

CAPITAL PLANNING ADVISORY BOARD

**2024-2030
Agency Capital Plan**

Staff Analysis and Comments

BRANCH: Judicial - Court of Justice

OVERVIEW

The Judicial Article was passed in 1975 amending Kentucky’s Constitution to allow for formation of a unified court system. The Administrative Office of the Courts (AOC) was established in 1976 and serves as staff to the Chief Justice in executing the policies and programs of the Judicial Branch, pursuant to the Kentucky Constitution, Section 110(5)(b), KRS 27A.020, and applicable court rules and orders.

The Administrative Office of the Courts is the operational arm of the Judicial Branch. The AOC supports court facilities and programs in all 120 counties, with its main campus in Frankfort. The AOC carries out duties that are mandated by the Kentucky Constitution, including administering the Judicial Branch budget, building and maintaining court facilities, maintaining court statistics through a statewide case management database, administering personnel policies and payroll for court personnel, and providing educational programs for judges, circuit court clerks and support staff.

PROPOSED PROJECTS

Fund Source	<u>2024-2026</u>	<u>2026-2028</u>	<u>2028-2030</u>	<u>Total</u>
General Fund	\$14,100,000			\$14,100,000
<u>Other Long-Term Bonds</u>	<u>\$28,015,000</u>	<u>\$62,410,000</u>	<u>\$61,170,000</u>	<u>\$151,595,000</u>
Total	\$42,115,000	\$62,410,000	\$61,170,000	\$165,695,000

**2022-2028 CAPITAL PLAN
PLAN OVERVIEW
FORM SYP-P1**

Branch: Judicial Branch
Cabinet / Function: Judicial Cabinet
Agency / Institution: Court of Justice

Before the passage of the 1975 Judicial Article, local governments were responsible for construction and maintenance of the Commonwealth’s judicial facilities. Many of Kentucky’s court facilities were constructed before 1975 and some are up to 150 years old. As a result, many court facilities were deficient in space, offer inadequate security, cannot accommodate new court technology, and are not accessible to all citizens.

The Administrative Office of the Courts (AOC), Department of Court Facilities, oversees capital construction projects. AOC contracted with GRW, Inc. architects to do facility assessments on 37 county owned judicial facility that have not been replaced by a newer judicial center or had major renovations after the year 2000.

Based on that assessment, the need for court facilities is on-going. The Kentucky Court of Justice (KCOJ) Administrative Procedures, Part X, govern the construction program.

In the 2024-2030 Capital Plan, the KCOJ is asking for two projects in the first biennium, two in the second biennium, and two in the third biennium.

KENTUCKY COURT OF JUSTICE
Proposed Projects Involving the General Fund

*For the court facility projects, amounts are appropriated from the **general fund for use allowance payments** that support the debt service for local bonds issued to construct the project.*

2024-2026

1 Construction - Owsley County **\$28,015,000**

Construction of a 24,000 square foot judicial facility to accommodate the Kentucky Court of Justice functions which include but are not limited to Circuit Court, Family Court, District Court, Circuit Court Clerk, Specialty Courts, Pretrial Services, and Juvenile Services. The current courthouse is deficient in space and is not configured for safe, effective, and efficient Court of Justice functions. The new judicial facility will be in Owsley County and is projected to meet the needs of the county for at least 50 years. The building will be 100% occupied by the Court of Justice. (C-O)

CPAB Staff Notes

- *This project was included in the agency's 2020-2026 capital plan.*
- *The annual General Fund use allowance is estimated at \$2,353,000 and calculated at 5.75% over life of bond.*
- *Costs associated with development of the project include \$1,364,000-land acquisition; \$150,000-site survey/prep; \$1,582,000-project design; \$20,987,000-construction cost; \$500,000-moveable equipment/furniture; \$2,099,000-contingency; and \$1,333,000-other bond and financing costs*
- *Impact on Court of Justice annual operating budget is expected to be \$1,200 based on a cost of \$10 per square foot and an occupancy of approximately 100%.*

