



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on August 22, 2014

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Title	Agenda Item Type
Budget: Fiscal Year 2015–2016 Budget Requests for Supreme Court, Courts of Appeal, Judicial Council, and Judicial Branch Facilities Program	Action Required
	Effective Date
	August 22, 2014
Rules, Forms, Standards, or Statutes Affected	Date of Report
None	August 14, 2014
Recommended by	Contact
Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch	Zlatko Theodorovic, 916-263-1397 <a href="mailto:zlatko.theodorovic@jud.ca.gov">zlatko.theodorovic@jud.ca.gov</a>
Hon. Richard D. Huffman, Chair	
Judicial Council staff	
Mr. Curt Soderlund, Chief Administrative Officer	
Mr. Zlatko Theodorovic, Chief Financial Officer, Director of Finance	

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### Executive Summary

The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch recommends approving the proposed fiscal year 2015–2016 budget requests for the Judicial Council, including the Judicial Branch Facilities Program. In addition, the Judicial Council staff recommends approving the proposed fiscal year 2015–2016 budget requests for the Supreme Court and Courts of Appeal and delegating authority to the Administrative Director to make technical changes to any budget proposals, as necessary. Submittal of budget change proposals (BCPs) is the standard process for proposing funding adjustments in the State Budget. This year, BCPs are to be submitted to the state Department of Finance by September 2, 2014.

## **Recommendation**

Effective August 22, 2014:

1. The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch recommends that the Judicial Council approve the proposed fiscal year 2015–2016 budget requests for the Judicial Council and the Judicial Branch Facilities Program for submission to the state Department of Finance; and
2. The Judicial Council staff recommends that the Judicial Council:
  - a. Approve the submission of budget change proposals to the state Department of Finance for fiscal year 2015–2016, which would communicate funding needs for the Supreme Court and Courts of Appeal as identified in this report;
  - b. Delegate authority to the Administrative Director to develop budget proposals for submission to the state Department of Finance; and
  - c. Delegate authority to the Administrative Director to make technical changes to budget proposals, as necessary.

## **Previous Council Action**

The Judicial Council has statutory authority to approve budget requests on behalf of the Supreme Court, Courts of Appeal, Judicial Council, and Judicial Branch Facilities Program. The recommendations in this report are consistent with the council's past practice under this authority.

## **Rationale for Recommendation**

Each year, the Judicial Council staff presents budget concepts for review by the council. Budget concepts approved by the council will be developed into full BCPs. The current estimated need is indicated in parentheses after the titles of programs described below.

## **Delegation of authority to make technical changes**

To the extent that council staff receives additional information that requires technical changes to the funding requests identified in this report, there may be a need to modify the BCPs being submitted to the Department of Finance (DOF). For some of the proposals included in this report, the actual amounts may change as updated information is received. Rather than requesting that council staff return to the Judicial Council to seek authority to make minor adjustments to these proposals, having authority delegated to the Administrative Director to do so in advance will facilitate a dynamic budget process. In addition, each year during the course of developing the State Budget, issues arise that may need to be addressed on short notice. This possibility makes it advisable for the Administrative Director to have the ability to update and add funding proposals in an efficient and flexible manner. If the BCPs that are submitted to the DOF contain changes from the proposals contained in this report, council staff will report to the Judicial Council on these revisions.

## **Comments, Alternatives Considered, and Policy Implications**

An alternative to recommendations 2(b) and (c) is for the council staff to return to the Judicial Council before submission of the BCPs any time technical adjustments are necessary or unanticipated issues arise. This approach could cause delays in timely updating and submitting proposals, and for this reason, this alternative is not recommended. Council staff will report to the Judicial Council on changes made to the proposals in this report.

### **Judicial branch budget proposals**

Judicial Council approval is requested to proceed with the development of the following fiscal year 2015–2016 BCPs to address baseline resources for the state judiciary, as part of more global budget requests for the judicial branch. At the June 27, 2014, Judicial Council business meeting, the council approved the submittal of trial court proposals consistent with the Chief Justice’s *Three-Year Blueprint for a Fully Functioning Judicial Branch*, including reinvestment and cost-of-living adjustments (COLAs) for employees.

***Judicial Branch Reinvestment (\$TBD)***. Proposed General Fund augmentation for reinvestment in the entire branch, including the Supreme Court, Courts of Appeal, Judicial Council, and Habeas Corpus Resource Center, for the restoration of services to the public and access to justice. The branch has seen substantial reductions over the past several years, and despite some reinvestment over the past two fiscal years, additional reinvestment is necessary to ensure that the branch meets its constitutional and statutory mandates. All parts of the branch require additional resources to fulfill the branch’s mandates. The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch reviewed this request as it pertains to Judicial Council funding and supports the submission of this BCP.

***Judicial Branch Cost of Living Adjustments (\$TBD)***. Proposed augmentation of the General Fund and various special funds to provide funding for a 4.5 percent COLA consistent with funding approved for the executive branch for all branch employees. The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch reviewed this request as it pertains to Judicial Council funding and supports the submission of this BCP.

