

Gentlemen:

I do not represent the San Diego Superior Court or the ACJ. I represent only myself.

If you have not already done so I suggest you click on the site at the end of this letter and download this report. The title is Court Facilities: Modifications Budget and Prioritized List for Fiscal Year 2011-2012. The report is 177 pages long and includes 4244 items that need repair or need to be modified. The total cost of doing this is more than 700 million dollars.

I would like to bring a few items in this report to your attention. Please go down to item number 63. You will notice that this is a proposed expenditure of \$210,500.00 to improve our dirt parking lot here in Vista.

This is a bit of history that might help you to understand my concern. We do not have enough parking for the people who use the Vista courthouse. In order to solve this problem we rent a dirt parking lot from a private party for \$6000.00 a month on a month-to-month lease. The owner has told us he does not wish to sell the lot to us nor does he wish to give us a long term lease. Over the years use and rains have caused problems in the lot and now only about half of it is useable. Our Supervising Clerk here in Vista suggested that we spend \$35,000.00 to grade the lot and to put on a slurry coat. The alternative to this is to leave the lot as it is or to terminate the lease. There have been some slip and falls in the lot and this is a concern to us. We have told the AOC all of the above.

When I saw this report and the proposed expenditure for our dirt parking lot I contacted our local Presiding Judge and Supervising Clerk. Let me assure you that both of these individuals are exceptional people and none of my criticism is directed at them. I was concerned that we were going to spend \$210,500.00 dollars on a lot that we did not own, were never going to own, and on which we had only a month-to-month tenancy. I was then told that this report was only a "wish list" and did not represent what they were going to spend but only what they wished to spend. I was asked to refer to the definition of "scope" as set out in the report. My retort was that why would the AOC wish for something that they should not do. I noted that the lot was item number 63 on the priority list so it must have been of importance to the AOC. I also wondered if it was only a "wish" how did the AOC come up with the figure of \$210,500.00? Was it a bid? Was it a guess? How did it get to be number 63 on the priority list.

Perhaps in your supervision of the activities of the AOC you can have them explain it to you.

Item number 63 got me interested in other repairs and modifications in the report. I wondered how judges did do as far as getting modifications and repairs done for their chambers and gathering spots.

Item 94: The Santa Clara Court has a new judge moving in and the closet in #55 needs new paint. It is dark in the closet and lighting is needed. The cost of this, pending funding approval, is \$2500.00

Item 95: The Santa Clara Court has a new judge moving into #56 and new paint is needed for the judge's closet. The cost of this, pending funding approval, is \$2500.00

Item 1331: The Hayward Hall of Justice needs a judge's chambers painted. The cost of this, pending funding approval, is \$6,268.00

Item 218: The Solano Hall of Justice needs a some shelving in the chambers of a judge and some shelving in a closet. The cost of this, pending funding approval, is \$7,752.

Item 208: We are back to the Santa Clara Courthouse. The judge's courtyard area needs landscaping enhancements. The cost of this, pending approval, is \$7062.00.

My quick review of this 177 pages revealed many other expenditures that seemed somewhat excessive. I am only going to mention three of them.

Item 37: This is a very high priority item. The Amador Superior Court tells us that they wish the taxpayer to spend \$51,999.00 for an ergonomic review of the bench and clerk stations in three courts in the Begovich Building,

Item 396: The San Diego Family Court needs new carpeting in the file room. This is going to cost \$30,495.00. I am pleased to tell you, however, that this project is on hold as a new facility is planned. The area to be carpeted is about 30x30. This means carpeting is going to be over \$30.00 a square foot. This seems a bit high even if files have to be removed and reinstalled and if the work is going to be done on the weekend.

Item 3746: The Sonoma Court is asking for \$424,776.00 to renew restroom fixtures. I am again pleased to report to you that this project is on hold as a new facility is planned. But there seems something strange about this entry. I am in receipt of a number of emails from a Mr. Berry Leducq of the Sonoma Court to the staff of that court dated from August 17, 2011 to September 1, 2011 which show that the 2nd floor restrooms, male and female, are being renovated at this time. The renovation is extensive and will take 4-5

weeks. As I believe there are only four restrooms in this courthouse I have to wonder if this \$424,776.00 includes or excludes the work presently being done and why is the project listed as being "projects" which means that it is on hold as a new facility is being planned. Is this project on hold or not?

Before I wrap this up I cannot resist giving you information about item 146. The Alameda Superior Court would like the taxpayer to spend \$4500.00, pending funding approval, to remove dead branches from a dead tree. Yes, you read that correctly: dead branches from a dead tree. When I read this I thought of Dave Berry's comment when he said that "A sense of humor is a measurement of the extent to which we realize that we are trapped in a world almost totally devoid of reason."

Folks throughout the state are going to download the report or they are going to their "edit/find" function on their computers and punching in their county to see how the AOC wishes to spend taxpayer money. Could I suggest you do this? Start off with "pear tree" and then go to the "Allen E. Broussard Justice Center". As to the Broussard Building, item 4243, you will note that the AOC wishes to spend \$345,000.00 to remove asbestos. According to my information this building is no longer being used for court purposes and may even be unoccupied. It is listed as "projects" which means that a new facility is being planned. So why spend this money?

I believe that some member on your working group should personally go to every one of 4244 items and see if they are needed and if the cost seems reasonable. The fact that none of you are experts in this area should not make a difference as "You don't need a weatherman to know which way the wind blows" as Bob Dylan said in 1969. For example, you can go to the judge's closets in Santa Clara County and see for yourselves if it should cost \$5000.00 to paint them.

I think you should recommend to the Judicial Council that courtroom repairs and modifications be removed from the AOC and transferred to the California Department of General Services. The AOC has demonstrated that it is not competent in this area. You can go to the web site of the California Department of General Services and you will see that they do have some expertise in this area.

In addition, there is a rumbling that the federal government may have a public works program to the tune of 300 billion dollars. I am told that as the AOC refuses to use accounting principles acceptable to the federal government that it is not possible for the federal government to give the AOC money. My investigation is that the California Department of General Services does have acceptable accounting principles so the

federal government will give them money. This would be an additional reason to transfer everything dealing with courthouse building, maintenance, and repairs to them.

The AOC has put out this report. I have to assume they did this because they wanted the public, the press, the Legislature and the Governor to have confidence in it. They wanted it to be accurate and truthful. Certainly they did not intend to mislead anyone by overstating the costs of repairs and modifications? Certainly they did not intend to embarrass the Legislature by saying that over 700 million in repairs and modifications were needed in FY 2011-2012 but that Legislature had only given them 30 million? Certainly they did not intend to mislead you, the Judicial Council or the Chief Justice?

Yours truly,

R. Maino