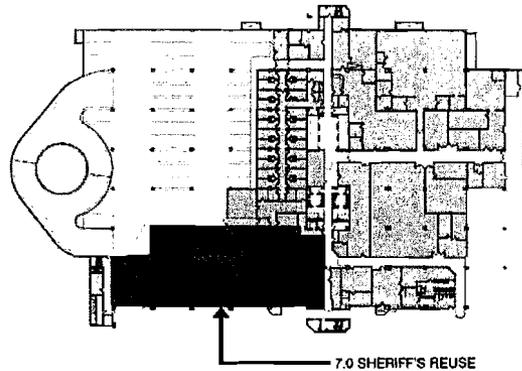


- LEGEND
- 1.1 - JUDICIAL CHAMBER
 - 1.2 - JUDICIAL REENTRY COURT
 - 1.3 - JUDICIAL TRIAL COURT
 - 1.4 - JURY ROOMS
 - 1.5 - JURY RESTROOMS
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 - 1.77 - JURY STORAGE
 - 1.78 - JURY STORAGE
 - 1.79 - JURY STORAGE
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 - 1.98 - JURY STORAGE
 - 1.99 - JURY STORAGE
 - 1.100 - JURY STORAGE

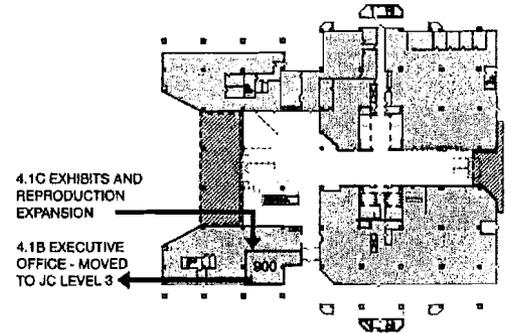


Scheme 3 - JC Reuse (same as scheme 2)

