

**Written Comments Received for
April 24, 2012, Judicial Council Business Meeting**

Name and Title	Affiliation	Topic	Date of Receipt	Page Nos.
1. Mr. John W. Givens, citizen	Nevada City, on his own behalf	Item D, Court Facilities: Recommendations on Reducing Costs of 1407 Projects and the Superior Court of Nevada County courthouse project	4/20/12	2-3
2. Mr. Robert Bergman, city council member and judge pro tem	Nevada City Council	Item D, Court Facilities: Recommendations on Reducing Costs of 1407 Projects and the Superior Court of Nevada County courthouse project	4/22/12	4-5
3. Mr. Michael G. Keeley, JD., ARM, Senior VP Risk Management & Business Development	Judicial Development Partners, LLC	Item D, Court Facilities: Recommendations on Reducing Costs of 1407 Projects	4/23/12	6

The Hon. Tani Cantil-Sakauye
Chief Justice, California Supreme Court
Hiram Johnson Building
455 Golden Gate Avenue
San Francisco, CA 94102-36888

April 20, 2012

Dear Chief Justice:

The following are comments I wish to make regarding Item D: Recommendations in Reducing Costs of SB 1407 Projects at the April 24, 2012 Judicial Council meeting.

In the news release dated April 13, 2012, the AOC announced that the Nevada County Courthouse was listed as one of thirteen courthouse projects being "reassessed" as part of a proposed \$1.1 billion construction cost reduction.

While I am not certain what the word "reassessed" means, along with many others in our little town I feel vindicated; because for almost two years we have been saying the same thing, namely that reassessment is precisely what this project needs.

Personally, I have found the OCCM staff, without exception, to be courteous, competent, and hard working professionals who believe in this project, and who have worked diligently to establish good community relations. And yet, despite their best efforts, it is safe to say there has been a firestorm of opposition to their proposed plans for a new courthouse. Why is this? The answer, I believe, is that the project was based on a fatally flawed assumption that doomed it from the start.

The assumption was that a top-down designed courthouse, with some minor adjustments to meet local sensibilities, if necessary, could be dropped into Nevada City, as if from a helicopter. Clearly, that approach has not worked out well; so may I propose another way as part of the reassessment?

Would not a bottom-up approach be more successful? Start by identifying all the stakeholders, which includes the court system, and then designed and build a courthouse to meet their needs into the foreseeable future.

Second, the default option should be that the historic Nevada County Courthouse be renovated, restored and rehabilitated so that it can continue to be the seat of the Superior Court of Nevada County as it has for over 150 years. It is also clear that there are six issues that need to be addressed in preserving the historic courthouse and meeting the needs of the stakeholders:

- Safety
- Security
- Accessibility
- Historic integrity and value
- Economic and cultural impact
- Cost

Based on my experience with the people at the OCCM, I have no doubts that they are up to what admittedly will be a difficult task, but so are the people of Nevada City.

And finally, would it not also be a good idea to proceed under Brown Act conditions to encourage community participation? And would not the interests of the citizens of Nevada City and California, along with the courts, best be served if we move forward in a co-operative and collaborative way, making these difficult and critical decisions in the clear light of day?

Sincerely,

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From: r. bergman [mailto:rcontrol@pacbell.net]

Sent: Sunday, April 22, 2012 4:32 PM

To: Spero, Nancy

Cc: David Brennan; Magnusson, Chris; Sainz, Laura

Subject: The Judicial Council meeting/agenda item D/the Nevada City courthouse project

Good morning Ms. Spero.

I'm writing you now, albeit somewhat late, about Item D on the Council's agenda this week. (I am a council member in Nevada City, its former mayor, and I also serve as a judge pro temp for the court's small claims matters. Last October, I spoke for the City and our judges at the Court Facilities Working Group's meeting about Nevada City's courthouse.)

Specifically, I am asking to speak directly to the Judicial Council about the Nevada City courthouse, one of the 13 projects now being reassessed. My reasons for making this request are three-fold:

First and foremost, I want to restate just how important the location of the new courthouse is. I will be speaking for Nevada City with the unanimous support of the County's Board of Supervisors, our court, and the community as a whole. The Court Facilities Working Group, the Judicial Council, and others involved in this project should to hear firsthand that keeping our courthouse downtown is vital to Nevada City's future.

Second: A committee the City formed for the new courthouse has been working diligently on this project for nearly three years now. We are confident that a new courthouse that would meet all of the necessary safety and usability requirements can be build on the preferred site (downtown Nevada City) at a cost between 65% and 70% of the original budget. This projection significantly exceeds the Working Group's project-by-project cost reduction goals.

Finally, I've been told that you have had some communication with John Givens about the Nevada City courthouse. We are concerned here that the AOC, the Court Facilities Working Group, and others involved in this project have viewed him as a spokesman for the City. That is not the case. Mr. Givens does not represent any of the organizations I listed. (Do note, though, that Mr. Givens has *never* openly claimed that role.) Although he is, indeed, interested in the "future" of the art moderne courthouse building, he is not a resident of or business owner in Nevada City. I would like Justice Hill, the Court Facilities Working Group, and the Judicial Council as a whole to understand this.

Although Justice Hill and other members of the Working Group, and staff at the AOC may already know the points I've written about here, My colleagues and I feel that it is well worth the time and effort to come to the meeting Tuesday to emphasize what this project means to our community.

My comments are brief and should take only a few minutes. I hope the Council can accommodate my request. However, if it isn't possible, or in your opinion worthwhile, to speak, please circulate this message on my behalf. I plan on being there Tuesday regardless.

I appreciate whatever help you give us.

Robert Bergman

Good morning and **I would like to address the Judicial Council tomorrow morning on Agenda item number D**, Court Facilities. My relevant information is below. In essence my discussion talking points will focus on the effect of stakeholders to the process and the how construction of courthouses improve local economies as well as state and local business development. I will conclude by emphasizing that the private sector is both a willing and able partner to assist the state where business opportunities make prudent fiscal sense.

In addition, **our company President and CEO Merrell Schexnydre will make a statement** on the efficiencies of private financing for CA courthouse construction which could save millions versus raising monies via bond financing. He will point out the traditional funding vehicles versus the private lease back model which can create immediate and sustained construction revenue for CA courthouse projects.

In addition, I would appreciate you circulating this e-mail to members of the Judicial Council as a Written Comment.

Thank you,

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