



JUDICIAL COUNCIL OF CALIFORNIA

TRIAL COURT BUDGET
ADVISORY COMMITTEE

TRIAL COURT BUDGET ADVISORY COMMITTEE

MATERIALS FOR NOVEMBER 21, 2019 MEETING

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TRIAL COURT BUDGET ADVISORY COMMITTEE

NOTICE AND AGENDA OF OPEN IN-PERSON MEETING

Open to the Public (Cal. Rules of Court, rule 10.75(c)(1) and (e))

THIS MEETING IS BEING RECORDED

Date: November 21, 2019
Time: 11:00 a.m. to 2:00 p.m.
Location: 2850 Gateway Oaks Drive, Sacramento, CA, 95833, Tower Room A & B
Public Call-in Number: 1-877-820-7831; Passcode 1884843 (listen only)

Meeting materials will be posted on the advisory body web page on the California Courts website at least three business days before the meeting.

Members of the public seeking to make an audio recording of the meeting must submit a written request at least two business days before the meeting. Requests can be e-mailed to tcbac@jud.ca.gov.

Agenda items are numbered for identification purposes only and will not necessarily be considered in the indicated order.

I. OPEN MEETING (CAL. RULES OF COURT, RULE 10.75(C)(1))

Call to Order and Roll Call

Approval of Minutes

Approve minutes of the August 7, 2019 Trial Court Budget Advisory Committee (TCBAC) meeting, and the September 11, 2019 and October 9, 2019 actions by email between meetings.

II. PUBLIC COMMENT (CAL. RULES OF COURT, RULE 10.75(K)(1)-(2))

In-Person Public Comment

Members of the public requesting to speak during the public comment portion of the meeting must place the speaker's name, the name of the organization that the speaker represents if any, and the agenda item that the public comment will address, on the public comment sign-up sheet. The sign-up sheet will be available at the meeting location at least one hour prior to the meeting start time. The Chair will establish speaking limits at the beginning of the public comment session. While the advisory body welcomes and

encourages public comment, time may not permit all persons requesting to speak to be heard at this meeting.

Written Comment

In accordance with California Rules of Court, rule 10.75(k)(1), written comments pertaining to any agenda item of a regularly noticed open meeting can be submitted up to one complete business day before the meeting. For this specific meeting, comments should be e-mailed to tcbac@jud.ca.gov or mailed or delivered to Judicial Council of California, 455 Golden Gate Avenue, San Francisco, CA, 94102 attention: Ms. Brandy Sanborn. Only written comments received by 11:00 a.m. on November 20, 2019 will be provided to advisory body members prior to the start of the meeting.

III. DISCUSSION AND POSSIBLE ACTION ITEMS (ITEMS 1–8)

Item 1

Methodology for Reallocation of Workload Formula Funds (Action Required)

Consideration of a Funding Methodology Subcommittee (FMS) recommendation on a methodology for reallocation of Workload Formula funds.

Presenter(s)/Facilitator(s): Ms. Michele Allan, Supervisor, Budget Services

Item 2

Distribution of the Fee for Court Reporter Services in Civil Proceedings Lasting More Than One Hour (Action Required)

Consideration of an FMS recommendation on distribution of the court reporter fee assessed pursuant to Government Code 68086(a)(2).

Presenter(s)/Facilitator(s): Ms. Brandy Sanborn, Manager, Budget Services

Item 3

El Dorado Superior Court Workload Formula Adjustment Request (Action Required)

Consideration of an FMS recommendation on the Workload Formula Adjustment Request submitted by El Dorado Superior Court.

Presenter(s)/Facilitator(s): Ms. Leah Rose-Goodwin, Manager, Business Management Services

Item 4

Updates to the Funds Held on Behalf (FHOB) of the Trial Courts Policy (Action Required)

Consideration of a Fiscal Planning Subcommittee (FPS) recommendation on revisions to the current FHOB submission process including streamlining the submission schedule and making a change to the recipient of the request as well as a Budget Services recommendation on the timeline.

Presenter(s)/Facilitator(s): Mr. Catrayel Wood, Senior Analyst, Budget Services

Item 5

Children's Waiting Room (CWR) Report (Action Required)

Consideration of an extension on receipt of CWR funds during temporary closure for the San Mateo Superior Court.

Presenter(s)/Facilitator(s): Ms. Michele Allan, Supervisor, Budget Services

Item 6

Update to CWR Policy (Action Required)

Consideration of an FPS recommendation to the CWR Distribution and Fund Balance Policy including an update to the timing of the fund balance cap reductions, removal of language that is no longer relevant, and other technical revisions to clarify language in the policy as well as a Budget Services recommendation on the timeline.

Presenter(s)/Facilitator(s): Ms. Michele Allan, Supervisor, Budget Services

Item 7

CWR Fund Balance Cap Biennial Review (Action Required)

Consideration of an FPS recommendation of reductions for 2018-19 fund balances exceeding the cap as well fund balance cap adjustment requests from four courts.

Presenter(s)/Facilitator(s): Ms. Michele Allan, Supervisor, Budget Services

Item 8

2018-19 Final One-Time Cap Reduction for Fund Balances Above the 1% Cap (Action Required)

Review of final submissions of 2018-19 one-time reductions for fund balances.

Presenter(s)/Facilitator(s): Ms. Michele Allan, Supervisor, Budget Services

IV. INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

Info 1

Trial Court Trust Fund FHOB Expenditure Reporting

Quarterly report to the TCBAC on how funds were expended for projects and planned expenditures that are complete.

Presenter(s)/Facilitator(s): Mr. Catrayel Wood, Senior Analyst, Budget Services

Info 2

Lease Review Update

Update from the March 21, 2019 TCBAC request of Budget Services staff to work with Facilities Services and the appropriate advisory body regarding review and consideration of funding for trial court leases.

Presenter(s)/Facilitator(s): Ms. Michele Allan, Supervisor, Budget Services

V. ADJOURNMENT

Adjourn



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TRIAL COURT BUDGET
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TRIAL COURT BUDGET ADVISORY COMMITTEE

MINUTES OF OPEN MEETING

August 7, 2019
12:00 p.m. – 1:30 p.m.
Telephonic Meeting
1-877-820-7831 Passcode 1884843 (Listen Only)

Advisory Body Members Present: Judges: Hon. Jonathan B. Conklin (Chair), Hon. Jeffrey B. Barton, Hon. Andrew S. Blum, Hon. Daniel J. Buckley, Hon. Mark A. Cope, Hon. Kimberly Gaab, Hon. Teri L. Jackson, Hon. Brian McCabe, Hon. Gary Nadler, and Hon. B. Scott Thomsen.

Executive Officers: Ms. Kim Bartleson, Mr. Kevin Harrigan, Mr. Michael D. Planet, Ms. Kim Turner, and Mr. David Yamasaki.

Judicial Council Staff Advisory Members: Mr. John Wordlaw and Mr. Zlatko Theodorovic

Advisory Body Members Absent: Ms. Rebecca Fleming, Hon. Jill C. Fannin, Hon. Charles Margines, Ms. Sherri Carter, Mr. Chad Finke, Mr. Michael M. Roddy, Mr. Brian Taylor, and Ms. Tania Ugrin-Capobianco.

Others Present: Ms. Lucy Fogarty, Ms. Michele Allan, Mr. Jason Haas, Ms. Melissa Ng, Mr. Don Will, and Mr. Douglas Denton.

OPEN MEETING

Call to Order and Roll Call

The chair welcomed the members, called the meeting to order at 12:03 p.m., and took roll call.

Approval of Minutes

The advisory body reviewed and approved the modified minutes of the July 25, 2019 Trial Court Budget Advisory Committee (TCBAC) meeting to include Judge Barton in attendance via telephone.

DISCUSSION AND ACTION ITEMS (ITEMS 1-3)

Item 1 - 2019-20 State Trial Court Improvement and Modernization Fund (IMF) for V3 Case Management System (CMS) (Action Required)

Consideration of a recommendation to reallocate unspent funds provided in a 2016-17 budget change proposal for Sacramento Superior Court as it relates to the V3 CMS transition.

Presenter(s)/Facilitator(s): Mr. Jason Haas, Senior Analyst, Budget Services

Action: The TCBAC unanimously voted to approve the recommendation of a reallocation of \$1,255,900 in 2019-20 of unspent funds to the Information Technology office for the Sacramento Superior Court V3 Case Management System Replacement for Judicial Council consideration at its September 23-24, 2019 business meeting.

Item 2 - Children's Waiting Room (CWR) Report (Action Required)

Consideration of a Fiscal Planning Subcommittee recommendation to provide Contra Costa Superior Court with a three-month extension on receipt of CWR funds during temporary closure.

Presenter(s)/Facilitator(s): Ms. Melissa Ng, Senior Analyst, Budget Services

Action: The TCBAC unanimously voted to approve the Fiscal Planning Subcommittee (FPS) recommendation for a three-month extension of the previous Judicial Council-approved request for the continued receipt of CWR funds for Contra Costa Superior Court for consideration by the council at its September 23-24, 2019 business meeting.

Item 3 - Reporting Requirement for Trial Court Trust Fund (TCTF) and IMF Encumbrances (Action Required)

Consideration of a recommendation to forego the reporting requirement for outstanding encumbrances for all programs funded from the TCTF and/or IMF unless requested.

Presenter(s)/Facilitator(s): Mr. Jason Haas

Action: The TCBAC unanimously voted to approve a to forego the annual reporting requirement for outstanding encumbrances from the TCTF and IMF unless requested by the TCBAC for consideration by the council at its September 23-24, 2019 business meeting.

I. INFORMATION ONLY ITEMS (INFO 1)

Info 1 - 2019-20 Language Access Signage and Technology (Action Required)

Information on a grant program to disburse \$2.55 million for language access signage, technology infrastructure support, and equipment needs for the trial courts and the Judicial Council for 2019-20 and ongoing.

Presenter(s)/Facilitator(s): Mr. Don Will, Assistant Director, Center for Families, Children & the Courts

Mr. Douglas Denton, Supervising Analyst, Center for Families, Children & the Courts

Action: No action taken

ADJOURNMENT

There being no further business, the meeting was adjourned at 12:30 p.m.

Approved by the advisory body on enter date.



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TRIAL COURT BUDGET
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TRIAL COURT BUDGET ADVISORY COMMITTEE

MINUTES OF OPEN MEETING

September 11, 2019

11:00 a.m.

Action by E-mail Between Meetings

Advisory Body Members Present: Judges: Hon. Jonathan B. Conklin (Chair), Hon. Jeffrey B. Barton, Hon. Andrew S. Blum, Hon. Daniel J. Buckley, Hon. Mark A. Cope, Hon. Jill C. Fannin, Hon. Kimberly A. Gaab, Hon. Teri L. Jackson, Hon. Charles Margines, Hon. Brian McCabe, Hon. Gary Nadler, and Hon. B. Scott Thomsen.

