



SUPERIOR COURT OF CALIFORNIA
COUNTY OF MONTEREY

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July 15, 2014

Hon. Brad R. Hill, Chair
Court Facilities Advisory Committee
Judicial Council of California
455 Golden Gate Avenue
San Francisco, CA 94102-3688

Dear Chairman Hill and Members of the Court Facilities Advisory Committee:

On behalf of Monterey County Superior [Court], we are contacting you today to seek guidance and direction regarding the South Monterey County Courthouse [SMCC] facility project which was indefinitely delayed due to the state's redirection of courthouse construction funds to the general fund in 2012. As you are aware, the SMCC 'immediate need' project was placed on indefinite delay just following the final design aspect of the project, and slated to be 'reassessed' since the original design accommodated a new judgeship that was later eliminated by adoption of the new judgeship requirements by the Judicial Council in late 2012.

Our request today for direction and assessment concerns a significant clause in the Property Acquisition Agreement which will require the State to reconvey the donated property back to the City of Greenfield if commencement of construction has not occurred within (5) years from the close of escrow. We are concerned that if no action is taken to move forward with this facilities project or steps taken to retain the property prior to the end of 2016, we run the risk of losing this parcel of land. We are requesting that the Court Facilities Advisory Committee [CFAC] provide direction as to how the Court might retain the land donated to the State for the purposes of building a courthouse.

While the Court understands that funding for any indefinitely delayed SB 1407 project has not substantially changed since 2012, we are also concerned that the initial investment made by the City of Greenfield, a small agriculturally based community, to acquire, develop and donate the land at a cost of approximately \$5 million may be soon lost if we do not position this project to reaffirm our collective commitment to the City of Greenfield. This also holds

true for the State's substantial monetary investment dedicated to finalizing the site selection, acquisition and design phase in collaboration with the local project advisory group.

The Court is mindful that the modification in judicial allocations necessitates a reduction in the scope of the SMCC project and affirms our commitment to finding significant ways to reduce the overall costs of the project by evaluating the square footage, reducing the number of courtrooms, possibly redesigning to a single-story facility, utilizing set templates, and evaluating where lower-cost construction methods may be used at the direction of the CFAC.

The Court's urgency in revitalizing the 'reassessment' and seeking the CFAC's direction for next steps is based on the potential of losing the parcel of land, originally purchased by the City of Greenfield for approximately \$1.4 million, donated to the State and committed to the SMCC project. Pursuant to the Property Acquisition agreement, "If commencement of construction has not occurred within (5) years from the close of escrow, the State will reconvey the property back to the grantor (City of Greenfield)." Although the Property Acquisition agreement also includes a "meet and confer" option to extend the commencement of construction for a period of time, the Court senses that without a measure of good faith, the City of Greenfield will not utilize this option at the end of 2016.

Since a significant portion of any courthouse construction project is typically allocated to the site acquisition and design and these investments have already been made by the State and the City of Greenfield, the Court is hopeful that the CFAC's will consider the weight of these factors when considering a 'reassessment' of taking some action regarding the SMCC project.

On behalf of the Court, we thank the CFAC for the time and energy dedicated to ensuring the efficient use of courthouse construction funds throughout the State. We are sincerely grateful for your consideration of our concerns and appreciate any direction you may provide to us in response.

Sincerely,



Hon. Marla O. Anderson
Presiding Judge



Teresa A. Risi
Court Executive Officer

cc: Kelly Quinn, Assistant Director for Development and Planning