### **Judicial branch technology proposals**

A predominantly paper-based court system in California is costly and inefficient. It inhibits access to justice and thwarts the public’s growing expectations for online access for filings, payments, and other court services—expectations that can be mitigated by e-filing and a variety of other solutions. The branch continues to support initiatives that address immediate needs (such as maintaining current operating systems and continuing deployment of technologies such as the California Courts Protective Order Registry), while developing a technology plan for the courts. The strategic plan for judicial branch technology will be finalized in 2014 and will provide a structure, roadmap, and process for managing technology initiatives for which additional funding will be sought. In the interim, the proposals described below are necessary to ensure that the branch is moving forward to address critical technology needs.

At the June 27, 2014, Judicial Council business meeting, the Judicial Council approved the submittal of technology proposals for development of the fiscal year 2015–2016 budget. Following are the technology budget proposals that have been developed. Two of the proposals are “placeholders,” which are under development at this time and may be considered for submittal to the California Department of Finance as spring finance letters.

***Telecommunications Trial Court Local Area Network/Wide Area Network (LAN/WAN) Architecture Program (\$5.509 million)***. Proposed ongoing General Fund augmentation for the statewide telecommunications trial court LAN/WAN program to support all 58 courts. The network and security infrastructure at all trial courts must be replaced consistent with a judicial branchwide technology refresh schedule to maintain a secure, robust, reliable, and flexible computing environment for all court operations. Funding will address the hardware refresh, ongoing training for court staff, and maintenance and security of the judicial branch network. This proposal is consistent with the Chief Justice’s *Three-Year Blueprint for a Fully Functioning Judicial Branch*. The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch reviewed this request as it pertains to Judicial Council funding and supports the submission of this BCP.

***Judicial Branch Information Systems Security Framework Implementation—Placeholder (\$TBD)***. Proposed General Fund augmentation for the initial implementation of a court information security program, which is required to ensure the security and reliability of court data. With the Judicial Branch Contract Law, enacted in 2011, the branch is now subject to biennial audits under which court procurement activities are inspected by the California State Auditor (Pub. Contract Code, § 19210). The auditors may also perform a “general systems” audit to assess the security and reliability of local court information technology infrastructure and the data hosted on that infrastructure. The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch reviewed this request as it pertains to Judicial Council funding and supports the submission of this BCP.

***Statewide Partner Data Exchange – Placeholder (\$TBD)***. Proposed ongoing General Fund augmentation for the statewide partner interface effort to support all 58 courts. Funding will address data exchange development, single portal solutions development, and outreach training, configuration, and implementation between case management systems and justice partners. Development of interface standards to meet a single exchange solution will need to be adopted between the courts and business partners. The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch reviewed this request as it pertains to Judicial Council funding and supports the submission of this BCP.

***Appellate Courts Document Management System (\$2.348 million)***. Proposed General Fund augmentation for the first year’s one-time costs to implement an electronic document management system (DMS) for the Supreme Court and the Courts of Appeal. The DMS will enable the appellate courts to capture, manage, store, share, and preserve essential case

documents and administrative records. The DMS is necessary to improve efficiency, reduce costs associated with record storage/retrieval, and improve customer service to the public. This project would be a phased-in deployment.

The Judicial Council Technology Committee will make a recommendation to the council for the approval of the proposal for the Appellate Courts Document Management System. The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch reviewed this request as it pertains to Judicial Council funding and supports the submission of this BCP.

### **Judicial branch facilities program proposals**

At the June 27, 2014, Judicial Council business meeting, the council approved the submittal of facilities program proposals (nonstaff proposals) for development of the fiscal year 2015–2016 budget. Staffing requirements have been identified for two of the proposals and are reflected below.

***Ongoing Increase to Facility Modifications (\$12.625 million for transfer to the State Court Facilities Construction Fund)***. Proposed General Fund augmentation, including four positions and \$625,000 for staff costs, to support an ongoing increase to the facility modification program. The increase to the modification program will address major repairs, system life-cycle replacements, and renovation projects in existing courthouses to provide safe and secure facilities. The requested staff resources will enable effective and timely delivery of projects and oversight of the work related to the \$12 million and will ensure that contracts are processed and awarded in a timely manner. This proposal is consistent with the Chief Justice’s *Three-Year Blueprint for a Fully Functioning Judicial Branch*. This is an open item with the Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch, pending information pertaining to the staffing portion of this request.

***Increased Operations Costs for New/Renovated Courthouses (\$7.2 million)***. Proposed increased ongoing General Fund appropriation authority (for transfer to the Court Facilities Trust Fund) to address increased facility operating costs (operations and maintenance, utilities, and insurance) for 19 new or renovated court facilities (Plumas-Sierra, Contra Costa, Fresno-Sisk, Mono, Lassen, San Benito, Tulare, Calaveras, Riverside–Mid-County, San Bernardino, Solano, San Joaquin–Juvenile Justice Center, Madera, Butte, Sutter, Yolo, Kings, Santa Clara, and Merced). This proposal is consistent with the Chief Justice’s *Three-Year Blueprint for a Fully Functioning Judicial Branch*. The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch reviewed this request as it pertains to Judicial Council funding and supports the submission of this BCP.

