

Court Facility Assessment Process

Interim Joint Committee
Budget Review Subcommittee
on Justice and Judiciary
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Presented by the Administrative Office of the Courts
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COURT FACILITY ASSESSMENTS

Court Facility Assessments

KRS 26A.160(2)

...The Administrative Office of the Courts shall: (a) Assess the need for court facilities construction or renovation throughout the Commonwealth. The assessment shall consider the age, space adequacy, projected needs, structural soundness, mechanical and electrical systems, security needs, and interior and exterior quality of existing court facilities...

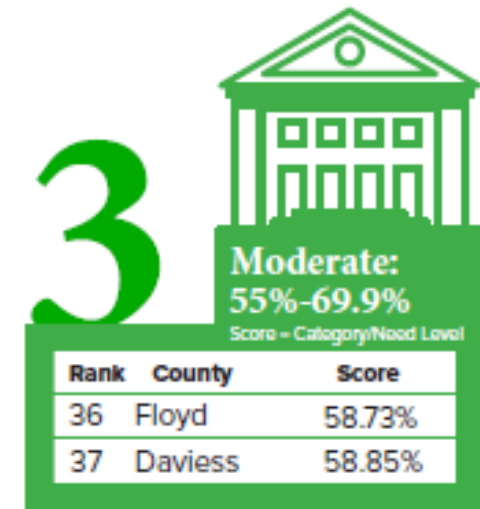
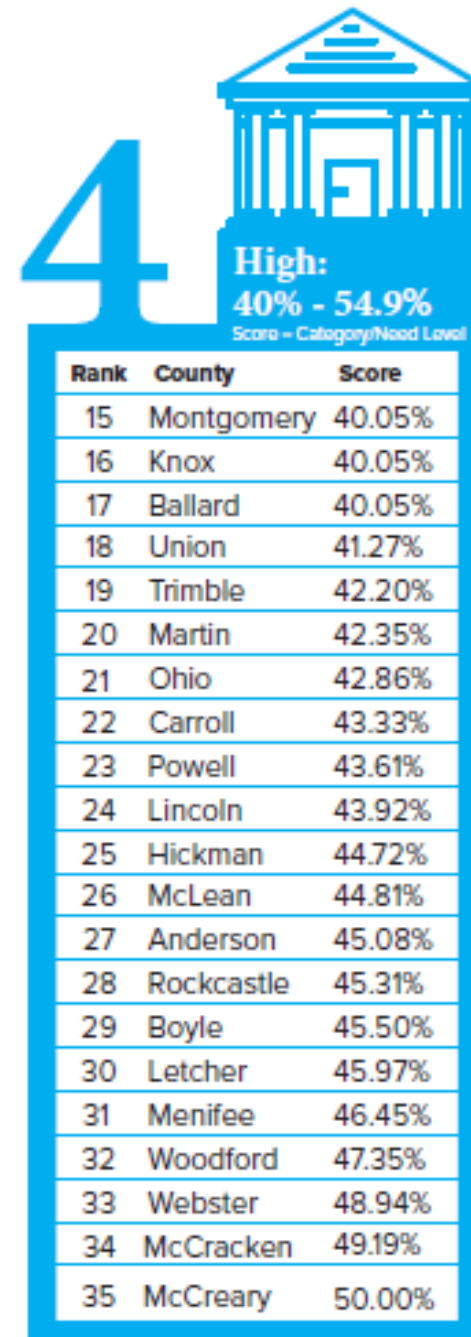
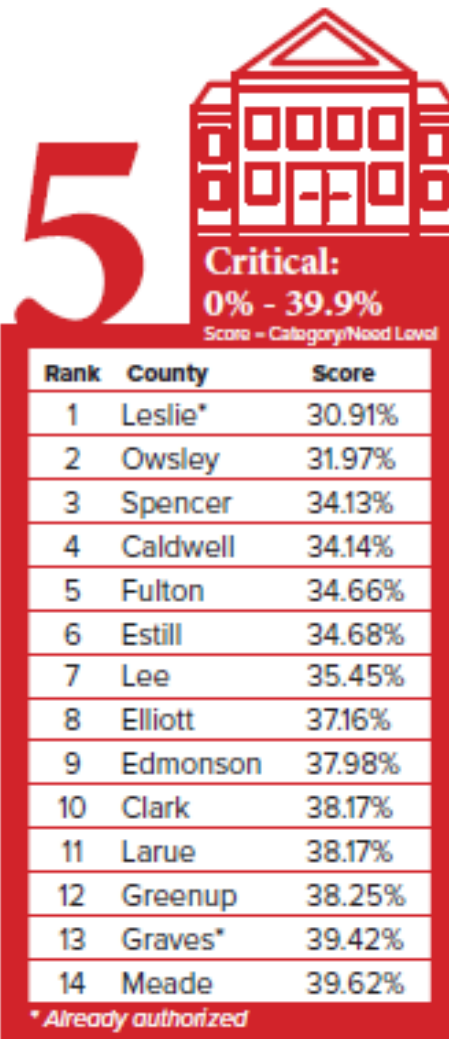
Court Facility Assessments