Executive Officers: Ms. Kim Bartleson, Ms. Sherri Carter, Mr. Chad Finke, Mr. Kevin Harrigan, Mr. Michael D. Planet, Mr. Michael M. Roddy, Mr. Brian Taylor, Ms. Kim Turner, Ms. Tania Ugrin-Capobianco, and Mr. David Yamasaki.

Advisory Body Members Absent: Ms. Rebecca Fleming (Vice Chair)

Others Present: Ms. Brandy Sanborn

OPEN MEETING

Vote

Voting was opened at 11:06 a.m.

DISCUSSION AND ACTION ITEMS (ITEM 1)

Item 1

Review a recommendation for a revised allocation of \$156.7 million to the trial courts for court-appointed juvenile dependency costs effective July 1, 2019.

Action: The Trial Court Budget Advisory Committee approved, with one abstention, the recommended allocation revision of \$156.7 million to the trial courts for court-appointed juvenile dependency counsel costs, effective July 1, 2019 for consideration by the Judicial Council. The 2019-20 allocation was prepared using the methodology specified by the Judicial Council.

ADJOURNMENT

Voting closed at 5:00 p.m.

Approved by the advisory body on [Date].



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TRIAL COURT BUDGET
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TRIAL COURT BUDGET ADVISORY COMMITTEE

MINUTES OF OPEN MEETING

October 9, 2019

11:00 a.m.

Action by E-mail Between Meetings

Advisory Body Members Present: Judges: Hon. Jonathan B. Conklin (Chair), Hon. Jeffrey B. Barton, Hon. Daniel J. Buckley, Hon. Mark A. Cope, Hon. Jill C. Fannin, Hon. Kimberly A. Gaab, Hon. Joyce D. Hinrichs, Hon. Teri L. Jackson, Hon. Patricia L. Kelly, Hon. Charles Margines, Hon. Deborah H. Ryan, and Hon. B. Scott Thomsen.

Executive Officers: Ms. Rebecca Fleming (Vice Chair), Ms. Kim Bartleson, Ms. Sherri R. Carter, Ms. Nancy Eberhardt, Mr. Chad Finke, Mr. Shawn Landry, Mr. Michael D. Planet, Mr. Chris Ruhl, Mr. Neal Taniguchi, Mr. Brian Taylor, Ms. Kim Turner, and Mr. David H. Yamasaki.

Advisory Body Members Absent: Hon. Charles Margines and Ms. Sherri Carter

Others Present: Ms. Brandy Sanborn

OPEN MEETING

Vote

Voting was opened at 11:11 a.m.

DISCUSSION AND ACTION ITEMS (ITEM 1)

Item 1

Review a recommendation on a requested extension from Contra Costa Superior Court to continue receiving Children's Waiting Room (CWR) funds through June 2020 to allow more time to identify a vendor for its new location.

Action: The Trial Court Budget Advisory Committee approved, with one abstention, the recommendation for the continued receipt of CWR funds for Contra Costa Superior Court through June 30, 2020 for consideration by the Judicial Council at its November 14-15, 2019 business meeting.

ADJOURNMENT

Voting closed at 5:00 p.m.

Approved by the advisory body on [Date].

JUDICIAL COUNCIL OF CALIFORNIA
BUDGET SERVICES
Report to the Trial Court Budget Advisory Committee

(Action Item)

Title: **Methodology for Reallocation of Workload Formula Funds**
Date: 11/21/2019
Contact: Michele Allan, Budget Supervisor, Judicial Council Budget Services
 916-263-1374 | michele.allan@jud.ca.gov

Issue

Consideration of a recommendation from the Funding Methodology Subcommittee (FMS) on Item 5 of the FMS Work Plan that states:

5. Develop a methodology to allocate:

- a. 50 percent of funding to courts under the statewide average funding ratio in years of new money per the policy approved by the Judicial Council on January 12, 2018; and
- b. Funding from courts above the band to courts below the band every other year for which no new money is provided per the policy approved by the Judicial Council on January 12, 2018.
- c. Reallocation of funding from courts above 105% as proposed by FMS on June 17, 2019.¹

Background

Judicial Council Meetings

At its January 12, 2018 business meeting, the Judicial Council approved new policy parameters for the Workload Formula which specifically addressed how new money² is to be allocated in the Workload Formula. The current process allocates funding in the following sequenced manner:

1. Bring all Cluster 1 courts up to 100 percent of funding need.
2. Allocate up to 50 percent of remaining funding to courts under the statewide average funding ratio. Allocated funds will bring courts up to but not over the statewide average funding ratio.
3. Allocate remaining funding to all courts based on the Workload Formula.

¹ On September 24, 2019 the council approved a recommendation on 1c to change the Workload Formula policy concerning reallocations in years with no new money so that courts above 105 percent of funding be subject to a 2 percent reduction of funding without going below 104 percent.

² New money is defined as any new ongoing allocation of general discretionary dollars to support costs of trial court workload, excluding funding for benefits and retirement increases.

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BUDGET SERVICES
Report to the Trial Court Budget Advisory Committee

4. Allow no court's allocation to exceed 100 percent of its need unless it is the result of a funding floor calculation.

At its July 19, 2019 business meeting, the council approved 2019-20 trial court allocations including funding for support of 25 judgeships totaling \$24 million³. The current Workload Formula does not specify a method for allocating 50 percent of funding for courts below the statewide average funding level, and in this instance, there were not enough funds remaining to bring all courts under the statewide average up to the statewide average. The Trial Court Budget Advisory Committee (TCBAC) recommended for 2019-20 to allocate the first 50 percent of new funding based on a weighted approach, considering both the courts' distance from the statewide average and the size of the court to continue on the path towards equity of funding.

On September 24, 2019, the council approved a recommended change to the Workload Formula policy for courts over 100 percent funding that, in years with no new money, courts above 105 percent of funding would be subject to a 2 percent reduction of funding without going below 104 percent.

Methodologies

Work Plan Item 1a - Methodology for Allocation of up to 50 Percent of New Funding to Courts Below the Statewide Average

For the 2019-20 allocation of new funding, the distance from the statewide average was calculated for each eligible court. The percentage share of the funding the court should receive based on the distance from the average was then scaled based on the relative size of courts' Workload Formula allocation.

While this was the approach that was taken to allocate the support funding for the judgeships provided in the 2019 Budget Act, Judicial Council Budget Services staff recommended an alternative approach to scale new funding based on the relative size of courts' Workload Formula need, rather than the courts' current Workload Formula allocation.

Attachment 1A displays the allocation of new judgeship funding for courts below the statewide average for 2019-20, and then allocates the dollars as if they were based on need and not allocation. With the alternate approach, the court farthest from the statewide average would have received additional funding. Budget Services staff support the alternate approach as it is thought that allocating dollars based on allocation perpetuates the disparity in allocations, which the

³ Judicial Council meeting report (July 19, 2019), <https://www.courts.ca.gov/documents/tcbac-20190617-fms-materials.pdf>; Judicial Council meeting minutes (July 19, 2019), <https://jcc.legistar.com/View.ashx?M=A&ID=640299&GUID=79BFCCF3-78C5-45FE-909E-190F0A45083B>

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Workload Formula is meant to remedy. Allocating dollars based on need supports the path to equity.

The \$24 million allocated in 2019-20 represented 10 months of costs. In 2020-21, an additional \$5 million will need to be allocated in 2020-21 to account for the full year cost of general trial court operations as part of the funding to support the 25 judgeships. Judicial Council Budget Services staff recommended that the methodology applied for the \$24 million be used for the remaining \$5 million to be consistent with how funding has been previously allocated for this purpose.

Work Plan Items 1b and 1c - Sequence in Applying the Reallocation of Funds from Courts Above the 2 Percent Band and Reallocation of Funds from Courts Above 105 Percent of Workload Formula Need in Fiscal Years for Which No New Money is Provided

At its January 12, 2018 meeting, the Judicial Council also approved the following parameters:

- A band will be established that is 2 percent above and below the statewide average funding level, eliminating annual allocation fluctuations from minor changes in workload. Courts more than 2 percent above or below the statewide average funding ration would be subject to an allocation change, whereas courts within the band would not be. The size of the band identified may be subject to reevaluation in the future.
- No allocation adjustment will occur for those courts within the band or for Cluster 1 courts. The goal is to fully fund the Cluster 1 courts, and an allocation adjustment would be contrary to that outcome.
- Funds will be reallocated from courts above the band to courts below the band every other fiscal year for which no new money is provided regardless of years of increase or decrease in between. The first year of no new money will provide time to adjust for a second year of no new money in which an allocation change will occur.
- Up to 1 percent of allocations for courts above the band will be reallocated to courts below the band to provide an increased allocation of up to 1 percent. The allocation reductions are capped at 1 percent, regardless of the need of the courts below the band. Conversely, the allocation increases are capped at 1 percent, regardless of the available funding of the courts above the band. If adequate funds are available, some courts under the band may be able to penetrate into the band.

With the addition of the 105 percent policy, the sequencing in which the reallocations will take place during every second year in which no new funding is provided needs to be addressed as well as the methodology for distribution.

Judicial Council Budget Services staff recommended the following process for reduction of allocations for courts more than 2 percent above the band and over 105 percent of funding need:

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Report to the Trial Court Budget Advisory Committee

1. Establish beginning Workload Formula base allocations using applicable prior-year end base allocations.
2. Calculate new Workload Formula funding amounts based upon any funding provided that is not considered new money and after routine annual updates.
3. Establish a new statewide average funding ratio based on updated workload data and step 2.
4. Apply up to a 1 percent reduction to courts more than 2 percent above the band based on beginning Workload Formula base allocations.
5. Reallocate up to 1 percent of the funding identified in step 4 to courts below the band utilizing the same methodology identified under Work Plan Item 1a.
6. For courts still over 105 percent of funding need after step 4, apply a 2 percent allocation reduction without reducing the allocation below 104 percent of funding need.
7. Reallocate the funding identified in step 4 to courts that remain below the band utilizing the same methodology identified under Work Plan Item 1a.

Attachment 1B displays examples of the process as describe above, and then alternating the order to display each outcome. If the order is reversed by first applying a 2 percent allocation reduction for courts over 105 percent followed by the up to 1 percent reduction for courts more than 2 percent over the band, the reductions are larger. Budget Services staff support the first option as written out in steps 1 through 7 above as it is thought that the recent policy decision for courts over 105 percent was set up in a way to prevent courts from taking too large a cut in one year and was designed to prevent courts from going below 104 percent.