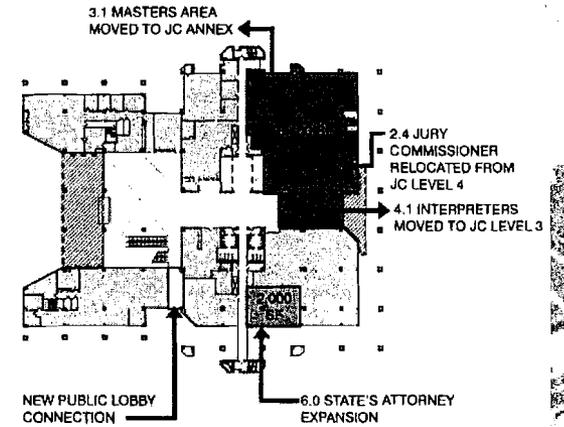
TERRACE LEVEL



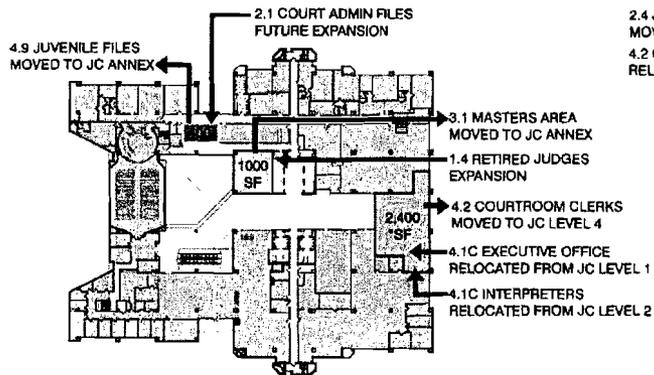
LOBBY LEVEL



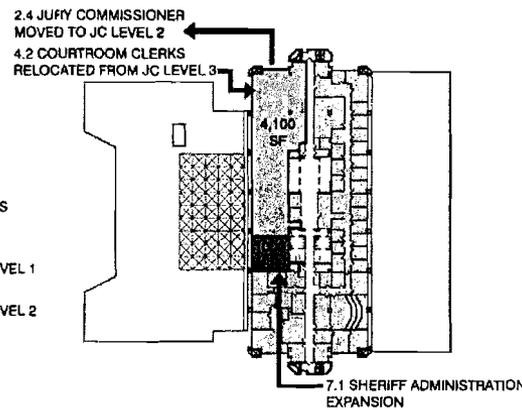
SECOND LEVEL



THIRD LEVEL



FOURTH LEVEL



LEGEND

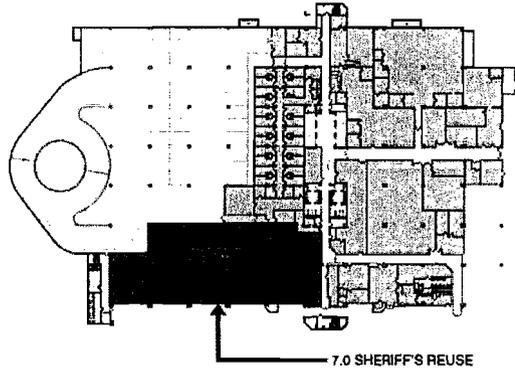
- 1.4 - RETIRED JUDGES
- 2.0 - COURT ADMINISTRATION
- 4.0 - CLERKS OFFICE
- 6.0 - STATE'S ATTORNEY
- 7.0 - SHERIFF'S OFFICE
- 8.0 - COURTHOUSE SUPPORT

- MAJOR TENANT RENOVATION- 20,000 SQ FT
- MINOR TENANT RENOVATION- 1000 SQ FT
- 10,000 SF CORE RENOVATION (REQUIRED)
- 31,600 SF LOBBY RENOVATION (PROPOSED)
- NEW CONSTRUCTION

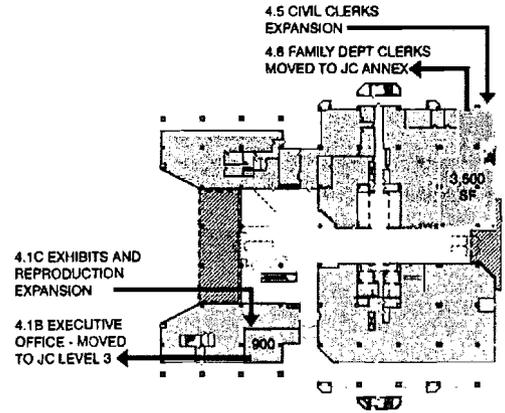


Scheme 3 – Reuse Alternate (same as scheme 2)

