



## JUDICIAL COUNCIL OF CALIFORNIA

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TANI G. CANTIL-SAKAUYE  
*Chief Justice of California*  
*Chair of the Judicial Council*

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*Administrative Director*

JOHN WORDLAW  
*Chief Administrative Officer*

MIKE COURTNEY  
*Director, Facilities Services*

November 25, 2020

### **VIA EMAIL**

City of Santa Clara  
Attn: Deanna J. Santana, City Manager  
1500 Warburton Avenue  
Santa Clara, CA 95050  
[Manager@santaclaraca.gov](mailto:Manager@santaclaraca.gov)

Re: Santa Clara Courthouse (Court Facility # 43-G1)  
1095 Homestead Road, Santa Clara, California 95050

Dear Ms. Santana:

The Judicial Council of California (“Judicial Council”) is in receipt of your letter dated September 2, 2020, regarding the City of Santa Clara’s (“City”) inquiry into the Judicial Council’s interest in the sale or redevelopment of the above-referenced court facility, commonly known as the Santa Clara Courthouse (“Courthouse”).

Thank you for reaching out to the Judicial Council. We appreciate the update regarding the City’s on-going efforts on the Precise Plan process to potentially foster the redevelopment of the downtown area. As a stakeholder in the City’s community, we value our positive relationship with you and will continue to support the City’s efforts to the best of our ability. The Judicial Council currently is not in a position, however, to make the Courthouse available for sale or redevelopment as the City is seeking.

Title to the Courthouse, as the City correctly noted, is held by the State of California on behalf of the Judicial Council. Pursuant to the Trial Court Facilities Act of 2002 (Gov. Code § 70301 et seq.), the County of Santa Clara transferred ownership of the Courthouse to the Judicial Council in 2008 as well as responsibility for the Courthouse’s operation and funding at the same time. Hence, the Courthouse is managed by the Judicial Council and exclusively occupied and used by the Superior Court of California, County of Santa Clara (“Court”).

Deanna J. Santana, City Manager  
City of Santa Clara  
November 25, 2020  
Page 2

With respect to disposing of court facilities such as the Courthouse, please allow us to better clarify the limited ways which the Judicial Council may potentially do so. First, Government Code section 70391(c) governs the Judicial Council's disposition of court facilities declared to be surplus. While the Judicial Council is to comply with Government Code section 11011's process for excess property, the Judicial Council would first have to provide the County of Santa Clara a right of first refusal to purchase the Courthouse prior to it being offered to another state or local government agency. (Gov. Code § 70391(c)(1)-(2).) Alternatively, as it is rare for the Judicial Council to exercise that surplus property process, the Judicial Council has obtained, with the local court's consent, special authorizing legislation for the disposition of a specific court facilities not declared to be surplus. (*See, e.g.*, Gov. Code §§ 70395-70397.) It should be noted though that in each such instance the special legislative authority has similarly required the Judicial Council to offer the county the right to purchase the property before otherwise offering it for sale.

With that being said, the Judicial Council has no intent or plans at this time either to declare the Courthouse surplus or to seek special legislative authority for its sale. It is also worth noting that the Judicial Council recently completed and submitted to the Legislature an extensive reassessment of the prioritization methodology for trial court capital-outlay projects, which did not include any project related to the Courthouse. We will continue to coordinate with the Court on its needs and, in the event our plans for the Courthouse should change, we will be sure to keep our community partners such as the City apprised and comply with the applicable statutory process therefor.

Although the Judicial Council unfortunately cannot accommodate the City's request, we wish you the best of luck in the City's endeavors in the downtown area. Please feel free to contact us should you have any questions or would like to discuss this matter further.

Sincerely,



Mary Bustamante  
Real Estate Manager

cc: Rebecca J. Fleming, Court Executive Officer, Superior Court of Santa Clara County  
Manuel Pineda, Assistant City Manager, City of Santa Clara ([MPineda@SantaClaraCA.gov](mailto:MPineda@SantaClaraCA.gov))  
Pella McCormick, Acting Director, Facilities Services, Judicial Council of California  
Jeremy P. Ehrlich, Attorney, Legal Services, Judicial Council of California