Recommendations

The Funding Methodology Subcommittee recommends the Trial Court Budget Advisory Committee approve the following recommendations for Judicial Council consideration at its business meeting on January 16-17, 2020:

- A. Specify that the methodology for the first 50 percent allocation of new funding to courts below the statewide average be scaled by courts' distance from the statewide average and size based on the courts' Workload Formula need;
- B. Include an exception for consistency purposes to allow the 2020-21 funding provided in the 2019 Budget Act for support of the 25 judgeships apply the same allocation methodology used for 2019-20; and
- C. Specify that the reallocation of funding for every second year in which no new money is provided be based on beginning Workload Formula allocation, distributed to courts via distance from statewide average and size based on Workload Formula need, and in the following sequence:
 - i. Up to 1 percent reduction for courts above the 2 percent band to courts below the 2 percent band.

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- ii. Up to 2 percent reduction for courts above 105 percent of funding need to courts below the 2 percent band.
- iii. Courts above 105 percent of funding need will not fall below 104 percent of funding need.
- iv. Courts that penetrate into the band following the up to 1 percent reallocation will not be eligible for additional funding from the 2 percent reallocation from courts above 105 percent of funding need.

Attachments

Attachment 1A: New Judgeship Funding Provided to Courts Below the Statewide Average

Attachment 1B: Order of Process w/ Redistribution and Over 105% in Year of No New Money

New Judgeship Funding Provided to Courts Below the Statewide Average Based on Workload Formula Allocation

Cluster	Court	Workload Formula-Related Allocation (Before New Money)	Workload Formula Need	% of Need (81.4% Statewide)	Distance from Statewide Average	Share of % Based on Distance from Statewide Average	Adjustment for Size of Allocation	Additional Allocation Based on Distance From Average and Relative Size of Allocation	Share of Additional Funding	Additional Allocation Based on \$11m in Available Funding	New Funding Level
		A	B	C	D	E	F	G	H	I	J
4	Sacramento	84,300,745	119,006,905	70.8%	10.5%	14.6%	12,296,086	1,793,504	31.6%	3,622,322	73.9%
2	Sutter	5,921,311	7,939,123	74.6%	6.8%	9.4%	556,724	52,343	0.9%	105,718	75.9%
3	Ventura	38,606,279	51,502,221	75.0%	6.4%	8.9%	3,428,705	304,510	5.4%	615,017	76.2%
3	San Joaquin	38,351,342	51,084,825	75.1%	6.3%	8.7%	3,345,881	291,904	5.1%	589,556	76.2%
2	Lake	3,900,242	5,147,175	75.8%	5.6%	7.8%	302,466	23,456	0.4%	47,375	76.7%
4	Los Angeles	549,049,278	720,403,452	76.2%	5.2%	7.1%	39,239,127	2,804,319	49.4%	5,663,854	77.0%
2	Yolo	12,399,254	16,124,983	76.9%	4.5%	6.2%	769,403	47,743	0.8%	96,427	77.5%
2	Butte	11,471,848	14,668,798	78.2%	3.2%	4.4%	503,774	22,123	0.4%	44,681	78.5%
4	San Bernardino	108,147,907	138,199,504	78.3%	3.1%	4.3%	4,675,681	202,149	3.6%	408,278	78.6%
2	Shasta	12,557,141	15,990,523	78.5%	2.9%	3.9%	495,344	19,540	0.3%	39,465	78.8%
2	San Luis Obispo	15,533,639	19,759,134	78.6%	2.8%	3.8%	594,206	22,730	0.4%	45,908	78.8%
2	Placer	18,680,754	23,721,877	78.7%	2.6%	3.6%	679,941	24,748	0.4%	49,984	79.0%
2	Madera	8,767,645	11,079,000	79.1%	2.2%	3.1%	272,005	8,439	0.1%	17,043	79.3%
2	Merced	13,773,443	17,378,170	79.3%	2.1%	2.9%	404,507	11,880	0.2%	23,994	79.4%
2	Santa Cruz	13,666,902	17,187,826	79.5%	1.9%	2.6%	352,623	9,098	0.2%	18,375	79.6%
3	Stanislaus	27,397,197	34,329,251	79.8%	1.6%	2.2%	596,155	12,972	0.2%	26,200	79.9%
3	Solano	24,042,341	30,059,311	80.0%	1.4%	1.9%	464,661	8,980	0.2%	18,138	80.0%
3	Santa Barbara	24,281,849	30,231,570	80.3%	1.1%	1.5%	356,248	5,227	0.1%	10,556	80.4%
3	Fresno	54,146,707	67,406,253	80.3%	1.1%	1.5%	787,368	11,449	0.2%	23,124	80.4%
3	Tulare	24,733,683	30,721,420	80.5%	0.9%	1.2%	297,843	3,587	0.1%	7,244	80.5%
2	El Dorado	7,707,027	9,497,526	81.1%	0.2%	0.3%	24,765	80	0.0%	161	81.1%
		1,097,436,533	1,431,438,848			100.0%				11,473,418	

New Judgeship Funding Provided to Courts Below the Statewide Average Based on Workload Formula Need

Court	Workload Formula-Related Allocation (Before New Money)	Workload Formula Need	% of Need (81.4% Statewide)	Distance from Statewide Average	Share of % Based on Distance from Statewide Average	Adjustment for Amount of Need	Additional Allocation Based on Distance From Average and Relative Size of Need	Share of Additional Funding	Additional Allocation Based on \$11m in Available Funding	New Funding Level
	K	L	M	N	O	P	Q	R	S	T
Sacramento	84,300,745	119,006,905	70.8%	10.5%	14.6%	17,358,318	2,531,880	33.2%	3,806,550	74.0%
Sutter	5,921,311	7,939,123	74.6%	6.8%	9.4%	746,440	70,181	0.9%	105,513	75.9%
Ventura	38,606,279	51,502,221	75.0%	6.4%	8.9%	4,574,020	406,228	5.3%	610,743	76.1%
San Joaquin	38,351,342	51,084,825	75.1%	6.3%	8.7%	4,456,787	388,823	5.1%	584,575	76.2%
Lake	3,900,242	5,147,175	75.8%	5.6%	7.8%	399,167	30,956	0.4%	46,540	76.7%
Los Angeles	549,049,278	720,403,452	76.2%	5.2%	7.1%	51,485,365	3,679,525	48.2%	5,531,975	77.0%
Yolo	12,399,254	16,124,983	76.9%	4.5%	6.2%	1,000,594	62,089	0.8%	93,348	77.5%
Butte	11,471,848	14,668,798	78.2%	3.2%	4.4%	644,165	28,288	0.4%	42,529	78.5%
San Bernardino	108,147,907	138,199,504	78.3%	3.1%	4.3%	5,974,935	258,321	3.4%	388,372	78.5%
Shasta	12,557,141	15,990,523	78.5%	2.9%	3.9%	630,782	24,883	0.3%	37,410	78.8%
San Luis Obispo	15,533,639	19,759,134	78.6%	2.8%	3.8%	755,843	28,913	0.4%	43,469	78.8%
Placer	18,680,754	23,721,877	78.7%	2.6%	3.6%	863,428	31,427	0.4%	47,249	78.9%
Madera	8,767,645	11,079,000	79.1%	2.2%	3.1%	343,712	10,663	0.1%	16,032	79.3%
Merced	13,773,443	17,378,170	79.3%	2.1%	2.9%	510,373	14,989	0.2%	22,535	79.4%
Santa Cruz	13,666,902	17,187,826	79.5%	1.9%	2.6%	443,467	11,442	0.1%	17,202	79.6%
Stanislaus	27,397,197	34,329,251	79.8%	1.6%	2.2%	746,994	16,254	0.2%	24,438	79.9%
Solano	24,042,341	30,059,311	80.0%	1.4%	1.9%	580,950	11,228	0.1%	16,881	80.0%
Santa Barbara	24,281,849	30,231,570	80.3%	1.1%	1.5%	443,539	6,507	0.1%	9,783	80.4%
Fresno	54,146,707	67,406,253	80.3%	1.1%	1.5%	980,180	14,253	0.2%	21,429	80.4%
Tulare	24,733,683	30,721,420	80.5%	0.9%	1.2%	369,948	4,455	0.1%	6,698	80.5%
El Dorado	7,707,027	9,497,526	81.1%	0.2%	0.3%	30,519	98	0.0%	147	81.1%
		1,097,436,533	1,431,438,848			100.0%			11,473,418	

Differences

Court	Share of Additional Funding	Additional Allocation Based on \$11m in Available Funding	New Funding Level
	U	V	W
Sacramento	1.6%	184,228	0.2%
Sutter	0.0%	(205)	0.0%
Ventura	0.0%	(4,274)	0.0%
San Joaquin	0.0%	(4,981)	0.0%
Lake	0.0%	(835)	0.0%
Los Angeles	-1.1%	(131,879)	0.0%
Yolo	0.0%	(3,079)	0.0%
Butte	0.0%	(2,152)	0.0%
San Bernardino	-0.2%	(19,906)	0.0%
Shasta	0.0%	(2,055)	0.0%
San Luis Obispo	0.0%	(2,438)	0.0%
Placer	0.0%	(2,735)	0.0%
Madera	0.0%	(1,012)	0.0%
Merced	0.0%	(1,458)	0.0%
Santa Cruz	0.0%	(1,173)	0.0%
Stanislaus	0.0%	(1,762)	0.0%
Solano	0.0%	(1,257)	0.0%
Santa Barbara	0.0%	(773)	0.0%
Fresno	0.0%	(1,695)	0.0%
Tulare	0.0%	(546)	0.0%
El Dorado	0.0%	(13)	0.0%

0

Order of Process w/ Redistribution and Over 105% in Year of No New Money

Court	% Funded	Option 1 - Bands (1%), then 105% (2%)				Option 2 - 105% (2%), then Bands (1%)			
		Up to 1% Reduction	2% Reduction*	Total	Difference	2% Reduction*	Up to 1% Reduction	Total	Difference
A	105.3%	-1.0%	0.0%	104.3%	-1.0%	-1.3%	-1.0%	103.0%	-2.3%
B	106.5%	-1.0%	-1.5%	104.0%	-2.5%	-2.0%	-1.0%	103.5%	-3.0%

**Not to go below 104%.*

JUDICIAL COUNCIL OF CALIFORNIA
BUDGET SERVICES
Report to the Trial Court Budget Advisory Committee

(Action Item)

Title: Distribution of the Fee for Court Reporter Services in Civil Proceedings Lasting More Than One Hour

Date: 10/24/2019

Contact: Brandy Sanborn, Manager, Budget Services
415-865-7195 | brandy.sanborn@jud.ca.gov

Issue

Consideration of a recommendation from the Funding Methodology Subcommittee regarding the fee collected per Government Code 68086(a)(2), court reporter services in civil proceedings lasting more than one hour, to be distributed back to trial courts on a dollar-for-dollar basis after deposit into the Trial Court Trust Fund (TCTF) as well as excluding this revenue stream from the Workload Formula effective July 1, 2020.

