

# Superior Court of California County of Santa Clara

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HON. RICHARD J. LOFTUS, JR.  
Presiding Judge

DAVID H. YAMASAKI  
Chief Executive Officer



September 22, 2011

Hon. Brad R. Hill  
Chair, Court Facilities Working Group  
Administrative Presiding Justice of the  
Court of Appeal, Fifth Appellate District  
2424 Ventura Street  
Fresno, CA 93721

RE: SB 1407 Project Review – Family Justice Center

We understand the enormous challenge that has been given to your Working Group by the Judicial Council. We fully support your efforts and the need to fairly assess the available resources to mitigate the devastating reductions to our court facilities funding plans. While many arguments can be made in support of each project, we appreciate the opportunity to underscore the urgency and uniqueness of our project. It is our belief that designating the Santa Clara Family Justice Center as an "Immediate Project" that should move forward will not only meet the critical needs of our court, but will also yield immediate financial benefits today and well into the future for the entire judicial branch. This is a unique project that, as shown below, will be largely funded by our court.

The information contained in the materials that were distributed to the members of the Court Facilities Working Group was accurate in describing the scope and status of the Family Justice Center. The facility will contain 20 courtrooms, will have 233,000 gross square feet, is budgeted at \$242 million to complete and will consolidate court work from eight unsafe, inadequate locations. However, the details of the financial sources and the work that has been completed thus far offer much more compelling reasons to continue this project under the current design and construction schedule, as detailed below.

## **Funding Components**

As provided in your summary, our Court's contribution thus far has exceeded \$10 million. This contribution was an integral component in enabling the completion of the project's Pre-design Study, environmental evaluation, and Preliminary Plans. The contributions that will continue to be made in the current and following fiscal year will also fund approximately 50% of the costs associated with the Working Drawings phase. While it is important to note these contributions of our Court thus far, the resources that will continue to be provided over the next 30 years must be noted as well.

On May 11, 2010, a Memorandum of Understanding was entered into with the Administrative Office of the Courts that obligates the Superior Court of California, County of Santa Clara, to contribute its financial resources over the next 32 years. During this period of time, the Court will have contributed in excess of \$187 million toward the construction of the Family Justice Center. This figure includes the initial contribution of \$10 million and annual contributions by the Court in excess of \$5.4 million. The bulk of this contribution will be the product of civil assessment collections.

Another key funding source for this project is the redirection of resources that are currently being paid to cover lease costs associated with the Court occupying eight privately owned facilities to meet its responsibilities. These resources are commonly known as "County Facilities Payments" or CFP's and will represent a contribution of \$4.7 million annually. Through the course of bond debt service, they will total \$141 million. At the conclusion of debt service, the annual CFP of \$4.7 million will continue in perpetuity and will be deposited into the Trial Court Trust fund for the support and maintenance of court facilities.

### **Key Project Element**

In conjunction with construction of the Family Justice Center, the Court was faced with independently finding a solution to address the parking needs. As referenced in the project summary, the courthouse will be constructed on land that was donated by the County of Santa Clara. This site is presently used as a parking location for court staff who is assigned to court facilities located directly across the street. Presently, there are in excess of 225 stalls available for this purpose.

For the past two years, representatives from the Court have been working closely with officials with the City of San Jose to secure a parking solution for the 225 present users of the lot and the additional court personnel that will be relocated to the Family Justice Center. On August 30, 2011, the City of San Jose approved a proposal to provide to the Court with 450 parking licenses for the next 50 years. The support by the City of San Jose for our project has been tremendous and is exemplified by the fact that for 3 years, they will be providing parking to our employees at no charge. This period of free parking begins to toll at the start of ground breaking, currently set for the Spring of 2013. Delaying this project could jeopardize this agreement.

### **Conclusion**

The inclusion of the Family Justice Center among the original 41 projects that were approved for construction using the SB 1407 resources was driven by our need for a permanent and adequate facility. Fulfilling our responsibilities adequately and safely has been unachievable as we operate from eight separate facilities. Services associated with self help, child waiting and drug testing cannot be provided to litigants absent leaving the courthouse in which their court is being heard. The Court has managed to convert banks and warehouses into courtrooms, but neither is suitable on a long term basis to serve as functional courthouses to serve the needs of the community. With escalating lease costs, we will be facing the prospect

of continuing to use scarce resources to maintain the status quo and redirecting future resources toward lease increases. A projection of lease costs and associated escalations over the next 30 years will require the payment of \$271million to remain where we are currently. With the County's Facility Payment capped at \$4.7 million annually, the Trial Court Trust Fund would be responsible for the delta, a net difference of \$30 million.

In summary, the Santa Clara Family Justice Center represents a long term solution to our residents by providing local service and economic benefits that cannot be provided by operating out of eight separate facilities. It makes functional and financial sense. We have committed \$187 million of our civil assessment resources toward this goal and our CFP's will contribute \$141 million to the Trial Court Trust Fund during the bond debt service. We urge you to support the inclusion of this project among those that will move forward.

Very truly yours,



Hon. Richard J. Loftus, Jr.  
Presiding Judge



David H. Yamasaki  
Court Executive Officer

cc: Members of the Court Facilities Working Group