- In 2020, the AOC retained a third-party architectural/engineering firm, GRW Inc., to perform assessments on court facilities in 37 counties that had never received legislative authorization for a judicial branch project or received authorization prior to 1996.
 - 35 counties authorized by the General Assembly from 1996-2000 will be assessed in the 2024-2026 biennium and added to the ranking list.
 - All remaining counties will be assessed in the following biennium.
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Court Facility Assessments

- The assessment format / methodology is based on the following criteria:
 - Age and History
 - Structural Soundness
 - Security Requirements
 - Potential Environmental Hazards
 - Building Code and ADA Compliance
 - Interior and Exterior Quality of Existing Court Facilities
 - Performance and Lifecycle Assessment of Mechanical and Electrical Systems
 - Space Adequacy of the Facility Relative to the AOC Program Space Requirements
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Facility Rankings



Court Facility Assessments: Impact on Capital Plan

Based on the assessment rankings, the following counties were included in the Capital Plan for FY2022-2028:

- 2024-2026 Biennium: Owsley, Court of Appeals*
- 2026-2028 Biennium: Spencer, Caldwell
- 2028-2030 Biennium: Fulton, Estill

Others court facilities with the greatest needs based on assessment rankings are: Lee, Elliott, Edmonson, Clark, LaRue, Greenup, Meade.

*COA was not included in the assessment rankings.



OWSLEY COUNTY

OWSLEY COUNTY COURTHOUSE

Current Condition



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Current Condition



OWSLEY COUNTY COURTHOUSE

Current Condition



Owsley County Courthouse

With an overall assessment score of 31.97%, there is a critical need for a project in Owsley County.

- The current courthouse does not meet current security or accessibility standards.
 - The plumbing systems, HVAC, electrical systems, interior and roof are in poor condition.
 - Space is deficient for courtrooms, judge's chambers, prisoner handling facilities, and statewide services offices and is not configured for safe, effective, and efficient Court of Justice operations.
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Owsley County: Judicial Center Project Request

Authorization of a judicial branch capital construction project for Owsley County with a maximum authorized use allowance of \$2,353,000 will support:

- A 24,400 square foot facility.
 - The design program for the proposed project reflects the scaled down construction requirements adopted by the judicial branch in 2018. Under those scaled down requirements, 24,400 sq ft is the smallest court facility that will meet the judicial branch's needs.
 - The total estimated project cost is \$28,015,000.
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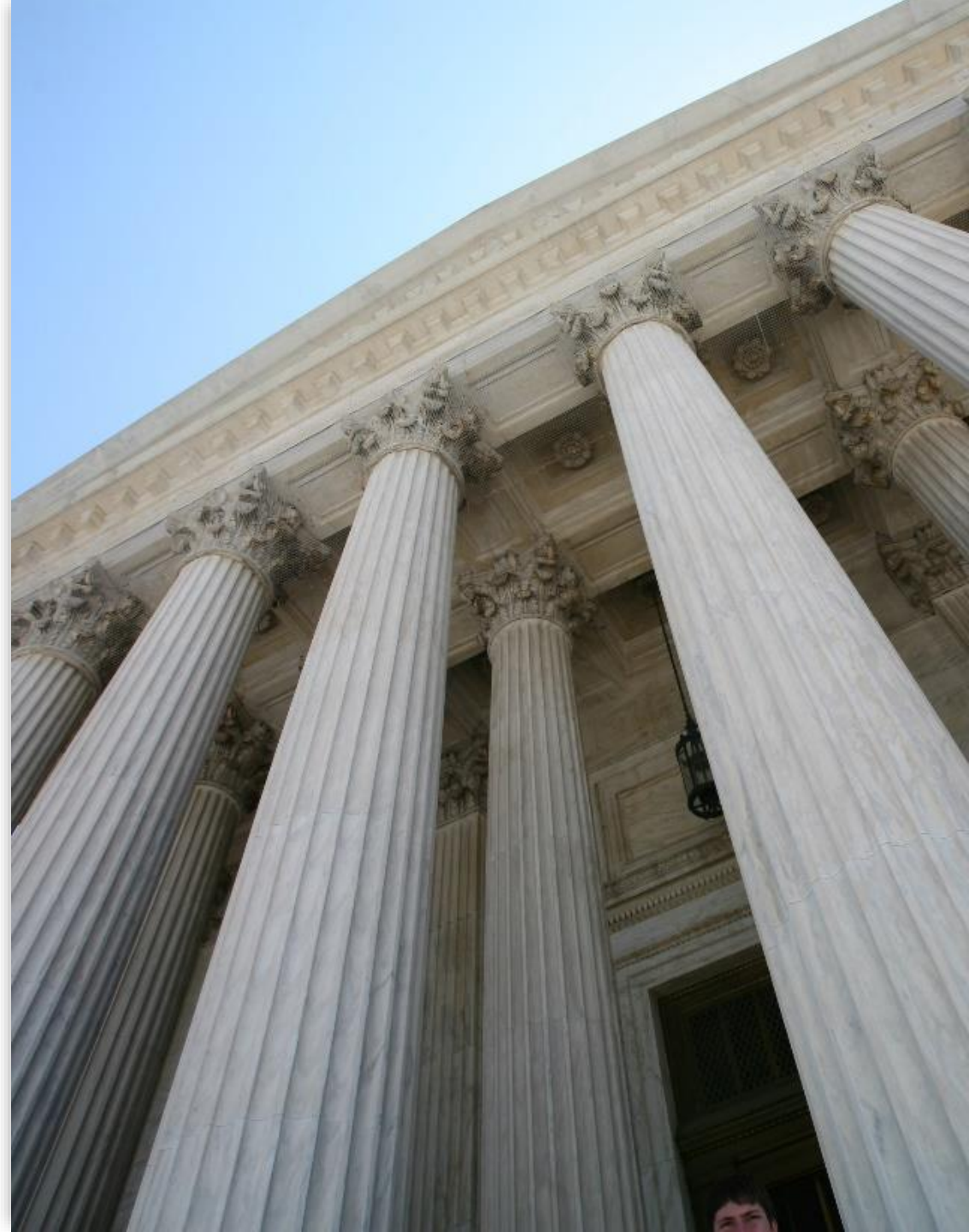