Background

GC 68086

GC 68086(a)(2) fees are currently deposited into the TCTF on a statewide level and are not transmitted directly back to the courts from which the fees were collected. It is the authority of the Judicial Council to allocate funds from the TCTF. GC 68086 is silent as to where the fees collected pursuant to this section should be deposited.

On December 14, 2012, the Judicial Council approved a recommendation on a new \$30 fee for court reporter services in civil proceedings lasting less than one hour,¹ which specifies that fees collected per GC 68086(a)(1) are first deposited into the TCTF and then distributed back to the trial courts on a dollar-for-dollar basis (see Attachment 2A).

Funding Categories

On July 19, 2019, the council approved a recommendation to adjust each court's workload allocation to include net civil assessments and specific general ledger accounts as part of the Workload Formula effective with fiscal year 2019-20 allocations.²

¹ Judicial Council meeting report (December 14, 2012), <https://www.courts.ca.gov/documents/jc-20121214-itemH.pdf>

² Judicial Council meeting report (July 19, 2019), <https://jcc.legistar.com/View.ashx?M=F&ID=7338800&GUID=9284F0B3-BCAE-4C0C-A110-49AA99D8A139>

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BUDGET SERVICES
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The Workload Formula is for normal, status quo, core business operations; costs associated with activities that are not captured in the Resource Assessment Study and/or not included in the Workload Formula (e.g., interpreter staff; court reporter staff in non-mandated areas) are excluded. As a result, it was determined that revenues as a result of court reporter proceedings under one hour would not be included in the Workload Formula.

Fiscal Details

Revenues

The revenues collected and distributed under GC 68086(a)(1-2) are provided to the council and reported to the Joint Legislative Budget Committee per GC 68086(f). The last three fiscal years reported are as follows:

Fiscal Year	GC 68086(a)(1) Fees Returned to Court (Less than One Hour)	GC 68086(a)(2) Fees Deposited to the TCTF (One Hour or More)
2018-19 Estimated	3,954,659	3,125,569
2017-18 ³	3,912,289	2,696,123
2016-17 ⁴	4,453,368	4,062,522
2015-16 ⁵	4,644,543	3,786,656

TCTF Fund Condition

The most recent TCTF fund condition statement is reflected in Attachment 2B. The revenue stream would be impacted annually by a reduction of approximately \$3 million should the fees from GC 68086(a)(2) be redirected to trial courts on a dollar-for-dollar basis beginning July 1, 2020.

³ Judicial Council meeting report (March 15, 2019), <https://jcc.legistar.com/View.ashx?M=F&ID=7058016&GUID=AFC4EA16-D1BE-45D5-9977-88BBA8C68DBD>

⁴ Judicial Council meeting report (March 2, 2018), <https://jcc.legistar.com/View.ashx?M=F&ID=5804246&GUID=DBA1FD57-FBFD-40AB-B4FB-BB7CB3C180B8>

⁵ Judicial Council meeting report (December 16, 2016), <https://jcc.legistar.com/View.ashx?M=F&ID=4817513&GUID=A9F6AE32-236C-43FA-A8F6-7F0D5A0588C8>

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BUDGET SERVICES
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In addition, redirecting revenue that supports base allocations in the TCTF would be removed from the backfill calculation and any General Fund benefit the TCTF is currently receiving. The potential loss is estimated at \$1.4 million when compared to the 2013-14 base value used for the backfill calculation.

Recommendation

As trial courts are providing the court reporters in each civil instance and are able to retain fees collected through GC 68086(a)(1) to offset costs, approval of the same approach for GC 68086(a)(2) will provide consistency in allowing courts to offset costs here as well.

The following recommendations from the Funding Methodology Subcommittee are presented for approval to be considered by the Judicial Council at its January 16-17, 2020 business meeting:

1. GC 68086(a)(2) fees, deposited into the TCTF, to be distributed back to trial courts on a dollar-for-dollar basis beginning July 1, 2020; and
2. Exclude court reporter fees in civil proceedings for one hour or more as a funding category in the Workload Formula effective July 1, 2020.

Attachments

Attachment 2A: GC 68086

Attachment 2B: TCTF Fund Condition Statement, July 19, 2019

JUDICIAL COUNCIL OF CALIFORNIA
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68086.

The following provisions apply in superior court:

(a) In addition to any other fee required in civil actions or cases:

(1) For each proceeding anticipated to last one hour or less, a fee of thirty dollars (\$30) shall be charged for the reasonable cost of the court reporting services provided at the expense of the court by an official court reporter pursuant to Section 269 of the Code of Civil Procedure.

(A) The fee shall be charged to the party, or parties if filing jointly, that filed the paper that resulted in the proceeding being scheduled. If no fee has been charged, and a party subsequently requests a court reporter, that party shall be charged the fee if a reporter is to be provided by the court.

(B) All parties paying the fee shall deposit the fee with the clerk of the court as specified by the court, but not later than the conclusion of each day's court session.

(C) The fee shall be charged once per case for all proceedings conducted within the same hour if the total time taken by those proceedings is one hour or less. If the total time taken exceeds one hour, the fee shall be charged and collected pursuant to paragraph (2).

(D) The fee shall be deposited into the Trial Court Trust Fund and distributed back to the court from which the fee was collected on a dollar-for-dollar basis.

(E) The fee shall be refunded as soon as practicable to the remitting party or parties if no court reporting services were provided.

(2) For each proceeding lasting more than one hour, a fee equal to the actual cost of providing that service shall be charged per one-half day of services to the parties, on a pro rata basis, for the services of an official court reporter on the first and each succeeding judicial day those services are provided pursuant to Section 269 of the Code of Civil Procedure.

(A) All parties shall deposit their pro rata shares of these fees with the clerk of the court as specified by the court, but not later than the conclusion of each day's court session.

(B) For purposes of this paragraph, "one-half day" means any period of judicial time, in excess of one hour, but not more than four hours, during either the morning or afternoon court session.

(b) The fee shall be waived for a person who has been granted a fee waiver under Section 68631.

(c) The costs for the services of the official court reporter shall be recoverable as taxable costs by the prevailing party as otherwise provided by law.

(d) The Judicial Council shall adopt rules to ensure all of the following:

JUDICIAL COUNCIL OF CALIFORNIA
BUDGET SERVICES
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(1) That parties are given adequate and timely notice of the availability of an official court reporter.

(2) That if an official court reporter is not available, a party may arrange for, at the party's expense, the presence of a certified shorthand reporter to serve as an official pro tempore reporter. At the arranging party's request, the court shall appoint the certified shorthand reporter to be present in the courtroom and serve as the official reporter pro tempore unless there is good cause shown for the court to refuse that appointment. The fees and charges of the certified shorthand reporter shall be recoverable as taxable costs by the prevailing party as otherwise provided by law.

(3) That if the services of an official pro tempore reporter are utilized pursuant to paragraph (2), no other charge shall be made to the parties.

(e) The fees collected pursuant to this section shall be used only to pay the cost for services of an official court reporter in civil proceedings.

(f) The Judicial Council shall report on or before February 1 of each year to the Joint Legislative Budget Committee on the fees collected by courts pursuant to this section and Section 68086.1 and on the total amount spent for services of official court reporters in civil proceedings statewide in the prior fiscal year.

(Amended by Stats. 2018, Ch. 497, Sec. 1. (AB 2664) Effective January 1, 2019.)

Trial Court Trust Fund - Fund Condition Statement

#	Description	YEAR END FINANCIAL STATEMENTS			ESTIMATED	
		2016-17	2017-18	2018-19 ¹	2019-20	2020-21
A		B	C	D	E	F
1	Beginning Fund Balance	34,829,875	66,569,099	60,477,544	55,891,484	59,505,403
2	Prior-Year Adjustments	5,759,000	8,556,629		-	-
3	TOTAL REVENUES AND TRANSFERS	1,288,395,327	1,303,737,015	1,311,847,000	1,316,445,000	1,325,090,819
4	<i>Total Revenues</i>	<i>1,270,421,327</i>	<i>1,283,589,015</i>	<i>1,291,879,000</i>	<i>1,296,968,000</i>	<i>1,306,775,819</i>
5	Transfers/Charges/Reimbursements					
6	General Fund Loan - Statewide E-Filing		671,000	491,000		(1,162,000)
7	Reduction Offset Transfers	6,080,000	6,080,000	6,080,000	6,080,000	6,080,000
8	Net Other Transfers/Charges/Reimbursements	11,894,000	13,397,000	13,397,000	13,397,000	13,397,000
9	Total Resources	1,328,984,203	1,378,862,742	1,372,324,544	1,372,336,484	1,384,596,222
10	EXPENDITURES/ENCUMBRANCES/ALLOCATIONS					
11	Program 0140010 - Judicial Council (Staff)	2,306,934	2,657,198	3,957,000	3,915,900	3,856,500
12	Program 0150010 - Support for Operation of the Trial Courts	1,860,003,547	1,857,899,805	1,982,502,691	2,039,916,181	2,039,916,181
13	Program 0150011 - Court-Appointed Dependency Counsel	114,699,919	130,146,303	136,700,000	156,700,000	156,700,000
14	Program 0150019 - Compensation of Superior Court Judges	335,384,000	348,583,021	375,051,369	413,807,000	413,807,000
15	Program 0150028 - Assigned Judges	25,923,351	28,063,247	28,117,000	29,090,000	29,090,000
16	Program 0150037 - Court Interpreters	102,282,915	108,537,000	116,781,000	120,686,000	120,686,000
17	Program 0150046 - Grants	8,147,000	9,554,900	10,329,000	10,329,000	10,329,000
18	Program 0150095 - Expenses on Behalf of the Trial Courts	11,391,069	9,543,398	11,207,000	10,015,000	11,431,000
19	Total Local Assistance	2,446,549,101	2,493,406,000	2,660,688,060	2,780,543,181	2,781,959,181
23	<i>Less Funding Provided by General Fund:</i>	<i>1,197,832,000</i>	<i>1,177,981,000</i>	<i>1,348,486,000</i>	<i>1,471,944,000</i>	<i>1,461,344,000</i>
24	Total, Expenditures/Encumbrances/Allocations	1,262,415,104	1,318,385,198	1,316,433,060	1,312,831,081	1,324,880,681
25	Ending Fund Balance	66,569,099	60,477,544	55,891,484	59,505,403	59,715,541
26	Total Restricted Funds	28,450,583	31,355,448	27,157,424	26,506,585	25,648,733
27	Ending Unrestricted Fund Balance	38,118,516	29,122,096	28,734,060	32,998,818	34,066,808

¹ 2018-19 revenues reflect the most current revenue projections (actuals through February 2019)

JUDICIAL COUNCIL OF CALIFORNIA
BUDGET SERVICES
Report to the Trial Court Budget Advisory Committee

(Action Item)

Title: El Dorado Superior Court Workload Formula Adjustment Request
Date: 11/12/2019
Contact: Leah Rose-Goodwin, Manager
415-865-7708 | leah.rose-goodwin@jud.ca.gov

Issue

The Superior Court of El Dorado has submitted an Adjustment Request to ask that the Workload Formula be modified to account for operating multiple locations. The court states that the model currently does not provide sufficient funding for operating multiple locations, particularly in smaller courts, in order to maintain “the expected standard and level of efficiency required by the Judicial Branch, and its own mission statement.”