***Facilities Operations Costs Adjustment (\$27.605 million: \$27.0 million for transfer to the Court Facilities Trust Fund and \$605,000 for transfer to the State Court Facilities Construction Fund)***. Proposed General Fund augmentation, including four positions and \$605,000 for staff costs, to maintain trial court facilities at industry-standard levels using the

Building Owners and Managers Association average. Includes funding for ongoing baseline adjustment to offset inflationary cost increases and adjustment to maintain trial court facilities at industry-standard levels. The requested staff resources will be necessary to address the increased operations and maintenance workload that will require additional oversight. This proposal is consistent with the Chief Justice's *Three-Year Blueprint for a Fully Functioning Judicial Branch*. This is an open item with the Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch, pending information pertaining to the staffing portion of this request.

***Judicial Branch Risk Management Program—Trial Courts (\$1.721 million)***. Proposed increased ongoing General Fund appropriation authority for transfer to the Court Facilities Trust Fund for facilities-related insurance premiums for effective risk management of trial court facilities. County facility payments provide \$2.862 million for insurance. Total property and liability costs associated with court facility operations are estimated at \$4.583 million. This request addresses the unfunded need. This proposal is consistent with the Chief Justice's *Three-Year Blueprint for a Fully Functioning Judicial Branch*. The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch reviewed this request as it pertains to Judicial Council funding and supports the submission of this BCP.

#### **Judicial council proposal**

***Trial Court Security System Maintenance and Replacement (\$1.892 million)***. Proposed ongoing State Court Facilities Construction Fund augmentation to maintain and replace camera, electronic access, and duress alarm and intrusion alarm systems in state trial court facilities. Existing systems will be maintained for the duration of their life cycle and replaced on either a 5- or a 10-year schedule depending on the system type. The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch reviewed this request as it pertains to Judicial Council funding and supports the submission of this BCP.

#### **Other state judiciary proposals**

***State Judiciary Rent Increases for Appellate Courts, Judicial Council Staff, and Judicial Branch Facilities Program (\$TBD)***. Proposed General Fund augmentation to fund 2015–2016 increased rent costs for state-owned and non-state-owned facilities. Increased costs are based on the Department of General Services estimates for state-owned facilities and lease rates for non-state-owned facilities. This proposal is consistent with the Chief Justice's *Three-Year Blueprint for a Fully Functioning Judicial Branch*. The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch reviewed this request as it pertains to Judicial Council funding and supports the submission of this BCP.

***Supreme Court Workload (\$TBD)***. General Fund augmentation to provide the Supreme Court with additional resources to address required workload. This proposal is consistent with the Chief Justice's *Three-Year Blueprint for a Fully Functioning Judicial Branch*.

***California Supreme Court, Courts of Appeal, and Habeas Corpus Resource Center Print and Online Subscriptions (\$TBD).*** General Fund augmentation to address the increased costs of law library print and online resources for the California Judicial Center Library and the law libraries of the Courts of Appeal. The amount requested represents observed and predicted increases in the costs of supplying library, judicial chambers, and staff collections in all court libraries and contractually required increases in the costs of providing access to the major online legal research services.

***New Appellate Court Justices (\$TBD). Request for*** two additional appellate court justices for Division Two of the Fourth Appellate District to address increased workload. Addition of these two positions will prevent cases from being transferred from one district to another, which poses a hardship for litigants who bear the expense and burden of traveling to a distant district. It will also allow local issues to be decided in the geographic area in which the dispute arose. This proposal is consistent with the Chief Justice's *Three-Year Blueprint for a Fully Functioning Judicial Branch*.

### **Implementation Requirements, Costs, and Operational Impacts**

Not applicable.

### **Relevant Strategic Plan Goals and Operational Plan Objectives**

The funding proposals requested for the appellate courts, Judicial Council, and Judicial Branch Facilities Program will address the strategic plan goals of Access, Fairness, and Diversity (Goal I); Modernization of Management and Administration (Goal III); and Quality of Justice and Service to the Public (Goal IV).

### **Attachments and Links**

1. Department of Finance 2015–16 Budget Policy Letter #14-12, issued July 15, 2014

# BUDGET LETTER

<b>SUBJECT:</b> 2015-16 BUDGET POLICY	<b>NUMBER:</b> 14-12
<b>REFERENCES:</b> BL14-05, BL14-07	<b>DATE ISSUED:</b> July 15, 2014
	<b>SUPERSEDES:</b> 13-14

TO: Agency Secretaries  
Department Directors  
Department Chief Counsels  
Department Budget and Accounting Officers  
Department of Finance Budget and Accounting Staff

FROM: DEPARTMENT OF FINANCE

This Budget Letter sets forth the Governor's policy direction for his proposed 2015-16 Budget. As a reminder, BL14-05, issued April 14, 2014, outlines the technical and procedural requirements for preparation of the 2015-16 Governor's Budget.

## Priorities

The Administration's primary budget focus continues to be maintaining a structurally balanced budget that preserves critical state services and pays down debt and obligations. Departments must continue to control costs, increase efficiency, and refrain from creating new—or expanding existing—programs. Also, this year we will be making a major transition from our legacy information technology systems to Financial Information System for California (FI\$Cal), which will require all departments to technically modify the format of budget submissions to adjust to the new requirements of FI\$Cal.

## Budget Change Proposals (BCPs) and Enrollment/Caseload/Population (ECP) Policy

To maintain a structurally balanced budget, departments' ability to submit BCPs or ECP policy changes for the 2015-16 Budget remains limited, regardless of the funding source.