ADDITIONAL USE ALLOWANCE

UNIQUE ASPECTS OF JUDICIAL BRANCH PROJECTS:

Use Allowance Authorizations

- The General Assembly authorizes judicial branch projects based on historical cost information *before* the project is developed, designed, and bid. Actual costs are not known until bids are received 3-4 years after the project is authorized, making these projects particularly vulnerable to market fluctuations.
- Temporary financing is issued and design costs and land acquisition costs incurred after authorization but before the project is bid.
- Bonds are sold after bids are received and proceeds are used to pay temporary financing balances.
- When projects cannot proceed due to estimated costs that exceed the maximum authorized use allowance, counties incur costs for projects that cannot be completed.



Additional Use Allowance: Crittenden, Clinton, Barren

- Due to these rising costs, the maximum use allowance authorized in 2020 at a 20-year bond term is no longer sufficient to complete a judicial center project using the AOC's program requirements.
 - Construction cost estimates were based on **\$400/sq ft** in 2020.
 - Construction projects are currently bidding at **\$750/sq ft**.
 - Rising property values have also impacted land acquisition costs.
- In 2023, additional use allowance authorization of \$5,537,700 was requested. The General Assembly authorized \$3,447,300.
- Additional authorizations received for Bath, Oldham, Barren, Jessamine, Scott, Madison, Leslie and Graves counties are sufficient for those projects to proceed with a 25-year bond term.

Additional Use Allowance: Crittenden, Clinton, Barren

Estimated construction costs for Crittenden, Clinton, and Butler counties exceed the current authorized use allowance, even with a 25-year bond.

- These projects are on hold.
- The judicial branch has already vacated the Crittenden County Courthouse and is occupying temporary facilities.
- There is an urgent need to move forward with these three previously authorized projects.

A total of \$1,462,200 in additional annual use allowance is requested to move forward with the three identified projects at a 20-year bond term.

Alternatively, the projects could move forward with budgetary language authorizing the debt service for these three projects to be extended up to 30 years.



ASSET PRESERVATION: GENERAL FUND PROJECTS

Judicial Branch Asset Preservation Pools

With a presence in all 120 counties, the judicial branch occupies about **5.4 million** square feet of space across the Commonwealth. Most of this space is located in court facilities owned by counties and occupied by the judicial branch.

- The current maintenance allocation for the judicial branch, \$4.6 million annually (approximately \$0.85 per square foot) only covers small nonrecurring projects such as carpet, paint, and repairs.
 - The current maintenance allocation cannot fund major component replacement projects.
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Judicial Branch Asset Preservation Projects

- Per KRS Chapter 26A, the state has made significant investments in court facilities including:
 - The judicial branch's proportionate share of all costs to construct or renovate court facility projects;
 - Operating costs.
 - Many building components including roofs, HVAC systems, and electrical systems reach their end of life within 20 years of occupancy.
 - To protect the state's prior investments in court facilities, the judicial branch is requesting 4 capital projects to target asset preservation.
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Judicial Branch Asset Preservation Projects

Capital Project	Total Request	Estimated # of Facilities Impacted
HVAC Replacement	\$26,750,000	30
Roof Replacement	\$9,095,000	20
Electrical Systems Replacement	\$11,235,000	25
Miscellaneous Repairs / Renovations	\$6,420,000	3

Judicial Branch Asset Preservation

9 counties had projects last authorized by the General Assembly before 1996.