This proposal was referred to the Funding Methodology Subcommittee (FMS) for inclusion in its workplan for the current year. The Adjustment Request Policy (ARP) states that FMS should provide its recommendation to the Trial Court Budget Advisory Committee (TCBAC) by January of the year in which the request may take effect.

FMS reviewed this request at its October 8, 2019 meeting and by way of this memo, makes its recommendation to TCBAC for consideration.

Analysis

Attachment 3A summarizes the analysis that was undertaken for FMS’s review. This attachment also includes the original request from El Dorado Superior Court. At its October meeting, FMS members discussed the issue at length, highlighting the need for courts, both small and large, to operate multiple locations to serve more than one major population concentration. Other points made were that courts often “inherited” a certain number of locations to operate and that in some cases, courts had closed locations for budgetary reasons or as community needs evolved.

In thinking about how multiple locations might be factored into the Workload Formula, FMS members honed in on the “span of control” aspect of court management, meaning that operating multiple locations required having a manager present at each location. The current Workload Formula, and specifically the manager-supervisor ratios, is agnostic to the number of locations operated by a particular court and makes all computations as though courts operate a single location.

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FMS members also discussed the challenges that might arise from adopting policy changes to the Workload Formula to account for multiple locations, such as the difficulties of accounting for varied distances between multiple locations or factoring in weather considerations that could make even short distances difficult to navigate. Members also discussed that such a policy might interfere with a court's ability to make its own decisions regarding the number of locations to operate.

At the end, FMS members did not think that an adjustment could be made to the Workload Formula parameters—the cost of labor adjustment, the benefits calculation, and the other model parameters which convert the full-time equivalent generated in the Resource Assessment Study (RAS) model to dollars— as none seemed suitable for adjustment based on number of court locations. Instead, the group recommended that the Workload Assessment Advisory Committee (WAAC) review the request to determine whether the underlying RAS model might be a more appropriate place to make such an adjustment. Since this item was initially referred to FMS for its consideration, it is incumbent on the chair of TCBAC to consider whether the item should be referred to the Workload Assessment Advisory Committee and to make that recommendation if appropriate.

Members approved the recommendation unanimously.

Recommendation

FMS recommends that the request be denied since the portion of the Workload Formula for which it makes policy was determined to not be the appropriate place for such a recommendation. Further, the co-chairs of FMS further recommend that the chair of TCBAC consider referring this item to the WAAC to determine whether there are any adjustments that could or should be made to the underlying RAS model to account for multiple locations.

Attachments

Attachment 3A: Report to FMS and El Dorado Superior Court ARP Submission

JUDICIAL COUNCIL OF CALIFORNIA
BUDGET SERVICES
Report to the Funding Methodology Subcommittee

(Action Item)

Title: Workload Formula Adjustment Request: El Dorado Superior Court
Date: 9/25/2019
Contact: Leah Rose-Goodwin, Manager
415-865-7708 | leah.rose-goodwin@jud.ca.gov

Issue

The Superior Court of El Dorado submitted an Adjustment Request to ask that the Workload Formula be adjusted to account for operating multiple locations. The court states that the model currently does not provide sufficient funding for operating multiple locations, particularly in smaller courts, in order to maintain “the expected standard and level of efficiency required by the Judicial Branch, and its own mission statement.”

This proposal was referred to the Funding Methodology Subcommittee for inclusion in its workplan for the current year. The Adjustment Request Policy states that FMS should provide its recommendation to TCBAC by January of the year in which the request may take effect.

Background

In early 2014, TCBAC previously reviewed a request for a change to the Workload Formula based on geography and operation of multiple locations where 25% or more of the population were served by an outlying location. A working group of FMS was formed to evaluate the request, submitted by the Superior Court of Mendocino County, and determine whether an adjustment was to be made. Ultimately, the group recommended that the request be denied. The basis for denial was that the Workload Formula and underlying Resource Assessment Study model properly identified the funding need based on workload but that it was the lack of full funding and not an omission in the workload model that made it difficult for the court to support a branch location. The committee denied the request for the adjustment, acknowledging instead that lack of full funding was an access to justice issue that fell outside the scope of the Adjustment Request Process and the purview of the committee.

At its June 17, 2019 meeting, FMS acknowledged receipt of the Adjustment Request from the El Dorado Superior Court and directed staff to review the request and confirm whether there had been any changes in council policy or circumstances that would warrant a new perspective on this issue.

JUDICIAL COUNCIL OF CALIFORNIA
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Analysis

The following factors were considered in reviewing this request:

Workload Measurement Policies

Staff Need Based on Courtwide Workload. The Workload Formula is based on the Resource Assessment Study (RAS) model that is driven by a court's average total filings. Filings are multiplied by caseweights for 22 different casetypes and then divided by the average work year to determine the number of full-time equivalents needed for the court's workload. These estimates are multiplied by ratios to determine the number of managers/supervisors and administrative staff needed. The ratios are based on average staffing ratios derived from data in the Schedule 7A, based on court size.

The model currently does not provide a basic level of staffing based on court location. An earlier analysis of court locations relative to workload, conducted in 2004 when the RAS model was first adopted, found that courts that operated multiple facilities varied in how outlying locations were used: outlying locations could be open fewer days per week or hours per day relative to the primary location; and outlying locations differed in the types of matters that they handled depending on the type of facility, local needs, or available resources. This variation was difficult to quantify in the workload model because either the underlying data needed are not currently collected by the Judicial Council or the time required to collect the data was too burdensome. It should be noted that the RAS model does factor in staff travel time between locations for courts that operate out of multiple sites.

Formula Adjustments That Account for Workload Need in Smaller Courts. The RAS model does make some adjustments that benefit primarily the smaller courts; these adjustments are intended to balance out some of the inefficiencies and lack of economies of scale that smaller courts and courts with multiple locations are facing. For example, staff FTE estimates are rounded up to the nearest whole value, so that a court with a need for 19.1 staff will get a workload need of 20. Other adjustments include a larger infractions caseweight and lower manager/supervisor and Program 90 ratios.

On the Workload Formula side, there are adjustments made for salary costs in smaller courts and to Operating Expenses and Equipment costs. Additionally, FMS is separately reviewing both OE&E expenditures and the effect of the formula on the cluster two courts (El Dorado is part of cluster two.) While the subcommittee has not reviewed those recommendations yet, the purpose of those analyses is to make sure that the Workload Formula is not disadvantaging smaller courts for many of the same reasons expressed in the Adjustment Request.

JUDICIAL COUNCIL OF CALIFORNIA
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Allocation of Resources as a Local Decision. The Workload Formula is not designed to be a staffing model; instead, workload need, expressed as FTE, is converted to dollars that courts can deploy in the manner that they choose. The model does not use the number of locations as a factor in making allocation decisions. One of the primary Workload Formula principles is that courts should locally determine how best to allocate funding.

Court Construction and Facilities Policies

Staff from the Judicial Council court construction and facilities policies were consulted to determine whether there had been any policy development in recent years regarding locations that courts should operate. The Site Selection and Acquisition Policies for Court Facilities (August 2009) and Revision of Prioritization Methodology for Trial Court Capital-Outlay Projects (August 2019) were consulted. The scoring criteria utilized in the latter document assigns points for projects that realize cost avoidance or savings through operational or organizational efficiencies. Points are also assigned for “access to court services” which is defined as a court’s proportion of authorized judicial resources compared to assessed judicial need. Neither policy incorporates criteria for geographical considerations, including locations of population centers and then like.

California Rules of Court, Rule 10.182 addresses the operation and maintenance of court facilities, but purely from a physical plant perspective and not in terms of the operational needs of a court.

There do not appear to be any rules or standards regarding the criteria for siting or maintaining a particular court location or specific number of locations, such as proximity to population centers and transportation routes, the number and type of matters that should be transacted at an outlying location, and the like. The existence of many court facilities seems to be partly based on historical use patterns, often holdovers from the era before trial court unification when there were two tiers in the lower court system.

Recommendation

Based on the research conducted by staff, it is recommended that FMS deny the request.



SUPERIOR COURT OF CALIFORNIA COUNTY OF EL DORADO

2850 Fairlane Court Suite 110
Placerville, California 95667

The Superior Court of California, County of El Dorado respectfully submits the following WAFM Adjustment Request as the required resources to operate multiple location courts – specifically small courts with multiple locations – is not factored into the WAFM model at this time.

1. A description of how the factor is not currently accounted for in WAFM.

Courts with multiple locations, especially small courts, are not considered in the model for funding distribution. WAFM allocations follow filing trends, failing to take into consideration the minimum staffing level and resources required in each location simply to maintain an acceptable level of continuity of operations at each location. Multiple locations results in duplicative staffing and increased expenses that would not otherwise be incurred for a single-site court.

This Court is requesting that WAFM be modified to take into consideration the additional resources required to keep small, multi-location courts operating at the expected standard and level of efficiency required by the Judicial Branch, and its own mission statement.

2. Identification and description of the basis for which the adjustment is requested.

Our Court is spread out over 5 locations and 80 miles, with one courthouse located in South Lake Tahoe. Travel is often impacted in the winter and spring due to unpredictable weather and mountain conditions. The budget is insufficient to allow full time public access to justice due to the increased consumption of resources necessary to operate multiple court locations.

3. A detailed analysis of why the adjustment is necessary.

Due to WAFM underfunding in prior years, this Court has been reliant on court fees to help fund operational expenses. The significant decline in court fees collected has made the need for a WAFM adjustment even more critical. If our Court was in one centralized location, we would be able to fund sufficient staffing levels, due to substantial reductions in duplicative operational costs and staffing requirements. However, since we have multiple locations, we have had to fund greater operational costs, and stretch staffing over those locations.

