

**DE0211**  
**Judiciary**  
**Board of Public Works**

***Capital Budget Summary***

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**State-owned Capital Improvement Program**  
(\$ in Millions)

<b>Projects</b>	<b>Prior Auth.</b>	<b>2017 Request</b>	<b>2018 Est.</b>	<b>2019 Est.</b>	<b>2020 Est.</b>	<b>2021 Est.</b>	<b>Beyond CIP</b>
Catonsville District Courthouse	\$6.750	\$28.501	\$41.550	\$0.000	\$0.000	\$0.000	\$0.000
Salisbury District Court Property	0.000	0.400	0.000	0.000	0.000	0.000	0.000
Shillman Building Conversion	0.000	0.000	0.000	0.000	0.961	1.175	30.513
New Court of Appeals Building	0.000	0.000	0.000	0.000	0.000	3.089	106.250
<b>Total</b>	<b>\$6.750</b>	<b>\$28.901</b>	<b>\$41.550</b>	<b>\$0.000</b>	<b>\$0.961</b>	<b>\$4.264</b>	<b>\$136.763</b>

<b>Fund Source</b>	<b>Prior Auth.</b>	<b>2017 Request</b>	<b>2018 Est.</b>	<b>2019 Est.</b>	<b>2020 Est.</b>	<b>2021 Est.</b>	<b>Beyond CIP</b>
GO Bonds	\$6.750	\$28.901	\$41.550	\$0.000	\$0.961	\$4.264	\$136.763
<b>Total</b>	<b>\$6.750</b>	<b>\$28.901</b>	<b>\$41.550</b>	<b>\$0.000</b>	<b>\$0.961</b>	<b>\$4.264</b>	<b>\$136.763</b>

CIP: *Capital Improvement Program*

GO: general obligation

## ***Summary of Recommended Bond Actions***

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1. New Catonsville District Court

Approve \$28,501,000 in general obligation bonds for the Catonsville District Court.

2. Salisbury District Court Multi-Service Center

Approve \$400,000 in general obligation bonds for the purchase of leased property at the Salisbury District Court site.

3. SECTION 12 – Judiciary – New Catonsville District Court

Approve the pre-authorization of general obligation bond funds for fiscal 2018 totaling \$40,853,000. This pre-authorization is necessary to fully fund construction of the new Catonsville District Court.

## ***Performance Measures and Outputs***

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The Judiciary is composed of four courts and seven programs, which support the administrative, personnel, and regulatory functions of the Judicial Branch of the State government. Courts consist of the Court of Appeals, the Court of Special Appeals, circuit courts, and the District Court. The Chief Judge of the Court of Appeals is the administrative head of the State’s judicial system. The Chief Judge appoints the State court administrator as head of the Administrative Office of the Courts to carry out administrative duties, which include data analysis, personnel management, education, and training for judicial personnel.

### **Baltimore County District Court Lags Other Jurisdictions on Timeliness Standards**

The Judiciary incorporates case flow standards adopted by the Maryland Judicial Council into its annual Managing for Results data in order to evaluate access to justice; expedition and timeliness; equity, fairness, and integrity; independence and accountability; and public trust and confidence.

The Judiciary utilized standards set by the American Bar Association that determine the amount of time it should take to process a particular type of case. Those standards were modified due to existing statutes and rules that impact the way in which Maryland courts are required to process certain cases. The statewide case flow assessment submitted by the Judiciary analyzes cases that come through the District and circuit courts and, in particular, the timeliness with which those cases are terminated or otherwise disposed. The Judiciary reports case time standards for the District Court based on a random sample of cases from each district and applies a weighting based on the total number of cases in the district.