Accordingly, departments (including those not under the Governor's direct authority) should submit BCPs or ECP policy changes for the 2015-16 Budget only in the following circumstances:

- a. Statutory changes necessary for departments to manage within their budgets.
- b. Expected changes in programs' ECPs.
- c. Paying down state debts and liabilities.
- d. Reducing deferred maintenance.
- e. Existing or ongoing Information Technology (IT) projects.
- f. Existing or ongoing Capital Outlay projects.
- g. New Capital Outlay projects, if critical, such as fire, life, safety, or court-ordered projects.
- h. Cost-cutting measures or authorizing efficiencies to offset unavoidable costs.
- i. Improved budgeting practices related to zero-base budgeting, performance measures, and other efforts as directed by Executive Order B-13-11.

In the event there is a critical need that does not meet the criteria outlined above and the agency secretary believes a new BCP is needed to prevent adverse consequences, or to address adverse problems a department is already encountering, contact your Finance Program Budget Manager before the due date.



All other BCP requests that do not fit into the categories listed above will be returned to departments without review.

Departments should assess whether statutory changes (including budget bill language) are necessary to effectuate any BCP that is submitted. If statutory changes are necessary, the department's BCP must include a copy of the proposed legislation. This requirement is necessary for Finance to comply with its obligations under Government Code §13308 to submit proposed statutory changes to the Legislature, through the Legislative Counsel. BCPs, including requests for Budget Bill language changes, must be submitted to Finance no later than **September 2, 2014**. (This is a change from the due date stated in BL14-05.)

FI\$Cal Wave 1 departments will enter information directly into the new FI\$Cal System for 2015-16 BCPs and all non-Wave 1 departments will use the BCP template to be provided separately.

### **BCP Confidentiality**

Information contained in BCPs is an integral part of the Governor's deliberation process. Accordingly, every BCP must be treated as privileged and confidential until and unless the BCP is released to the Legislature as part of the Governor's Budget, the April 1 Finance Letter process, or the May Revision. Disapproved, unapproved, and draft BCPs (i.e., BCPs not released to the Legislature) remain confidential indefinitely, and may not be released. Final BCPs are those that contain a Finance supervisor's signature/approval attesting that the BCP has been submitted to the Legislature.

Questions about Public Records Act or litigation discovery requests for budget documents should be directed to department legal staff and, if necessary, by department legal staff to Finance legal staff.

If you have any questions about this Budget Letter, please contact your Finance budget analyst.

/s/ Michael Cohen

MICHAEL COHEN  
Director



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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: August 22, 2014

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Title	Agenda Item Type
Court Facilities: Disposition of Judicial Council of California Equity in Calexico Courthouse	Information Only
Submitted by	Date of Report
Trial Court Facility Modification Advisory Committee Hon. David Edwin Power, Chair	August 11, 2014
	Contact
	Eunice Calvert-Banks, Manager Real Estate and Facilities Management <a href="mailto:eunice.calvert-banks@jud.ca.gov">eunice.calvert-banks@jud.ca.gov</a> (415) 865-4048

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### **Executive Summary**

The Superior Court of California, County of Imperial vacated the Calexico Courthouse as of July 1, 2014, and has informed the Judicial Council that it has no foreseeable need for the facility. The County of Imperial (County) advised Judicial Council staff that it does not intend to repurchase the facility. Due to a right of reversion held by the City of Calexico (City) in the underlying deed to the County, the facility will be returned to the City via deed by the council.

### **Previous Council Action**

None.

### **Summary of Findings**

The Calexico courthouse was transferred to the council pursuant to the Trial Court Facilities Act of 2002 (Sen. Bill 1732 [Escutia]; Stats. 2002, ch. 1082, as amended). The council obtained title to the facility from the County subject to a right of reversion in favor of the City, which was recorded on the property in 1965. By operation of this encumbrance on the property, the City has a right to reacquire the property in the event it has not been used as a court facility and county office building for a period of one year.

The Superior Court of Imperial County (Court) earlier this year notified Judicial Council staff that it was vacating the Calexico court facility effective July 1, 2014, and has no foreseeable use for that facility. (See Attachment 1.) As required by the terms of the transfer agreement, Judicial Council staff notified the County that the Court was vacating the building and inquired whether the County had an interest in reacquiring the property. (See Attachment 2.) The County informed staff they were not interested in acquiring the property. (See Attachment 3.) Because the property will not be used as either a court or county facility, staff then contacted the City. The City is exercising its right of reversion and has requested that the council deed its interest in the property to the City as required by law. (See Attachment 4.)

### **Policy and Cost Implications**

The facts presented in this report are specific to the Calexico facility. When the property transferred to the council, it was already subject to a reversionary interest dating from 1965. Once the Court determined that it did not have a foreseeable use for the facility, the terms of the transfer agreement and the reversionary interest compelled certain actions as a matter of law. Due to the specific nature of the rights related to this property, there are no significant policy implications to be drawn for other facilities.

Although the original deed from the City to the County does not require the Calexico courthouse to be deeded to the City until a full year of nonuse as a court or county facility has occurred, the council will save the ongoing operations and maintenance costs for the facility the sooner the facility is deeded back to the City.