WAFM funding adjusts pursuant to filing trends, recalculating the court's share on an annual basis. Consideration of multiple locations as a factor in determining "baseline resources," i.e. complement of staffing, necessary for court locations to remain able to serve the public at a standard level of operating should be part of the determining factor in WAFM allocations. Each Court location require minimum staffing levels beyond just clerical; administrative and support

positions are also be required. For example, our South Lake Tahoe branch is so far removed from other court locations, it requires its own operations manager, a minimum of administrative staff and court reporters, its own lead clerk, as well as clerical staff, simply to maintain operations.

Each location is at its minimum staffing level to function, with reduced public access. We are constantly moving staff – court reporters, clerks, IT staff – between locations to cover for absences due to illness, vacation, training, etc. These transfers raise an issue of liability and actual cost of unproductive driving time, which could be 15 minutes to an hour and a half, depending on locations. Orchestrating these scheduling moves takes a lot of administrative time as well as the aforementioned non-productive driving time, a resource that would be better spent if we had adequate funding to provide adequate staffing levels.

Each location requires duplicate services, such as IT support and equipment; court reporters; interpreters; operational equipment, often with contracts (copiers, postage meters, security equipment); increased vendor expenses due to the South Lake Tahoe location; and, services that would otherwise not be needed at all, such as a courier.

4. A description of whether the unaccounted for factor is unique to the applicant court(s) or has broader applications.

This issue is not unique to our court; in fact all small courts with multiple locations are at a disadvantage with the current model. Small fluctuations in funding to small courts have a direct impact on access to justice for residents in those courts’ counties. This Court has had fewer filings and therefore we receive a smaller allocation than larger courts, but are still required to maintain full time operations in 5 locations.

5. Detailed description of staffing need(s) and/or costs required to support the factor that is unaccounted for by WAFM.

Duplicative expenses are required to maintain 5 court locations. El Dorado Court has had to reduce staffing well below WAFM need to fund operations:

Fiscal Year	WAFM Need	Actual Filled FTE Q4
FY 16/17	82	75.30
FY 17/18	76	71.00
FY18/19	74	69.80 (as of 12/31/18)

Due to its distant location, our South Lake Tahoe court requires 1 Court Operations Manager (\$117,031 average annual salary & benefits per FTE), 1 Child Custody Recommending Counselor (\$130,114), and 1 Lead Clerk (\$91,020), as well as sufficient clerks to provide basic services and support. The total cost for these 3 duplicative positions at one location alone is \$338,165.

Examples of duplicative operational expenses at each location are:

Description	Average/ location	# of locations	Annual expense
Janitorial	\$17,000.00	5	\$ 85,000.00
Postage Meter Lease	1,500.00	4	6,000.00
Copiers	2,500.00	5	12,500.00
Security Equip. Registration	512.00	5	2,560.00
Security Equip. Maintenance (for years not reimbursed by JCC – between replacements)	3,000.00	5	15,000.00
Sonitrol Building Security	3,840.00	5	19,200.00
Shredding services	750.00	5	3,750.00
Data Circuits for interconnecting court facilities	7609.00	4	30,437.00
Servers for each location (avg. every 5 years, <i>annual</i> average/amount stated here)	1,080.00	3	3,240.00
Annual remote server support contract	600.00	3	1,800.00
TOTAL	\$38,391.00		\$179,397.00

Contract court reporter and interpreter expenses are increased for multiple locations. Time could be more efficiently used in a single location, instead of hiring for multiple locations, and not being able to fully utilize the contractor for the entire day or half day.

Other annual operational costs would not be needed at all, such as:

Description	Annual Cost
Courier between courts	\$21,250.00
Fedex between SLT & West Slope	1,000.00
Travel Expense between courts	4,000.00
TOTAL	\$26,250.00

A centralized location is able to operate at a significantly reduced cost.

6. Description of the consequence to the public and access to justice without the funding.

El Dorado has closed its clerk's offices at 3 pm to the public; the phones turn off at 1 pm. Due to inadequate staffing levels, we have been forced to close non-priority divisions (civil, family law) from time to time to keep our mandated dockets covered (criminal and juvenile). Predicting when these one-day or temporary closures will occur is impossible, as it depends on unknown and uncontrollable events such as illness or accident caused vacancies. Not only is access to justice denied, the public is further inconvenienced by not knowing they cannot conduct their business until they arrive to a closed door. We recently had to shut down our mandated small claims night court program, resulting in even longer waits for litigants to get their day in court.

7. Description of the consequences to the requesting court(s) of not receiving the funding.

As our facilities must remain operational, without an increase in funding the Court's only recourse is to further reduce staffing, to utilize salary savings to meet operational expenses. This has a direct negative impact on access to justice. The goal and our mission statement has always been to improve services and increase access to justice for the public. Instead we are holding vacant FTE positions to utilize salary savings for operating costs.

- Shutdown of mandated programs, such as small claims night court
- Even longer wait times to get a court date
- Continued long wait for Court Recommended Counseling appointments
- Continued reduction in accessibility at all courthouse locations to court clerks (currently close at 3 pm each day, may need even shorter days)
- Continued reduction in accessibility to telephonic assistance (phones shut off at 1 pm)
- Inability to implement sustain some mandated services such as juvenile mediation services
- Increased occasional court or division closures
- Longer wait times for customer service, due to decreased staffing levels and open hours
- Difficulty maintaining certain grant related programs due to inability to fund matching requirements

8. Any additional information requested by the JCC Budget Services, Funding Methodology Subcommittee, and/or TCBCAC deemed necessary to fully evaluate the request.

JUDICIAL COUNCIL OF CALIFORNIA
BUDGET SERVICES
Trial Court Budget Advisory Committee

(Action Item)

Title: Updates to the Funds Held on Behalf (FHOB) of the Trial Courts Policy
Date: 11/21/2019
Contact: Catrayel Wood, Senior Analyst, Judicial Council Budget Services
916-643-7008 | catrayel.wood@jud.ca.gov

Issue

Consideration of a Fiscal Planning Subcommittee (FPS) recommendation on revisions to the current FHOB submission process including streamlining the submission schedule, making a change to the recipient of the request, and language corrections.

Background

Government Code section 77203 was added as part of Senate Bill 1021 (Stats. 2012, ch. 41) and was later amended by Stats. 2019, Ch. 36, Sec. 2. (SB 95), effective June 27, 2019. Pursuant to the code, prior to June 30, 2014, a trial court could carry over all unexpended funds from the courts operating budget from the prior fiscal year. Commencing June 30, 2014, and concluding June 30, 2019, a trial court could carry over unexpended funds in an amount not to exceed 1 percent of the court's operating budget from the prior fiscal year. Commencing June 30, 2020, a trial court may carry over unexpended funds in an amount not to exceed 3 percent of the court's operating budget from the prior fiscal year.

Government Code section 68502.5(c)(2)(A) requires, when setting the allocations for trial courts, the Judicial Council to set a preliminary allocation in July of each fiscal year. Further, in January of each fiscal year, after review of available trial court reserves as of June 30 of the prior fiscal year, the Judicial Council shall finalize allocations to trial courts and each court's finalized allocation shall be offset by the amount of reserves in excess of the amount authorized to be carried over pursuant to subdivision (b) of Section 77203.

At its meeting on July 6, 2015, the Trial Court Budget Advisory Committee (TCBAC) established the Ad Hoc Working Group on Fiscal Planning (working group) to examine permitting trial court allocation amounts that were reduced because of the 1 percent fund balance cap to be retained in the Trial Court Trust Fund (TCTF) for the benefit of that court. The working group was charged with developing fiscal planning and management guidelines regarding how to maintain these retained amounts and how the courts would most effectively use the program.

At its business meeting on April 15, 2016, the council approved the TCBAC recommended process, criteria, and required information for trial courts to request TCTF

JUDICIAL COUNCIL OF CALIFORNIA
BUDGET SERVICES
Trial Court Budget Advisory Committee

reduced allocations, related to the 1 percent fund balance cap, be retained in the TCTF as restricted fund balance for the benefit of those courts (see Attachment 4A). The approved process also provides courts the opportunity to amend previously approved requests to address changes to:

- Amounts by year to be distributed to the court for the planned annual expenditures and/or encumbrances, or
- The total amount of the planned expenditures, or
- More than 10 percent of the total request among the categories of expense, or
- A change in purpose.

Currently, to be considered at a specific Judicial Council business meeting, new and amended requests must be submitted to the Judicial Council Administrative Director by the court's presiding judge or court executive officer at least 40 business days (approximately eight weeks) before the date of the next Judicial Council meeting. The current submission schedule includes five submission dates, one each in February, April, June, August, and December. The current timeline does not align with courts' year-end closing, identification of preliminary and final fund balance cap, and Judicial Council approval of fund balance cap reduction and trial court allocation reductions per government code.

Recommendation

The Fiscal Planning Subcommittee recommends the TCBAC approve, for consideration by the Judicial Council at its business meeting on January 16-17, 2020, the following revisions:

1. To better align with court year-end closing, trial court allocation offsets, and requests to amend previously approved requests, it is recommended that submission due dates be revised beginning January 2020 from five dates to three:
 - August – FHOB requests for preliminary fund balance cap.
 - November – FHOB requests for final fund balance cap.
 - April - Requests to amend previously approved requests.
2. Changing submissions from the Judicial Council Administrative Director to the director of Budget Services in an effort to streamline the current submission, review, and approval process (see Attachment 4B); and
3. Make language corrections as appropriate (see Attachment 4B).