Anderson	Carroll	Lincoln	McCracken	Union
Ballard	Floyd	Martin	Rockcastle	

43 counties had projects last authorized by the General Assembly from 1996 - 2000.

Allen	Christian	Henderson	Lyon	Nelson
Bell	Clay	Hickman	Magoffin	Perry
Boone	Cumberland	Jefferson	Marshall	Simpson
Bourbon	Edmonson	Johnson	Mason	Warren
Breathitt	Elliott	Kenton	McCreary	Wayne
Bullitt	Fayette	Knott	McClellan	Webster
Calloway	Hardin	Knox	Menifee	Woodford
Carter	Harlan	Letcher	Metcalfe	
Casey	Harrison	Lewis	Muhlenberg	

Judicial Branch Asset Preservation

53 counties have had projects authorized by the General Assembly after 2000.

Adair	Crittenden	Henry	Mercer	Russell
Allen	Fleming	Hopkins	Monroe	Scott
Barren	Franklin	Jackson	Morgan	Shelby
Bath	Gallatin	Jessamine	Nicholas	Taylor
Boyd	Garrard	Laurel	Oldham	Todd
Bracken	Grant	Lawrence	Owen	Trigg
Breckinridge	Graves	Leslie	Pendleton	Washington
Butler	Grayson	Livingston	Pike	Whitley
Campbell	Green	Logan	Pulaski	Wolfe
Carlisle	Hancock	Madison	Robertson	



COURT OF APPEALS: A GENERAL FUND PROJECT

Court of Appeals

The AOC has activated its emergency leasing procedures due to the unsafe mold and moved the Court of Appeals to a temporary lease space in August 2023.

- New lease will be at a cost of \$377,375.88 annually
- The fit-up is *emergency* in nature to meet *temporary* needs



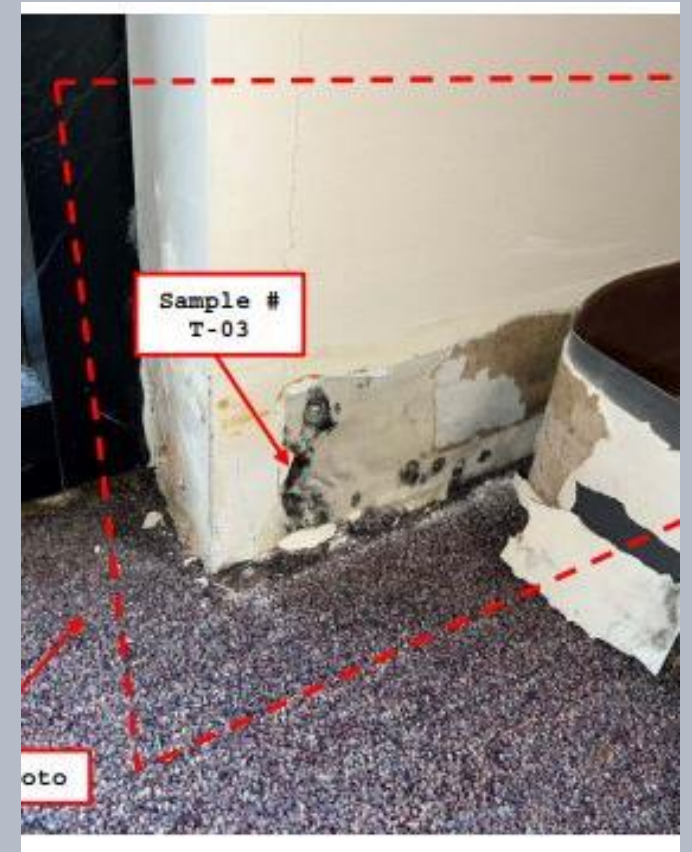
10 - Law Library / Leak shown in Light

11 - Sarak Ison Office / Staining



14 - Outside Office / Staining 1 of 2

15 - Outside Office / Reported leaking under heavy rain



Photo

Court of Appeals

The Judicial Branch is requesting an appropriation for a new facility in Franklin County to house the Kentucky Court of Appeals.

- Estimated Cost: \$14,100,000
- Project Size: Approximately 17,000 sq. ft.
- Will include a courtroom, offices for clerk staff and staff attorneys, shared office space for appellate court judges, and a conference room.
- No land acquisition required; will be constructed on the AOC's Vandalay Drive property, adjacent to AOC Central Headquarters
- In the Capital Plan for the 2024-2026 biennium.