2 Construction – Court of Appeals **\$14,100,000**

Construction of a 20,000 square foot building to house the Court of Appeals in Franklin County. Kentucky's appellate courts have been housed in a private sector lease at a cost of \$212,512 annually for more than 30 years. On February 3, 2023, the AOC received an Indoor Air Quality and Mold Inspection Report prepared by Chase Environmental Group regarding the leased property occupied by the Kentucky Court of Appeals at 360 Democrat Drive in Frankfort. The report indicated the presence of abnormally high concentrations of several fungal species, including Aspergillus, Penicillium, Cladosporium, and Stachybotrys, in multiple interior offices. Despite significant efforts on the part of the AOC to engage the landlord to address water infiltration issues dating back more than a year and to address the current fungal infestation, the landlord has not taken action. As a result, Chase Environmental has recommended that the affected offices be sealed off and remain off limits to employees. Due to the unsafe conditions of the premises and because the property is unfit for occupancy, the AOC has activated its emergency lease authorization procedures and is in the process of negotiating for the lease of alternate space for the Court of Appeals. The AOC does not anticipate renewing the current lease after June 30, 2023. It is anticipated that the price per square foot for rental costs have increased significantly in the last 30 years and that the cost to lease space to meet the needs of the Court of Appeals will significantly increase accordingly. The AOC owns land that would be suitable as a site for potential development should this project be authorized, and building/owning the facility will be more cost effective for the Commonwealth than continuing to rent space. (C-O)

CPAB Staff Notes

- *NEW Project - This project was not included in the agency's previous capital plan.*
- *Costs associated with development of the project include; \$150,000-site survey/prep; \$887,000-project design; \$10,800,000-construction cost; \$500,000-moveable equipment/furniture; \$1,080,000-contingency; and \$683,000-other bond and financing costs..*
- *Impact on Court of Justice annual operating budget is expected to be \$200,000 (\$1,000,000 over 5 year life) based on a cost of \$10 per square foot and an occupancy of approximately 100%.*

2026-2028

Construction - Caldwell County	\$29,260,000
Renovation/Addition - Spencer County	33,150,000

2028-2030

Construction - Estill County	\$30,585,000
Construction - Fulton County	30,585,000

COURT OF JUSTICE
Quarterly Status Report - Current Capital Projects
Reported as of July 2023

Project Title	County	Authorization	Status	% Complete
Barren County	Barren	2020-2022	Design/Phase A	
Bath County (Construction)	Bath	2018-2020	In Construction	0%
Butler County	Butler	2020-2022	Design/Phase A	
Clinton County	Clinton	2020-2022	Design/Phase A	
Crittenden County	Crittenden	2020-2022	Design/Phase C	
Electronic Court Filing System	Multi	2022-2024	Planning	
Graves County	Graves	2022-2024	A/E Selection	
Hardin County - HVAC	Hardin	2022-2024	Design/Phase C	
Henry County (Renovation/Addition)	Henry	2014-2016	Complete/Closed Out	100%
Jefferson County Judicial Center – Carpet and Paint	Jefferson	2022-2024	Planning	
Jessamine County	Jessamine	2020-2022	Design/Phase B	
Leslie County	Leslie	2022-2024	A/E Selection	
Madison County (Renovation)	Madison	2020-2022	In Construction	0%
Nicholas County	Nicholas	2014-2016	Complete/Closed Out	100%
Oldham County (Renovation/Addition)	Oldham	2018-2020	In Construction	15%
Scott County	Scott	2020-2022	Design/Phase B	

Completed Court Facility Construction Projects

Adair County.....	Completed 02/2010
Allen County.....	Completed 09/2012
Boyd County.....	Completed 06/2009
Bracken County.....	Completed 06/2013
Breckinridge County.....	Completed 04/2012
Campbell County.....	Completed 06/2012
Carlisle County.....	Completed 04/2011
Fleming County.....	Completed 01/2012
Franklin County.....	Completed 12/2013
Gallatin County.....	Completed 04/2008
Garrard County.....	Completed 01/2012
Grant County.....	Completed 02/2010
Grayson County.....	Completed 05/2009
Green County.....	Completed 03/2010
Hancock County.....	Completed 07/2011
Hart County.....	Completed 10/2008
Henry County Renovation/Addition.....	Completed 09/2021
Hopkins County.....	Completed 04/2012
Jackson County.....	Completed 02/2010
Laurel County.....	Completed 05/2010
Lawrence County.....	Completed 11/2013
Livingston County.....	Completed 12/2008
Logan County.....	Completed 02/2010
Marion County.....	Completed 07/2011
Mason County Repair Project.....	Completed 02/2019
Mercer County.....	Completed 03/2012
Monroe County.....	Completed 06/2011
Morgan County.....	Completed 04/2014
Nicholas County.....	Completed 11/2021
Owen County.....	Completed 08/2012
Pendleton County.....	Completed 03/2010
Pike County.....	Completed 08/2013
Pulaski County.....	Completed 09/2010
Robertson County.....	Completed 06/2009
Rowan County.....	Completed 05/2011
Russell County.....	Completed 07/2011
Shelby County.....	Completed 12/2011
Simpson County Repair Project.....	Completed 01/2019
Taylor County.....	Completed 10/2009
Todd County.....	Completed 08/2012
Trigg County.....	Completed 08/2009
Washington County.....	Completed 01/2009
Whitley County.....	Completed 10/2011
Wolfe County.....	Completed 06/2012