### **Next Steps**

Staff will prepare the necessary documents to deed the Calexico courthouse to the City of Calexico.

### **Attachments and Links**

Attachment 1: March 21, 2014, correspondence from Kristine Kussman, Court Executive Officer of the Superior Court of California, County of Imperial

Attachment 2: May 6, 2014, correspondence to County of Imperial

Attachment 3: May 29, 2014, correspondence from County of Imperial

Attachment 4: July 7, 2014, correspondence from City of Calexico

## Attachment 1

**From:** [Kristi.Kussman@imperial.courts.ca.gov](mailto:Kristi.Kussman@imperial.courts.ca.gov)  
**To:** [Calvert-Banks, Eunice](#)  
**Cc:** [Sergio.Valadez@imperial.courts.ca.gov](mailto:Sergio.Valadez@imperial.courts.ca.gov); [Maria.Rhinehart@imperial.courts.ca.gov](mailto:Maria.Rhinehart@imperial.courts.ca.gov); McGrath, Patrick; Darr, Terri; [Boulais, Bradford](#); [Gieck, Mona](#)  
**Subject:** Calexico Court  
**Date:** Friday, March 21, 2014 11:54:31 AM

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Eunice

I am providing you with notice that the Superior Court, County of Imperial will not be needing or using the Calexico Court located on 4<sup>th</sup> Street in Calexico, California. The effective date is July 1, 2014. We will have all court property removed from the facility so that the State can comply with the deed in that the property will belong to the City of Calexico.

Additionally because of this change the Delegation for maintenance will be modified accordingly as well as insurance, utilities, etc.

Let me know if you need this information on letter head and or notify another person of our intentions to relinquish the Calexico Court property.

Kristine Kussman  
Court Executive Officer  
Superior Court, County of Imperial  
939 Main Street  
El Centro, CA 92243  
(760) 482-2255



Attachment 2

## Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

JUDICIAL AND COURT ADMINISTRATIVE SERVICES DIVISION

2255 North Ontario Street, Suite 220 • Burbank, California 91504-3120

Telephone 818-558-3060 • Fax 818-558-3114 • TDD 415-865-4272

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

STEVEN JAHR  
*Administrative Director of the Courts*

CURT SODERLUND  
*Chief Administrative Officer*

May 6, 2014

County of Imperial  
Attention: Ralph Cordova Jr., County Executive Officer  
940 West Main Street, Suite 208  
El Centro, CA 92243

County of Imperial  
Attention: Michael Rood, County Counsel  
940 West Main Street, Suite 205  
El Centro, CA 92243

Dear Mr. Cordova and Mr. Rood:

On December 16, 2008, the County of Imperial ("County") and the Judicial Council of California, Administrative Office of the Courts ("AOC") entered into a Transfer Agreement For The Transfer of Responsibility for Court Facility ("Agreement"), regarding the Calexico courthouse, located at 415 Fourth Street, in Calexico ("Property"). Thereafter, the County deeded the Property to the AOC, by a Grant Deed which recorded on October 30, 2009, as Document No. 2009-030975.

Section 4.5 of the Agreement provides the following:

"4.5. Consultation Concerning Disposition of Court Facility. Pursuant to Section 70391(c) of the Act, after the Transfer of Title, the AOC will consult with the County concerning the disposition of the Court Facility if it becomes surplus. If requested by the County, the AOC will offer the surplus Court Facility to the County at fair market value before offering it to any other State or local government agency."

County of Imperial  
May 6, 2014  
Page 2

The Imperial County Superior Court ("Court") will cease all operations at the Property by June 30, 2014. Once that happens, neither the Court nor the County will occupy or use the Property. When the County acquired title to the Property from the City of Calexico ("City"), on November 4, 1964, the deed included a provision ("Reversion") which provided as follows:

"This conveyance is made subject to the condition that said property shall be continuously used as a Court facility and as a County Office Building. In the event that said property is not so used for a period of one year, all of the Rights of the Grantee shall terminate and the Property shall revert to the City of Calexico, its successors or assigns."

A copy of that deed is enclosed, for your information.

The Court does not intend to re-occupy the Property in the future. Due to the existence of the Reversion, is it not practical for the AOC to lease or deed the property to a third party. Pursuant to Section 4.5 of the Agreement, the AOC is to offer the Property to the County, but if the County re-acquires the Property it will do so subject to the Reversion.

The AOC proposes that we contact the City and inquire as to whether the City wishes to exercise its right of reversion. In the event that the City does wish to exercise its right of reversion, the AOC plans to deed the Property to the City. This letter is being written in order to comply with Section 4.5 of the Agreement. In the event the County does not want the AOC to contact the City, and wishes to re-acquire the property pursuant to Section 4.5 of the Agreement, please contact me on or before June 15, 2014. If I do not hear from the County by that date I shall conclude that the County agrees with the AOC's plan to contact the City, and I will proceed to do so without contacting the County further.

Yours truly,



Joanne Williamson  
Senior Real Estate Analyst

JW/hs  
Enclosure

# Quitclaim Deed

## City of Calexico

a municipal corporation organized and existing under the laws of the State of California, and having its principal place of business in the city of Calexico, State of California, in consideration of One Dollar and other valuable considerations Dollars does hereby QUITCLAIM to The County of Imperial, State of California

all that real property situate in the City of Calexico, County of Imperial, State of California, described as follows:

The South 125 feet of the East 150 feet, Block 42, Original Townsite of Calexico.