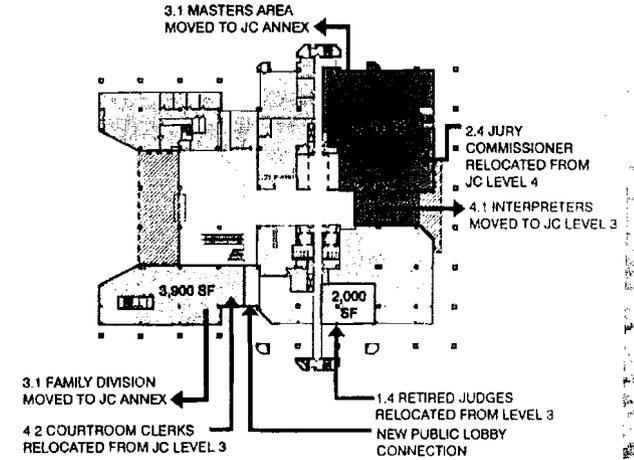
TERRACE LEVEL



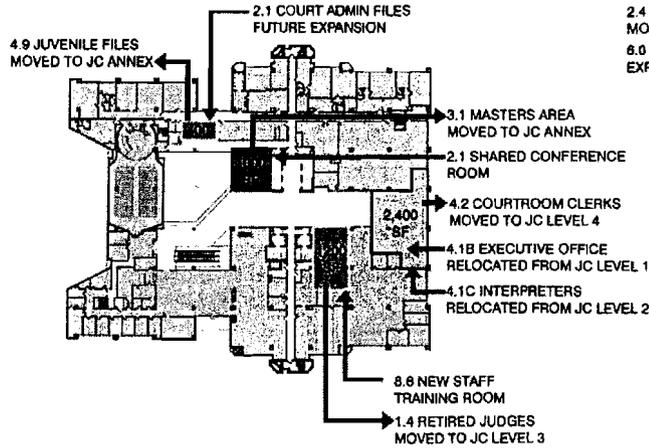
LOBBY LEVEL



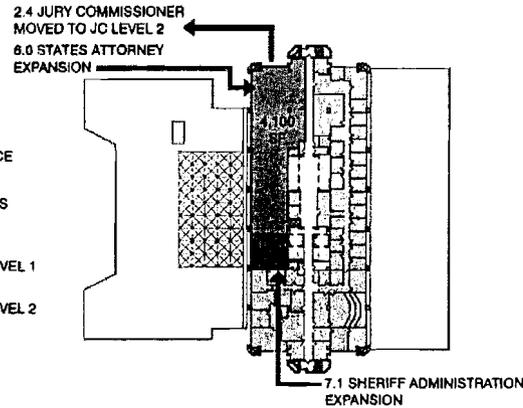
SECOND LEVEL



THIRD LEVEL



FOURTH LEVEL



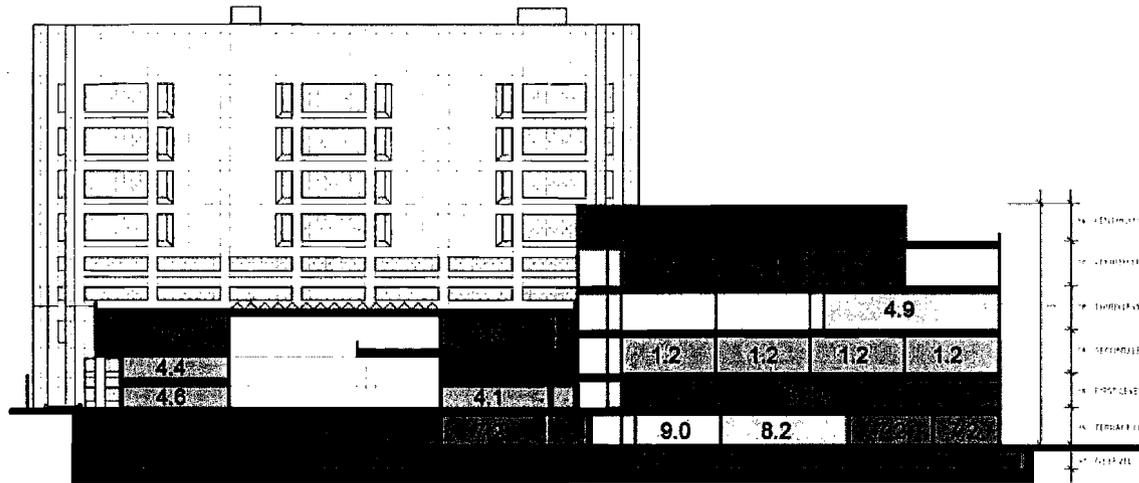
LEGEND

- 1.4 - RETIRED JUDGES
- 2.0 - COURT ADMINISTRATION
- 4.0 - CLERKS OFFICE
- 6.0 - STATE'S ATTORNEY
- 7.0 - SHERIFF'S OFFICE
- 8.0 - COURTHOUSE SUPPORT
- MAJOR TENANT RENOVATION 3,750 USF
- MINOR TENANT RENOVATION 5,600 USF
- 10,600 SF CORE RENOVATION (REQUIRED)
- 31,600 SF LOBBY RENOVATION (PROPOSED)
- NEW CONSTRUCTION

