



SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO

ROBERT C. HIGHT
SUPERIOR COURT JUDGE
DEPARTMENT 44

720 NINTH STREET
SACRAMENTO, CALIFORNIA 95814
916 874-8243

September 23, 2011

Hon. Brad R. Hill, Presiding Justice
Court of Appeals, Fifth District
Chair of the Court Facilities Working Group
2424 Ventura Street
Fresno, California 93721

Re: New Sacramento Criminal Courthouse

Dear Justice Hill:

This letter is in response to your request for new courthouse construction information. I write to urge your working group to recommend a \$6 million allocation to allow the Sacramento Courthouse project to continue moving forward.

Sacramento's project is somewhat unique. We have selected a preferred site in a portion of the downtown Railyards development, directly north of the Matsui Federal Courthouse. However, the AOC cannot take title until the train tracks currently located on the site are relocated (est. December 2012).

Our court, in conjunction with the AOC, has:

- validated the space program;
- completed massing studies;
- concluded initial sustainability evaluations;
- finished building orientation evaluations;
- selected a concept design;
- fulfilled our requirements under the California Environmental Quality Act; and
- are finishing geotechnical borings on the preferred site.

We are now ready to commence preliminary plans and only lack necessary funding.

Actual site acquisition should not be the threshold for any decision that is made to exclude funding for our project. Because of the unique circumstance with this site we can reach agreement to purchase with the owners, and continue with planning while we await track removal which must be completed before title can transfer. A delay in proceeding with our preliminary plans will result in a lengthy delay in completion of our project. The \$6 million we need for preliminary plans, if denied, will result in additional costs of \$14 million for each year construction of the project delay, as estimated by the Office of Court Construction and Management and an additional \$1.2 million in lease costs for each year of delay.

The Judicial Council has determined that the Sacramento Courthouse project is an immediate need and gave it a high priority amongst the SB 1407 projects because:

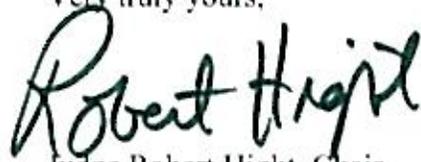
1. The existing Gordon D. Schaber Courthouse, built in 1965, is overcrowded, unsafe, and substandard;
2. It will allow our court to accommodate the ten additional judges the Judicial Council has recommended and the Legislature created, but which await funding;
3. Consolidating six court facilities in downtown Sacramento to three will achieve greater efficiency and economy; and
4. Doing so will improve access to justice and serve the citizens of Sacramento County.

I have enclosed a letter to Lee Willoughby that addresses some inaccuracies that are included in a report prepared by his staff and which he provided to the members of your working group. It is important that before any court's project that is on the immediate needs list is bypassed to advance a project not similarly ranked as an immediate need, that your group has all of the information at its disposal that might properly inform its decision making.

I respectfully request that your group recommend to the Judicial Council that funding for the preliminary plan phase of this important project be continued. Thank you for your consideration. I would be happy to discuss with you in detail any questions you may have.

Thank you for your consideration.

Very truly yours,



Judge Robert Hight, Chair
New Criminal Courthouse Committee
Sacramento Superior Court

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cc: Hon. Steve White, Presiding Judge, Sacramento Superior Court
Hon. Laurie Earl, Assistant Presiding Judge, Sacramento Superior Court
Ron Overholt, Interim Administrative Director of the Courts
Lee Willoughby, Director, Office of Court Construction Management (OCCM)
Mike Smith, AOC Project Manager



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Lee Willoughby
Director, Office of Court Construction Management (OCCM)
Judicial Council of California
Administrative Office of the Courts
2860 Gateway Oaks Drive, Suite 400
Sacramento, CA 95833-4336

Re: Sacramento New Criminal Courthouse Project

Dear Lee:

Sacramento received Judge Hill's September 2, 2011, email and attachments soliciting information from the various courts on their SB 1407 projects. I will be responding to this request, but I also wanted to address what the court feels are discrepancies in Sacramento's project information that was provided to members of the Court Facilities Working Group in your August 22, 2011 memorandum on options for moving forward with SB 1407 projects.