This conveyance is made subject to the condition that said property shall be continuously used as a Court facility and as a County Office Building. In the event that said property is not so used for a period of one year, all of the Rights of the Grantee shall terminate and the Property shall revert to the City of Calexico, its successors or assigns.

Together with all and singular the tenements, hereditaments and appurtenances thereto belonging or in otherwise appertaining, and the reversion and reversants, remainder and remainders, rents, issues and profits thereof.

In Witness Whereof said Municipal Corporation, pursuant to a Resolution dated November 4, 1964, has caused its corporate name and seal to be hereunto affixed by its Mayor and City Clerk hereunto duly authorized, this 4th day of November, 1964.

By: *[Signature]*  
City Clerk

City of Calexico  
By: *[Signature]*  
Mayor

STATE OF CALIFORNIA  
COUNTY OF IMPERIAL

On this 8th day of March, 1965, I, *[Signature]*, a County Clerk and of said County and State,

do hereby certify that *[Signature]* known to me to be the Mayor, and

*[Signature]* known to me to be the City Clerk of the CITY OF CALEXICO, the municipal corporation that executed the within and foregoing instrument, and known to me to be the Mayor who executed the within instrument and the corporation therein named, and that such corporation executed the within instrument.

Witness my hand and official seal, the day and date first above written.

*[Signature]*  
County Clerk

SPACE BELOW FOR RECORDER'S USE ONLY

RECORDING REQUESTED BY  
and RETURN TO  
County Clerk

81 JOHN W. KENNERSON  
COUNTY RECORDER

'65 MAR 22 PM 3:34  
BOOK 1203 PAGE 665  
OFFICIAL RECORDER  
IMPERIAL COUNTY, CALIF.

No fee

MAR 22 1965

#7

COUNTY EXECUTIVE OFFICE

Attachment 3

**Ralph Cordova, Jr.**  
Executive Officer



County Administration Center  
940 Main Street, Suite 208  
El Centro, CA 92243  
760-482-4290 Tel  
760-352-7876 Fax  
[ralphcordova@co.imperial.ca.us](mailto:ralphcordova@co.imperial.ca.us)  
[www.co.imperial.ca.us](http://www.co.imperial.ca.us)

May 29<sup>th</sup>, 2014

Administrative Office of the Courts  
Judicial and Court Administrative Services Division  
Attention: Senior Real Estate Analyst  
2255 North Ontario Street, Suite 220  
Burbank, CA 91504-3120

Administrative Office of the Courts  
Office of Court Construction and Management  
Attention: Manager, Real Estate  
455 Golden Gate Avenue  
San Francisco, CA 94102-3688

Re: Calexico Courthouse

To Whom It May Concern:

The County of Imperial ("County") is in receipt of the letter dated May 6<sup>th</sup>, 2014 from the State of California Judicial Council of California Administrative Office of the Courts ("AOC") in regards to the Calexico Courthouse Facility located at 415 Fourth Street, Calexico, California ("Property"). In accordance with Paragraph 4.5 of the executed Transfer Agreement for the Responsibility for Court Facility between the County and the AOC for this Property, the AOC has offered the Property to the County for purchase at fair market value since the AOC no longer intends to occupy or use the Property.

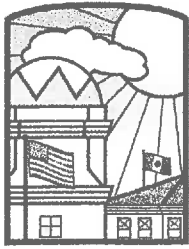
After careful consideration, the County respectfully declines this offer. Should you have any questions, please do not hesitate to contact me at your earliest convenience. You may reach me or Andrea Gonzales, Administrative Analyst II, at (760) 482-4290 or via email at [ralphcordova@co.imperial.ca.us](mailto:ralphcordova@co.imperial.ca.us) or [andreagonzales@co.imperial.ca.us](mailto:andreagonzales@co.imperial.ca.us), respectively.

Sincerely,

A handwritten signature in black ink, appearing to be "Ralph Cordova, Jr.", written over a horizontal line.

Ralph Cordova, Jr.  
County Executive Officer





# CITY OF CALEXICO

608 Heber Avenue  
Calexico, CA 92231  
[www.calexico.ca.gov](http://www.calexico.ca.gov)

RECEIVED

JUL 10 2014

AOC

July 7, 2014

Judicial Council of California  
Administrative office of the Courts  
Judicial and Court Administrative Services Division  
2255 North Ontario Street, Ste. 220  
Burbank, CA 91504-3120

Re: Calexico Courthouse  
AOC Facility ID No. 13-C1

Dear Ms. Williamson:

We are in receipt of your letter dated June 30, 2014 in which you have notified us that the Superior Court of Imperial County will cease all operations at the property by June 30, 2014, with no intentions to re-occupy the property in the future. In light of this information, the City wishes to exercise our right of reversion over the Calexico courthouse property.

Please contact Erica LaCuesta from my office at (760) 768-7433 ([elacuesta@calexico.ca.gov](mailto:elacuesta@calexico.ca.gov)) so she may coordinate with you to move forward with this process.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Warne", followed by a horizontal line.