JUDICIAL COUNCIL OF CALIFORNIA
BUDGET SERVICES
Trial Court Budget Advisory Committee

Attachments

Attachment 4A: *Current Process, Criteria, and Required Information for TCTF
FHOB of the Courts*

Attachment 4B: *Proposed Process, Criteria, and Required Information for TCTF
FHOB of the Courts*

Judicial Council–Approved Process, Criteria, and Required Information for Trial Court Trust Fund Fund Balance Held on Behalf of the Courts

Process for Trial Court Trust Fund Fund Balance Held on Behalf of the Courts

1. Trial Court Trust Fund fund balance will be held on behalf of trial courts only for expenditures or projects that cannot be funded by a court’s annual budget or three-year encumbrance term and that require multiyear savings to implement.
 - a. Categories or activities include, but are not limited to:
 - i) Projects that extend beyond the original planned three-year term process such as expenses related to the delayed opening of new facilities or delayed deployment of new information systems;
 - ii) Technology improvements or infrastructure such as installing a local data center, data center equipment replacement, case management system deployment, converting to a VoIP telephone system, desktop computer replacement, and replacement of backup emergency power systems;
 - iii) Facilities maintenance and repair allowed under rule 10.810 of the California Rules of Court such as flooring replacement and renovation as well as professional facilities maintenance equipment;
 - iv) Court efficiencies projects such as online and smart forms for court users and RFID systems for tracking case files; and
 - v) Other court infrastructure projects such as vehicle replacement and copy machine replacement.
2. The submission, review, and approval process is as follows:
 - a. All requests will be submitted to the Judicial Council for consideration.
 - b. Requests will be submitted to the Administrative Director by the court’s presiding judge or court executive officer.
 - c. The Administrative Director will forward the request to the Judicial Council director of Finance.
 - d. Finance budget staff will review the request, ask the court to provide any missing or incomplete information, draft a preliminary report, share the preliminary report with the court for its comments, revise as necessary, and issue the report to a formal review body consisting of members from the Trial Court Budget Advisory Committee (TCBAC); the TCBAC subgroup will meet to review the request, hear any presentation of the court representative, and ask questions of the representative if one participates on behalf of the court; and Finance office budget staff will issue a final report on behalf of the TCBAC subgroup for the council.
 - e. The final report to the TCBAC review subgroup and the Judicial Council will be provided to the requesting court before the report is made publicly available on the California Courts website.
 - f. The court may send a representative to the TCBAC review subgroup and Judicial Council meetings to present its request and respond to questions.

3. To be considered at a scheduled Judicial Council business meeting, requests must be submitted to the Administrative Director at least 40 business days (approximately eight weeks) before that business meeting.
4. The Judicial Council may consider including appropriate terms and conditions that courts must accept for the council to approve designating TCTF fund balance on the court's behalf.
 - a. Failure to comply with the terms and conditions would result in the immediate change in the designation of the related TCTF fund balance from restricted to unrestricted and no longer held on behalf of the court unless the council specifies an alternative action.
5. Approved requests that courts subsequently determine need to be revised to reflect a change (1) in the amounts by year to be distributed to the court for the planned annual expenditures and/or encumbrances, (2) in the total amount of the planned expenditures, or (3) of more than 10 percent of the total request among the categories of expense will need to be amended and resubmitted following the submission, review, and approval process discussed in 1–3 above.
 - a. Denied revised requests will result in the immediate change in the designation of the related TCTF fund balance from restricted to unrestricted and no longer held on behalf of the court unless the council specifies an alternative action.
6. Approved requests that courts subsequently determine have a change in purpose will need to be amended and resubmitted following the submission, review, and approval process discussed in 1–3 above, along with a request that the TCTF funds held on behalf of the court for the previously approved request continue to be held on behalf of the court for this new purpose.
 - a. Denied new requests tied to previously approved requests will result in the immediate change in the designation of the related TCTF fund balance from restricted to unrestricted and no longer held on behalf of the court unless the council specifies an alternative action.
7. On completion of the project or planned expenditure, courts are required to report to the Trial Court Budget Advisory Committee within 90 days on the project or planned expenditure and how the funds were expended.
8. As part of the courts' audits in the scope of the normal audit cycle, a review of any funds that were held on behalf of the courts will be made to confirm that they were used for their stated approved purpose.

Criteria for Eligibility for TCTF Fund Balance Held on Behalf of the Courts

TCTF fund balance will be held on behalf of the trial courts only for expenditures or projects that cannot be funded by the court's annual budget or three-year encumbrance term and that require multiyear savings to implement.

Information Required to Be Provided by Trial Courts for TCTF Fund Balance Held on Behalf of the Courts

Below is the information required to be provided by trial courts on the *Application for TCTF Funds Held on Behalf of the Court*:

SECTION I

General Information

- Superior court
- Date of submission
- Person authorizing the request
- Contact person and contact information
- Time period covered by the request (includes contribution and expenditure)
- Requested amount
- A description providing a brief summary of the request

SECTION II

Amended Request Changes

- Sections and answers amended
- A summary of changes to request

SECTION III

Trial Court Operations and Access to Justice

- An explanation as to why the request does not fit within the court's annual operational budget process and the three-year encumbrance term
- A description of how the request will enhance the efficiency and/or effectiveness of court operations, and/or increase the availability of court services and programs
- If a cost efficiency, cost comparison (*table template provided*)
- A description of the consequences to the court's operations if the court request is not approved
- A description of the consequences to the public and access to justice if the court request is not approved
- The alternatives that the court has identified if the request is not approved, and the reason why holding funding in the TCTF is the preferred alternative

SECTION IV

Financial Information

- Three-year history of year-end fund balances, revenues, and expenditures (*table template provided*)
- Current detailed budget projections for the fiscal years during which the trial court would either be contributing to the TCTF fund balance held on the court's behalf or receiving distributions from the TCTF fund balance held on the court's behalf (*table template provided*)

- Identification of all costs, by category and amount, needed to fully implement the project (*table template provided*)
- A specific funding and expenditure schedule identifying the amounts to be contributed and expended, by fiscal year (*table template provided*)

1 **Summary of Recommended Process, Criteria, and Required Information for**
 2 **Trial Court Trust Fund Fund Balance Held on Behalf of the Courts**

3
 4 **Recommended Process for Trial Court Trust Fund Fund Balance Held on Behalf**
 5 **of the Courts**

- 6
 7 1. Trial Court Trust Fund fund balance will be held on behalf of trial courts only for
 8 expenditures or projects that cannot be funded by a court's annual budget or three-year
 9 encumbrance term and that require multiyear savings to implement.
- 10 a. Categories or activities include, but are not limited to:
- 11 i) Projects that extend beyond the original planned three-year term process such as
 12 expenses related to the delayed opening of new facilities or delayed deployment of
 13 new information systems;
- 14 ii) Technology improvements or infrastructure such as installing a local data center, data
 15 center equipment replacement, case management system deployment, converting to a
 16 VoIP telephone system, desktop computer replacement, and replacement of backup
 17 emergency power systems;
- 18 iii) Facilities maintenance and repair allowed under rule 10.810 of the California Rules of
 19 Court such as flooring replacement and renovation as well as professional facilities
 20 maintenance equipment;
- 21 iv) Court efficiencies projects such as online and smart forms for court users and RFID
 22 systems for tracking case files; and
- 23 v) Other court infrastructure projects such as vehicle replacement and copy machine
 24 replacement.
- 25
- 26 2. The submission, review, and approval process is as follows:
- 27 a. All requests will be submitted to the Judicial Council for consideration.
- 28 b. Requests will be submitted to the ~~Administrative Director~~ *director of Budget Services* by
 29 the court's presiding judge or court executive officer.
- 30 ~~c. The Administrative Director will forward the request to the Judicial Council director of~~
 31 ~~Finance.~~
- 32 d. ~~Finance Budget Services~~ budget staff will review the request, ask the court to provide
 33 any missing or incomplete information, draft a preliminary report, share the preliminary
 34 report with the court for its comments, revise as necessary, and issue the report to *the*
 35 *Fiscal Planning Subcommittee of a formal review body consisting of members from the*
 36 *Trial Court Budget Advisory Committee (TCBAC); the subcommittee TCBAC-*
 37 ~~subgroup~~ will meet to review the request, hear any presentation of the court
 38 representative, and ask questions of the representative if one participates on behalf of the
 39 court; and ~~Finance Budget Services~~ office budget staff will issue a final report on behalf
 40 of the ~~subcommittee TCBAC subgroup~~ for the council.
- 41 e. The final report to the ~~subcommittee TCBAC review subgroup~~ and the Judicial Council
 42 will be provided to the requesting court before the report is made publicly available on
 43 the California Courts website.

- 44 f. The court may send a representative to the *subcommittee* ~~TCBAC review subgroup~~ and
45 Judicial Council meetings to present its request and respond to questions.
- 46
- 47 3. To be considered at a scheduled Judicial Council business meeting, requests must be
48 submitted to the ~~Administrative Director~~ *director of Budget Services* at least 40
49 business days (approximately eight weeks) before that business meeting.
- 50
- 51 4. The Judicial Council may consider including appropriate terms and conditions that courts
52 must accept for the council to approve designating TCTF fund balance on the court's behalf.
53 a. Failure to comply with the terms and conditions would result in the immediate change in
54 the designation of the related TCTF fund balance from restricted to unrestricted and no
55 longer held on behalf of the court unless the council specifies an alternative action.
- 56
- 57 5. Approved requests that courts subsequently determine need to be revised to reflect a change
58 (1) in the amounts by year to be distributed to the court for the planned annual expenditures
59 and/or encumbrances, (2) in the total amount of the planned expenditures, or (3) of more than
60 10 percent of the total request among the categories of expense will need to be amended and
61 resubmitted following the submission, review, and approval process discussed in 1–3 above.
62 a. Denied revised requests will result in the immediate change in the designation of the
63 related TCTF fund balance from restricted to unrestricted and no longer held on behalf of
64 the court unless the council specifies an alternative action.
- 65
- 66 6. Approved requests that courts subsequently determine have a change in purpose will need to
67 be amended and resubmitted following the submission, review, and approval process
68 discussed in 1–3 above, along with a request that the TCTF funds held on behalf of the court
69 for the previously approved request continue to be held on behalf of the court for this new
70 purpose.
71 a. Denied new requests tied to previously approved requests will result in the immediate
72 change in the designation of the related TCTF fund balance from restricted to unrestricted
73 and no longer held on behalf of the court unless the council specifies an alternative
74 action.
- 75
- 76 7. On completion of the project or planned expenditure, courts are required to report to the Trial
77 Court Budget Advisory Committee within 90 days on the project or planned expenditure and
78 how the funds were expended.
- 79
- 80 8. As part of the courts' audits in the scope of the normal audit cycle, a review of any funds that
81 were held on behalf of the courts will be made to confirm that they were used for their stated
82 approved purpose.

83 **Recommended Criteria for Eligibility for TCTF Fund Balance Held on Behalf of the**
84 **Courts**

85 TCTF fund balance will be held on behalf of the trial courts only for expenditures or projects that
86 cannot be funded by the court's annual budget or three-year encumbrance term and that require
87 multiyear savings to implement.