The time standards for District Court cases are set according to the following case types:

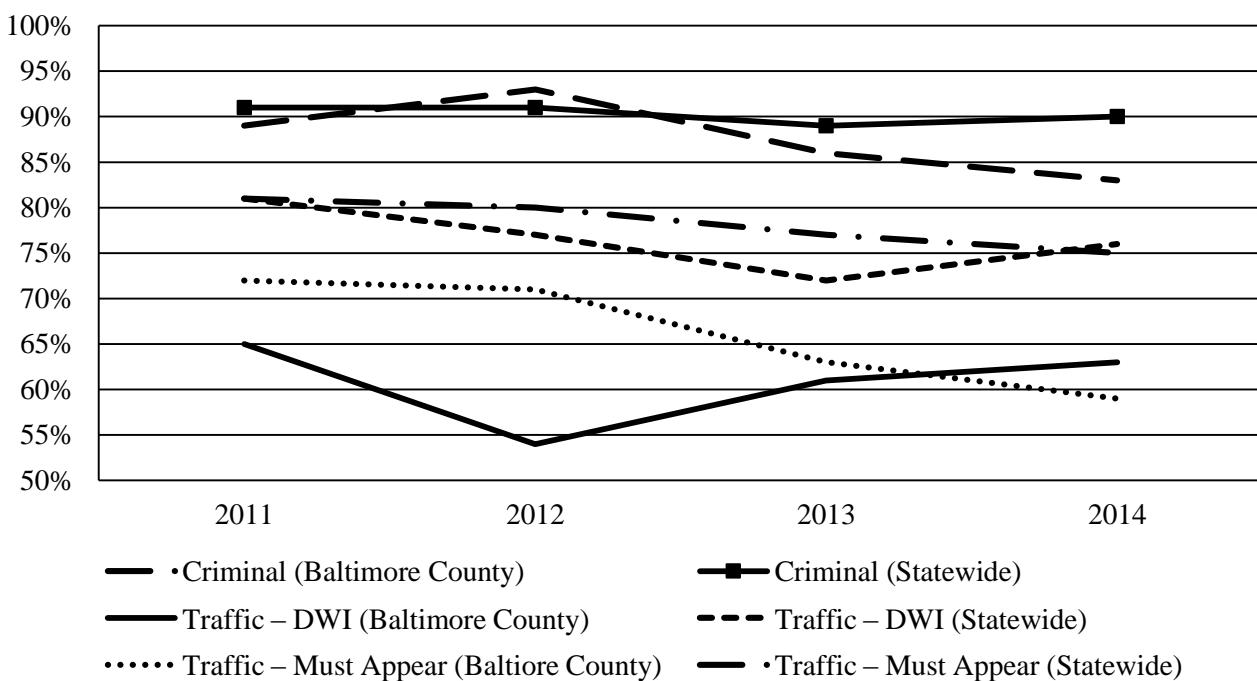
- **Criminal:** 180 days;
- **Traffic – Driving Under the Influence (DUI):** 180 days;
- **Traffic – Must Appear:** 180 days;
- **Traffic – Payable:** 120 days;
- **Civil – Large:** 250 days; and
- **Civil – Small:** 120 days.

For each case type, the goal is to terminate 98% of cases within the time standard.

Baltimore County has generally performed below the statewide averages for timeliness since fiscal 2011. As shown in **Exhibit 1**, the percent of cases cleared within the established time standard

in Baltimore County for the selected case types (Criminal, Traffic – DUI, and Traffic – Must Appear), only exceeded the statewide average for one case type (Criminal) once from fiscal 2011 through 2014. Timely clearance rates for the Criminal and Traffic – Must Appear dockets also slipped over the same period.

**Exhibit 1**  
**Baltimore County and Statewide District Court Performance**  
**Percent of Cases Cleared within the Established Timeline**  
**Fiscal 2011-2014**



Source: Maryland Judiciary

The Judiciary has attributed this poor performance in Baltimore County to an insufficient number of judges and identified a need for a total of five additional District Court judges in the county, more than any other jurisdiction. Despite this identified need, the Judiciary has been unable to petition the General Assembly for the creation of these judgeships because there is currently no available courtroom space in the county. If the new Catonsville courthouse project proceeds, the Judiciary will have four additional courtrooms, which would substantially reduce the workloads countywide.

