

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED**

2260 N Street
Merced, CA 95340

FROM THE CHAMBERS OF

BRIAN L. McCABE
PRESIDING JUDGE

TELEPHONE:
(209) 725-4172

September 19, 2011

Brad R. Hill, Presiding Justice
Court of Appeal, Fifth District
2424 Ventura Street
Fresno, CA 93721

Re: New Los Banos Courthouse

Dear Justice Hill:

I am writing on behalf of the Merced Superior Court to explain to you and the members of the Facilities Working group why our Los Banos Court Facilities project is important and should not be delayed. The Los Banos project is a project of great community significance for the County of Merced, the city of Los Banos, and the public it will serve. The new courthouse will replace an existing one courtroom courthouse that is currently unsafe, substandard, overcrowded and functionally deficient. This project has been identified as an "Immediate Need" based on detailed analysis and justification as a result of several years of meetings with the Judges, Court Administration and AOC staff on the master plan. The physical condition and access to court services are the highest priority, which directly affect the Court's budget for ongoing maintenance costs.

The Commissioner who currently is assigned to our Los Banos Court will be retiring at the end of this year. The court has already requested that the AOC commence the Commissioner conversion process for a new judicial position. This process is now underway.

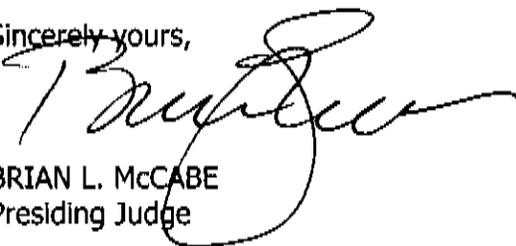
There are several limitations and operational inefficiencies with our present Los Banos Court. In addition to the safety and security issues that have been identified, we cannot provide child custody mediation, self-help services, Family Law or conduct Jury Trials. This is a disservice to the citizens that reside in the west side of the county that live in the cities of Los Banos, Newman, Gustine and Dos Palos. The distance to the main courthouse in Merced for these services is 37 miles one way or 74 miles round trip. In addition, our justice partners are also not located near the courthouse. The site identified will provide a campus style setting that will also include space for county offices and the city police and jail.

This project needs to move forward 1) because the local citizens attended a Town Hall meeting this past Spring and voiced their concerns and support to the court and various city, county and AOC representatives about the need for a new courthouse, the increase in crime activity due to gangs, and the lack of access to court services. 2) We have a motivated seller who is willing to provide property below market value and within the budget. If the project is delayed the AOC and court may need to start this time consuming process over again and identify a new site or pay a higher price for a new property. 3) It will allow us to maintain continuity with an excellent project team. 4) It will provide a positive economic impact to the community that is saddled with an 18.7% unemployment rate. Merced County has the 2nd highest county unemployment rate in California and among counties where the 41 courthouses are to be built under SB 1407. 5) There are several negative implications if the project is delayed or canceled besides the ones that have been mentioned. The on-going operating costs for maintenance are high. The courthouse HVAC, plumbing and landscaping irrigation systems are inadequate. The roof needs to be replaced but most important of all the court space is functionally deficient. 6) Only 10 of 25 Immediate Need projects are ranked higher than the Los Banos Courthouse project.

We urge you and the Committee to allow our project to move forward and meet the project completion schedule. We have devoted many years towards this project and would like to see it to fruition. The citizens of Merced County deserve and should be afforded equal access and not be ignored.

Thank you for this opportunity to express our position on this very important matter. Please do not hesitate to contact me directly or our CEO if you have any additional questions.

Sincerely yours,



BRIAN L. McCABE
Presiding Judge

cc: Ronald Hansen, Assistant Presiding Judge
Carol Ash, Superior Court Judge-Executive Committee Member
Linda Romero Soles, Court Executive Officer