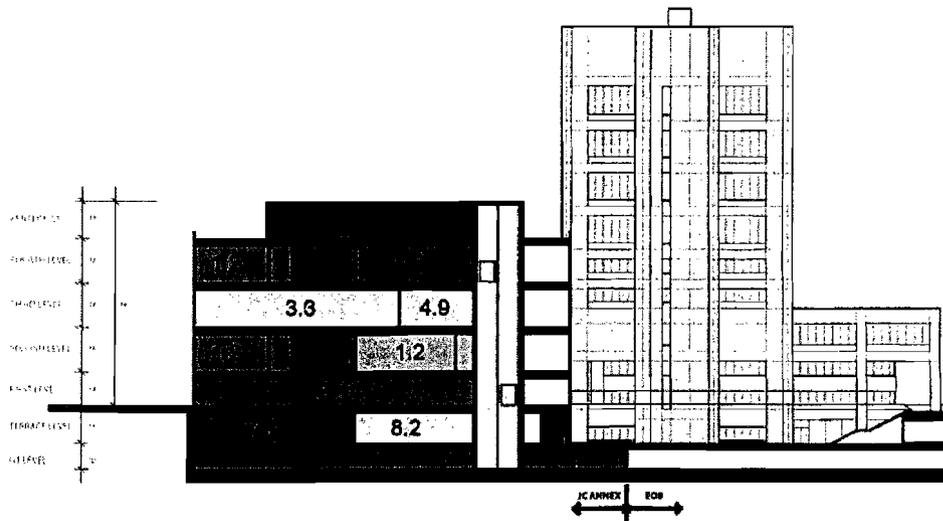
10



Scheme 3 Sections



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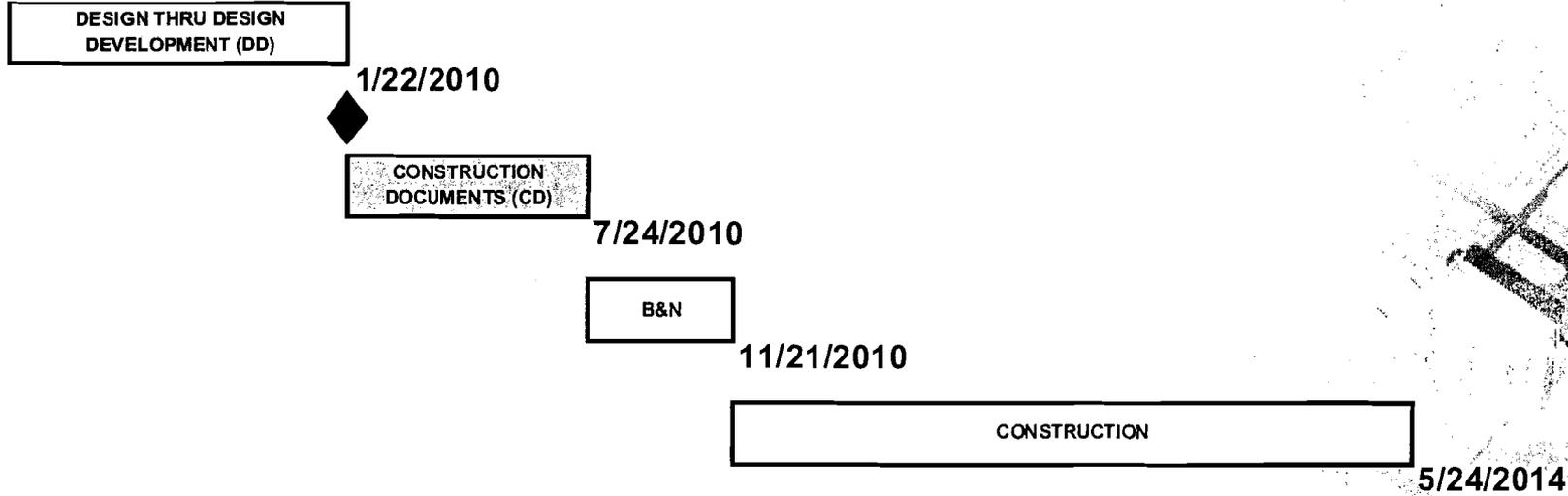
LEGEND

- 1.2 - JUDICIARY CHAMBERS
- 1.2 - JUDICIARY JUVENILE COURT
- 1.2 - JUDICIARY TRIAL COURT
- 3.1A - MASTERS
- 3.1B - FAMILY SERVICES
- 3.3 - JUVENILE DIVISION
- 3.4 - JUVENILE DRUG TREATMENT
- 4.8 - CLERKS FAMILY DEPARTMENT
- 4.9 - CLERKS JUVENILE DIVISION
- 7.2 - PRISONER HOLDING
- 8.2 - CHILD WAITING
- 9.0 - BUILDING SUPPORT
- PUBLIC CIRCULATION / CORE
- PUBLIC VERTICAL CIRCULATION
- PRISONER VERTICAL CIRCULATION
- JUDICIAL CIRCULATION
- MECH. / ELEC. / PARKING



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