## ***Budget Overview***

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The fiscal 2017 allowance includes \$28.9 million in general obligation bonds for two Judiciary projects. This includes \$28.5 million for construction of a new Catonsville District Court and \$400,000 to purchase property to serve the Salisbury District Court/Multi-Service Center, which is currently leased by the State from the City of Salisbury.

### **New Catonsville District Court**

The new Catonsville District Court would replace the current three-courtroom facility with a 74,312 net square foot, seven-courtroom facility in the same zip code as required by law. In addition to the District Court, the new facility would also house offices of Department of Public Safety and Correctional Services (DPSCS) Parole and Probation, the DPSCS Drinking and Driving Monitoring Program, the Department of Juvenile Services, and the Department of General Services (DGS). The 2017 *Capital Improvement Plan* (CIP) includes funding in fiscal 2017 to complete the design process and spreads construction funding for the project over fiscal 2017 and 2018.

The overall cost of the project has increased by \$14.0 million above the fiscal 2016 CIP, all in fiscal 2018, due to design and construction costs for a parking garage. The original plan called for the construction of a 300-space surface parking lot on the site, based on conceptual site plans that were developed when the State purchased the property in 2004. Since that time, Department of Natural Resources (DNR) rules regarding reforestation and Maryland Department of the Environment (MDE) stormwater management requirements have changed, and the Department of Budget and Management (DBM) determined that these rules require the construction of a multi-level parking structure instead of a surface lot. The planned parking structure, which has a smaller footprint than an open lot will allow the site to maintain one acre dedicated to forest, as required by DNR, and construct 11 stormwater retention ponds on the site to comply with MDE regulations. Additionally, the parking structure will contain a total of 425 parking spaces. While the State is not subject to local zoning requirements, these additional spaces would bring the courthouse up to the parking standard established by the Baltimore County Zoning Code.

Construction costs for the courthouse building are estimated at \$54.6 million; however, value engineering has been conducted that would reduce this cost by \$4.3 million to \$50.3 million by adjusting the design of the roof and exterior building elements. This anticipated reduction in cost is not reflected in the current CIP because the project has not been bid and, therefore, the final cost is not yet known.

### **Salisbury District Court/Multi-Service Center Land Acquisition**

The State has leased property adjacent to the Salisbury District Court/Multi-Service Center from the City of Salisbury since 1984. The original lease called for the property to be used for surface parking but was later modified to allow for a portion of the State-owned courthouse to extend onto the

property, which it does. The terms of this lease require the State to either purchase the parcel or agree to a lease extension at a significantly increased rate. The original lease was scheduled to expire at the end of fiscal 2015, but the parties have agreed to extend the lease term to December 31, 2016, to allow the State to determine the appropriate course of action, given that it must retain the property. DBM has determined that it would cost \$135,000 per year to lease the property going forward and that purchasing the property for \$400,000 now is a better long-term solution.

## ***Operating Budget Impact Statement***

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### **Executive’s Operating Budget Impact Statement – State-owned Projects (\$ in Millions)**

	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>
<b>Catonsville District Court</b>					
Estimated Operating Cost	\$0.000	\$0.000	\$1.032	\$1.015	\$1.050
Estimated Staffing	0	0	4	4	4
<b>Total Operating Impact</b>					
Estimated Operating Cost	\$0.000	\$0.000	\$1.032	\$1.015	\$1.050
Estimated Staffing	0	0	4	4	4

## ***Summary of Other Projects in the Capital Improvement Program***

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### **New Court of Appeals Building**