Richard Warne  
Interim City Manager



## JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue • San Francisco, California 94102-3688  
Telephone 415-865-4200 • Fax 415-865-4205 • TDD 415-865-4272

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### MEMORANDUM

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**Date**

August 12, 2014

**To**

Executive and Planning Committee

**From**

Curtis L. Child  
Chief Operating Officer, Judicial Council

Shelley Curran  
Senior Manager, Criminal Justice Services

**Subject**

Recidivism Reduction Grant Administration  
Procedure

**Action Requested**

Approval of Process for Development of  
Request for Proposal and Awarding of Grants

**Deadline**

N/A

**Contact**

Shelley Curran  
Criminal Justice Services  
415-865-4013 phone  
415-865-8795 fax  
[shelley.curran@jud.ca.gov](mailto:shelley.curran@jud.ca.gov)

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**Summary**

The Budget Act of 2014 (“Act”)<sup>1</sup> appropriated \$15 million to the judicial branch for a competitive grant program designed to support the administration and operation of trial court programs and practices known to reduce recidivism. Under the Act, the grant program must be developed and administered by the Judicial Council. The purpose of this memorandum is to request Executive and Planning Committee approval of the proposed timeline and processes for the development and scoring of the Request for Proposals and awarding of grants, as set forth below.

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<sup>1</sup> Senate Bill 852; Stats. 2014, ch. 25.

## **The Grant Program**

### **Purpose**

Under the competitive grant program, funds must be allocated to support the administration and operations of programs and practices known to reduce offender recidivism, including “collaborative courts that serve moderate and high-risk adult criminal offenders, pretrial programs, and the use of risk and needs assessment instruments at sentencing of felony offenders subject to local supervision.” (Act, 0250-101-3259.)

To apply, courts must submit a joint application on behalf of the court, county, and other local justice system partners that specifies the initiative for which funding is sought, including staffing and program expectations, services to be delivered by the partner organizations, and how the grant funds will cover expected costs.

### **Judicial Council Requirements**

The Judicial Council—in consultation with the California Department of Corrections and Rehabilitation and the Chief Probation Officers of California—is required to establish performance-based outcome measures that are appropriate for each program.

Participating courts will be required to provide data, including individual offender level data, to the Judicial Council on a quarterly basis. The council, in turn, is required to annually report aggregate level data related to the programs to the Department of Finance and the Joint Legislative Budget Committee. The reports must address the effectiveness of the programs based on the established outcome measures and the impact of the funding on public safety and improving offender outcomes.

Five percent of the funds are to be designated to the Judicial Council for the administration of the program, including the collection and analysis of data from the grantee courts, the provision of technical and legal assistance to the courts, and evaluation of the program. The Judicial Council’s Executive Office has designated Criminal Justice Services (CJS) to oversee the administration of this grant program. Funds that are unexpended by June 30, 2017, must revert back to the General Fund.

### **Proposed Grant Administration Procedure**

The Act does not specify how the Judicial Council should select grant fund recipients or otherwise administer the competitive grant program. To ensure that the grant program is administered in a manner that is consistent with Judicial Council policies and procedures, CJS proposes the following grant administration procedure.

### **General Responsibilities**

CJS will be responsible for all aspects of administering the grant program, including developing the Request for Proposals (RFP); developing a review methodology and process for scoring applications; evaluating applications; establishing outcome measures; making funding allocation recommendations to the Judicial Council; collecting and analyzing data from the courts; and reporting outcomes to the Legislature and Department of Finance. CJS oversees and coordinates the Judicial Council staff's efforts related to criminal justice, including the 2011 Criminal Justice Realignment Act and community corrections, in order to improve efficiencies and assistance to the courts, justice partners, and the public. CJS also provides legal, program, and research assistance and has extensive experience conducting all of the tasks required in the administration of this program.

Once in final draft form, CJS will submit the proposed grant administration process to the Finance Department's Business Services office for approval. CJS will also submit final funding recommendations to the Executive & Planning Committee and Judicial Council for consideration and approval.

### **Advisory Committee and Subject Matter Expert Input**

To ensure input from advisory committee and other subject matter experts in developing the grant administration program, particularly the RFP and scoring methodology, CJS will consult with experts in the areas of collaborative courts, pre-trial programs, and risk and needs assessments.

As discussed below, representatives of superior courts or justice system partner agencies that may apply for grant funds or potentially receive funding as a subcontractor to a court or justice partner entity may not review and develop the RFP or be involved in the selection of grantees. Accordingly, CJS will seek assistance in the review and development of the RFP from appellate court justices, retired judges, out-of-state judges, and representatives of national organizations with relevant experience and no potential conflicts.

In addition, to benefit from the valuable subject matter expertise of individual members of CJCAC and CLAC, and other relevant advisory bodies, CJS staff consulted with committee chairs to identify and select specific advisory committee members who wish to provide input in a manner that will not create potential conflicts of interest and avoids any appearance of impropriety in the grant application process. Specifically, CJS provided these members with a brief survey of general questions designed to elicit substantive feedback that CJS will consider in developing relevant materials and processes.

Shelley Curran, Senior Manager of CJS, spoke at the August 7, 2014, CEAC and TCPJAC joint meeting to provide preliminary information and status updates and to solicit input related to the grant program.