Your August 22, 2011 memorandum outlines the current phase of each of the 41 SB 1407 projects and lists Sacramento as a project not able to purchase property until FY 2012-2013. This statement is correct in that Sacramento is unable to take title on our site until after the Union Pacific train tracks have been relocated (work on track relocation is scheduled to be completed by December 2012). However, it is our understanding the actual purchase of property is not necessary to move into the preliminary plans phase, only the approval of the Department of Finance is required.

Similar to the 12 other projects currently in the Site Acquisition phase, Sacramento has secured SPWB Site Selection approval for our preferred site, has completed the requirements under the California Environmental Quality Act as well as most other due diligence requirements, and has

commenced geotechnical borings on the site. Architecturally, we have validated the space program, completed the massing studies, initial sustainability evaluations, building orientation evaluations, and selected a concept design. The project team anticipates submitting and receiving SPWB approval on a site acquisition early in Fiscal Year 12/13. Once approval is obtained, the AOC project team indicated Sacramento is eligible to proceed into the preliminary plans phase.

Furthermore, while this project does not provide economic opportunity by way of a donated site, it does provide for on-going savings through the elimination of \$1.2 million in annual lease costs which will result from consolidation of downtown court facilities. This important factor was not included in the information provided to the members of the Court Facilities Working Group.

Another concern is that Sacramento's project, ranked in the "Immediate Needs" Priority Group, could be delayed while other projects, designated in the lower "Critical Needs" category, would go forward. We believe this defeats the intended purpose of the comprehensive project scoring methodology which was used to rank capital projects, particularly in view of the fact that Sacramento has the 9th highest score in terms of needs, and the largest number of new judgeships needed statewide. Sacramento received this high ranking for the following reasons:

1. The existing Gordon D. Schaber Courthouse, built in 1965, is unsafe due to significant security deficiencies, is overcrowded, substandard, and has many physical conditions which create impediments to the administration of justice. Based on the application of prioritization methodology for trial court capital-outlay projects, Sacramento received a total score of 16.5.
2. The project provides the necessary space to accommodate the ten new judgeships the AOC recommended and the Legislature created, but has not funded. This Court recognizes it is highly improbable any new judgeships will be funded in the next couple of fiscal years. Once funding is approved we must have a place for these judgeships and because of our severe overcrowding and other critical deficiencies, Sacramento does not have the space to accommodate any of the ten new judgeships. Furthermore, according to the latest judgeships needs analysis conducted by Judicial Council in October 2010, Sacramento has the 3rd highest shortfall of judges (36.5) of any court statewide. If the six new judgeships which were previously authorized from Assembly Bill (AB) 159 but not funded are included, Sacramento actually has a judge shortfall is 42.5. This severe shortfall not only demonstrates Sacramento's need for new judgeships but portends increasing case backlogs, delays, and declining levels of service provided to the citizens of Sacramento County.

3. This project permits the consolidation of six court facilities in downtown Sacramento to three, achieving greater operational efficiencies and on-going savings through the elimination of \$1.2 million in annual lease costs.

Our project will require \$6 million to develop the preliminary plans for this project. Since the architectural team has completed their contractual obligations under the Site Acquisition phase, the loss of funding to continue into the preliminary plans would have a dramatic impact, delaying the Sacramento Courthouse project at least one year and possibly more. If this happens, we will lose our architectural team to other projects, causing additional delays and costs for a new architectural team to catch up. The AOC's project team projects that such a delay could increase overall costs of the project by as much as \$14 million for each year of delay.

I am requesting that the Court Facilities Working Group be updated on the current status of Sacramento's project and the above factors be taken into consideration when recommending which projects receive funding for the preliminary plan phase.

Sincerely,

A handwritten signature in black ink that reads "Robert Hight". The signature is written in a cursive, flowing style.

Judge Robert Hight
Chair, New Criminal Courthouse Committee
Sacramento Superior Court

cc: Mike Smith, AOC Project Manager