There are two additional projects included in the CIP for the Judiciary. The first is the construction of a new Court of Appeals Building. The new building would include hearing rooms, chambers for judges, and offices for clerks for the Court of Appeals and the Court of Special Appeals. The site of the new facility will be located in Annapolis, as mandated by law. The Judiciary has previously suggested that the building be located on the State-owned property currently occupied by the C, D, and E pods of the Tawes Complex, which is currently occupied by DNR and is near the current Court of Appeals Building. Funding in the CIP includes \$3.1 million for planning, and the estimated total cost of the project beyond the end of the CIP is \$106.3 million. **The Department of Legislative Services (DLS) recommends that the Judiciary and DGS comment on the status of planning for the new Court of Appeals building, including the relocation of DNR offices in the Tawes Complex and the exploration of alternative locations. DLS recommends that Judiciary and DGS comment**

on alternatives to new construction and whether the Judiciary’s needs could be addressed by renovating the current facility.

## Shillman Building Conversion

The second additional project is the conversion of the Shillman Building in Baltimore City into facilities for the civil division of the Baltimore City District Court. The current facility occupied by the civil division has inadequate space for court functions, is not Americans with Disabilities Act compliant, and has significant maintenance problems including flooding and inadequate heating, ventilation, and air conditioning systems. The building, which is owned by Baltimore City, would be impossible to renovate to modern standards. The Judiciary has reported that suitable and affordable alternative sites are not currently available. Renovation of the Shillman building, which currently houses offices of the Department of Labor, Licensing, and Regulation; the Department of Health and Mental Hygiene; and DGS, as well as the District Court Commissioner’s office for Baltimore City, has been determined to be the best available option. This plan would require that those agencies be relocated and that the building be converted into court space. The CIP includes \$2.1 million for planning in fiscal 2020 and 2021, and the estimated total cost of the project is \$30.5 million. **DLS recommends that the Judiciary and DGS comment on the status of the Shillman Building conversion and relocation plans for the agencies currently occupying the building. DLS further recommends that the Judiciary and DGS discuss the deficiencies of the current civil District Court facility for Baltimore City and whether the building will remain habitable until the Shillman Building project is complete and whether any contingency plans have been prepared in the event that the current facility becomes unusable before a new courthouse is complete.**

## Projects Deferred in Fiscal 2017

As shown in **Exhibit 2**, one project scheduled in the 2015 CIP has been delayed in the 2016 CIP, the New Court of Appeals Building.

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**Exhibit 2**  
**Projects Deferred**  
**Fiscal 2017**

<u>Project</u>	<u>Description</u>	<u>Reason for Deferral</u>
New Court of Appeals Building	Delay initial planning funds from fiscal 2020 to 2021	No plan in place for required relocation of the Department of Natural Resources

Source: Department of Budget and Management, 2016 *Capital Improvement Program*

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## ***Pre-authorizations and De-authorizations***

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**Exhibit 3** details the one pre-authorization for the Judiciary: \$40.9 million for fiscal 2018 to fund the remainder of construction of the Catonsville District Court in fiscal 2018, including a parking garage added to the project in the 2016 CIP.

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**Exhibit 3**  
**Pre-authorizations**  
**Fiscal 2018-2020**  
**(\$ in Millions)**

<b><u>Project</u></b>	<b><u>2018</u></b>	<b><u>2019</u></b>	<b><u>2020</u></b>	<b><u>Reason</u></b>
Catonsville District Court	\$40.853	\$0.000	\$0.000	Remainder of required funds for construction.

Source: Department of Budget and Management, 2016 *Capital Improvement Program*

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## ***GO Bond Recommended Actions***

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1. Approve \$28,501,000 in general obligation bonds for the Catonsville District Court.
2. Approve \$400,000 in general obligations bonds for the purchase of leased property at the Salisbury District Court site. This action is necessary to avoid increased expenditures for rent under a new lease agreement for property that is the site of a State-owned building.
3. Approve the pre-authorization of general obligation bond funds for fiscal 2018 totaling \$40,853,000. This pre-authorization is necessary to fully fund construction of the new Catonsville District Court.