### **Methodology, Scoring, and Awarding of Grants**

CJS staff will score the proposals based upon specific criteria that will be included in the RFP. An effort will be made to adequately fund as many grants as possible, emphasizing a diversity of program types throughout the state.

Funding priority will be given to planning grants for initial program development and implementation grants for new programs. CJS will submit funding final recommendations to the Executive & Planning Committee and Judicial Council for consideration and approval.

### **Avoiding Conflicts or Perceived Conflicts of Interest**

The Judicial Council, as the policymaking body of the California Judiciary, is responsible for ensuring the consistent, independent, impartial, and accessible administration of justice. Public confidence in the judicial institution is essential for the courts to carry out their constitutional function. (See, e.g., Cal. Code Jud. Ethics, canon 1.) The business of the courts must be conducted in a manner that will avoid any suspicion of unfairness. (*La Seigneurie U.S. Holdings, Inc. v. Superior Court* (1994) 29 Cal.App.4th 1500, 1505 [citing *Johnson v. Superior Court* (1958) 50 Cal.2d 693, 697].)

The *competitive* nature of this application, in particular, requires careful consideration of issues related to impartiality, fairness, transparency, and conflicts of interest. Accordingly:

- Individuals, entities, judges, or other court representatives, including those on Judicial Council advisory bodies, will not be permitted to assist CJS in the development and review of the RFP, if the court or entity he or she represents may apply for funds under this grant program.<sup>2</sup>

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<sup>2</sup> Generally, the Judicial Council collectively, as well as individual judges who make up the council and relevant advisory bodies, are bound by the California Code of Judicial Ethics and its underlying principles. Judges are bound to conduct themselves in a manner that inspires public confidence and trust in the courts and conveys the values of impartiality, equity, and fairness that bring integrity to the court. (See, e.g., Canon 2A: [“A judge shall . . . act at all times in a manner that promotes public confidence in the integrity . . . of the judiciary . . .”]; Canon 2A, Advis. Com. Comment [“The test for the appearance of impropriety is whether a person aware of the facts might reasonably entertain a doubt that the judge would be able to act with integrity, impartiality, and competence”]; Cal. Code Jud. Ethics, canon 4C(3)(a), (b), (d) (by analogy) [principles that prohibit judges from soliciting gifts for governmental, civic, or charitable organizations on whose behalf they may serve as officers, directors, trustees, etc., and which supports the argument that the code also prohibits judges from soliciting gifts on behalf of their courts; Code of Civ. Pro., § 170.1 (by extension) [disqualification required if judge has a financial interest in outcome or presents appearance of impropriety]; Gov. Code, § 87100 (Political Reform Act) (by analogy) [broadly prohibits public officials from participating in a governmental decision in which they have reason to know they have a financial interest; and see Code of Ethics for the Court Employees of California, preamble.]

- Representatives of courts or justice system partner entities who assist directly in the development and review of the RFP may not submit proposals for grant funds.
- Representatives of courts that have a financial interest, conflict of interest, or perceived conflict of interest, should be prohibited from assisting the Judicial Council in the evaluation of proposals and funding allocation recommendations.

CJS provides staff support to CLAC and CJCAC, which collectively have extensive subject matter expertise on the types of court programs for which the grant funds will be allocated. These advisory bodies include representatives of superior courts and justice system partner entities that may—and should be encouraged to—apply for the grant funds at issue. As such, CJS recommends that these advisory bodies do not directly participate in the grant administration process.

As subject matter experts, however, CLAC and CJCAC or their representatives will be encouraged to provide general subject matter feedback to CJS staff, including about developing the RFP and evaluation methodology.

### Proposed Time Frame

The following proposed timeline of the key events to include in the RFP through program end June 30, 2017. These may change if there is a delay in the issuance of the RFP.

EVENT	DATE
RFP issued	September 15, 2014
Deadline for questions	October 10, 2014, noon
Questions and answers posted	October 21, 2014
Latest date and time proposal may be submitted	December 15, 2014, noon

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Principles underlying existing Judicial Council policies, procedures, and guidelines also provide analogous support for this restriction. See [Seeking and Accepting Foundation Grants, Guidelines for Courts](#), p. 4, 6. (2005) (guidelines and ethical principles for courts seeking grants from private foundations); [Judicial Branch Contracting Manual](#), Chapter 1, Section 2 (Ethics) and in Chapter 4, Section 4.4 (Vendor Selection), (2014)). And see generally, [National Institute of Health, Office of Extramural Research, Managing Conflict of Interest in NIH Peer Review of Grants and Contracts](#) (directing, e.g., that any situation that could cause a reasonable person with all the relevant facts to question the impartiality of the grant reviewer or that leads a reviewer to question his or her objectivity precludes that the reviewer from participating in the evaluation of that grant application).

<b>EVENT</b>	<b>DATE</b>
Evaluation of proposals, including interviews if necessary	January 9, 2015
Presentation to Judicial Council	February 19, 2015
Notice of Intent to Award	February 23, 2015
Negotiations and execution of contract	February 23, 2015– April 1, 2015
Contract start date	April 1, 2015
Contract end date	June 30, 2017

CLC/SC/bjw