88
89 **Recommended Information Required to Be Provided by Trial Courts for TCTF**
90 **Fund Balance Held on Behalf of the Courts**

91 Below is the information required to be provided by trial courts on the *Application for TCTF*
92 *Funds Held on Behalf of the Court*:

93
94 **SECTION I**

95 **General Information**

- 96 • Superior court
- 97 • Date of submission
- 98 • Person authorizing the request
- 99 • Contact person and contact information
- 100 • Time period covered by the request (includes contribution and expenditure)
- 101 • Requested amount
- 102 • A description providing a brief summary of the request

103
104 **SECTION II**

105 **Amended Request Changes**

- 106 • Sections and answers amended
- 107 • A summary of changes to request

108
109 **SECTION III**

110 **Trial Court Operations and Access to Justice**

- 111 • An explanation as to why the request does not fit within the court's annual operational
112 budget process and the three-year encumbrance term
- 113 • A description of how the request will enhance the efficiency and/or effectiveness of court
114 operations, and/or increase the availability of court services and programs
- 115 • If a cost efficiency, cost comparison (*table template provided*)
- 116 • A description of the consequences to the court's operations if the court request is not
117 approved
- 118 • A description of the consequences to the public and access to justice if the court request is
119 not approved
- 120 • The alternatives that the court has identified if the request is not approved, and the reason
121 why holding funding in the TCTF is the preferred alternative

122 **SECTION IV**123 **Financial Information**

- 124 • Three-year history of year-end fund balances, revenues, and expenditures (*table template*
125 *provided*)
- 126 • Current detailed budget projections for the fiscal years during which the trial court would
127 either be contributing to the TCTF fund balance held on the court's behalf or receiving
128 distributions from the TCTF fund balance held on the court's behalf (*table template*
129 *provided*)
- 130 • Identification of all costs, by category and amount, needed to fully implement the project
131 (*table template provided*)
- 132 • A specific funding and expenditure schedule identifying the amounts to be contributed and
133 expended, by fiscal year (*table template provided*)

DRAFT

JUDICIAL COUNCIL OF CALIFORNIA
BUDGET SERVICES
Report to the Trial Court Budget Advisory Committee

(Action Item)

Title: Consideration of Continued Receipt of Children’s Waiting Room Funds for the Superior Court of California, County of San Mateo

Date: 11/21/2019

Contact: Michele Allan, Supervisor, Judicial Council Budget Services
916-263-1374 | michele.allan@jud.ca.gov

Issue

San Mateo Superior Court is requesting to continue to receive Children’s Waiting Room (CWR) funds that will help defray an expected increase in costs when the court resumes services at its Hall of Justice facility in Redwood City and the Youth Services Center in San Mateo in September 2020.

Background

Per Government Code section 70640, after January 1, 2006, a court may apply to the Judicial Council for a CWR distribution between \$2 and \$5, inclusive, from applicable filing fees (see Attachment 5A). The Judicial Council’s policy requires the Trial Court Budget Advisory Committee (TCBAC) to make a recommendation to the council on a court’s request (see Attachment 5B).

San Mateo Superior Court’s request for a continued CWR distribution is provided in Attachment 5C. The court has temporarily closed the two CWRs because the vendor canceled its contract in June 2019. The court has been unable to secure a new vendor despite the fact it has issued two solicitations. The court plans to issue another request for proposal in early 2020 and anticipates re-opening the CWRs September 1, 2020.

The court’s request was received on October 31, 2019, and met the timeline for consideration by the Judicial Council at its business meeting on January 17, 2020. In order to meet this timeline, the issue is being brought directly to TCBAC by Budget Services staff for approval of the recommendation to the council, instead of being heard by the Fiscal Planning Subcommittee prior to TCBAC.

Attachment 5D provides the total distributions for 2015-16, 2016-17, 2017-18, and 2018-19. 18 courts currently have a CWR distribution.

Attachment 5E provides the distribution from the First Paper General Civil Unlimited Uniform Filing Fee (GC 70611) for San Mateo Superior Court. There is no change in the distribution for this request because the court is already receiving a CWR distribution.

JUDICIAL COUNCIL OF CALIFORNIA
BUDGET SERVICES
Report to the Trial Court Budget Advisory Committee

Recommendation

Approve the continued distribution of CWR funds to San Mateo Superior Court to allow the court to accumulate funding to support operating the CWRs, scheduled to re-open in September 2020, for consideration by the council at its January 17, 2020 business meeting.

Attachments

Attachment 5A: Government Code Section 70640

Attachment 5B: CWR Distribution and Fund Balance Policy

Attachment 5C: San Mateo Superior Court's CWR Continued Distribution Request

Attachment 5D: CWR – Distribution Amount and Total Distribution

Attachment 5E: Distribution from First Paper General Civil Unlimited Uniform Filing Fee
(GC 70611)

Government Code Section 70640

(a) It is the policy of the state that each court shall endeavor to provide a children's waiting room in each courthouse for children whose parents or guardians are attending a court hearing as a litigant, witness, or for other court purposes as determined by the court. To defray that expense, monthly allocations for children's waiting rooms shall be added to the monthly apportionment under subdivision (a) of Section 68085 for each court where a children's waiting room has been established or where the court has elected to establish that service.

(b) The amount allocated to each court under this section shall be equal to the following: for each first paper filing fee as provided under Section 70611, 70612, 70613, 70614, or 70670, and each first paper or petition filing fee in a probate matter as provided under Section 70650, 70651, 70652, 70653, 70654, 70655, 70656, or 70658, the same amount as was required to be collected as of December 31, 2005, to the Children's Waiting Room Fund under former Section 26826.3 in the county in which the court is located when a fee was collected for the filing of a first paper in a civil action under former Section 26820.4.

(c) Notwithstanding any other provision of law, the court may make expenditures from these allocations in payment of any cost, excluding capital outlay, related to the establishment and maintenance of the children's waiting room, including personnel, heat, light, telephone, security, rental of space, furnishings, toys, books, or any other item in connection with the operation of a children's waiting room.

(d) If, as of January 1, 2006, there is a Children's Waiting Room Fund in the county treasury established under former Section 26826.3, the county immediately shall transfer the moneys in that fund to the court's operations fund as a restricted fund. By February 15, 2006, the county shall provide an accounting of the fund to the Administrative Office of the Courts.

(e) After January 1, 2006, the court may apply to the Judicial Council for an adjustment of the amount distributed to the fund for each uniform filing fee. A court that wishes to establish a children's waiting room, and does not yet have a distribution under this section, may apply to the Judicial Council for a distribution. Applications under this subdivision shall be made according to trial court financial policies and procedures authorized by the Judicial Council under subdivision (a) of Section 77206. Adjustments and new distributions shall be effective January 1 or July 1 of any year beginning January 1, 2006.

(f) The distribution to a court under this section per each filing fee shall be not less than two dollars (\$2) and not more than five dollars (\$5).

(Amended by Stats. 2007, Ch. 130, Sec. 135. Effective January 1, 2008.)

Children's Waiting Room (CWR) Distribution and Fund Balance Policy

A. Applying for a New CWR Distribution

- A court's presiding judge or executive officer must submit a request to the director of the Judicial Council Finance Office 45 days prior to the date of the council meeting at which the court is requesting consideration.
- The request must include the following information:
 - Date of the council meeting at which the court is requesting consideration.
 - Requested effective date of the distribution (July 1 or January 1). If a court wants to begin receiving distributions more than one year in advance of the planned opening date of a CWR, the request should include an explanation of the extenuating circumstance(s).
 - The scheduled opening date of the CWR(s).
 - Description of the CWR(s).
 - The date when the court intends to make expenditures related to operating its CWR(s).
 - The requested distribution amount between \$2 and \$5. Courts can request the Judicial Council Finance Office to provide an estimate of annual distributions.
- The Trial Court Budget Advisory Committee (TCBAC) will make a recommendation to the council on each court's request.
- If the council approves that distributions begin prior to the operating of a CWR but the court does not operate a CWR six months after their planned opening date, the court must apply for a continued distribution.

B. Requesting a Decreased CWR Distribution Amount

- Any court's request to decrease its existing CWR distribution is approved by the Judicial Council and the request can be implemented by Judicial Council staff, effective either January 1 or July 1.

C. Temporarily or Permanently Ceasing CWR Operations

- Courts that cease operating all CWRs must notify the director of the JC Finance Office within 60 days of the cessation date. Unless a court provides notification and submits an application to continue receiving distributions while not operating a CWR within 60 days of the cessation date, the court's CWR distributions will be stopped either January 1 or July 1, whichever is earlier, and the court will be required to return any CWR fund balance to the TCTF.
- For courts that are required to return all of their remaining CWR fund balance to the TCTF, the return of the CWR fund balance will occur on the February trial court distribution for those courts that the CWR distribution stopped on January 1, and on the August distribution for those courts that the CWR distributions stopped on July 1.
- If there is a dispute between a court and JC staff over the amount of CWR fund balance that should be returned to the TCTF, the dispute will be brought before the TCBAC and the Judicial Council if the two parties cannot come to a resolution within 90 days of the cessation date.

Children's Waiting Room (CWR) Distribution and Fund Balance Policy

- An application for a continued distribution must include all the information required of courts applying for a new distribution (see section A above) as well as the amount of any CWR fund balance.
- The TCBAC will make a recommendation to the Judicial Council on each court's application.
- For courts that apply and whose application is denied by the Judicial Council, any CWR fund balance shall be returned to the TCTF.

D. Cap on CWR Fund Balance

- Courts shall monitor the CWR distribution amount per filing to ensure it is adequate to meet the CWR needs of the court without accumulating an amount in excess of the cap described below.
- Effective July 1, 2015, there shall be a cap on the amount of CWR fund balance that courts can carry forward from one fiscal year to the next. The cap shall be the amount of the highest annual distribution within the three most recent fiscal years.
- Courts that have a CWR fund balance greater than the cap (as described above) at the end of the every other fiscal year (beginning with fiscal year 2016–2017) will be required to return to the TCTF the amount above the cap in the subsequent fiscal year.
- For courts that are required to return the portion of their CWR fund balance above the cap to the TCTF, the return of the CWR fund balance will occur on the August trial court distribution.
- If there is a dispute between a court and JC staff over the amount of CWR fund balance that should be returned to the TCTF, the dispute will be brought before the TCBAC and the Judicial Council if the two parties cannot come to a resolution within 90 days of the cessation date.
- The cap applies only to courts that have received at least 12 months of distributions in a fiscal year while operating a CWR.
- If a court wants a cap adjustment, it must submit a request explaining the extenuating circumstance and including its CWR expenditure plan to the director of the JC Finance Office for consideration by the TCBAC and the Judicial Council. The request must be received by the Finance Director within 60 days of the end of the fiscal year for which the adjustment is being requested.
- JC staff will report any return of CWR fund balance through the trial court distribution process to the TCBAC and the Judicial Council.
- For courts that have Judicial Council–approved adjustments to their CWR caps, annual reporting will be required 60 days after the end of each fiscal year for courts that have an adjustment to their CWR cap approved by the Judicial Council, using a template provided by Judicial Council staff.

E. Courts that have Received a Distribution but Never Operated a CWR

- Courts that received distributions between January 1, 2006 and June 30, 2014 but did not operate a CWR during that time period must either apply for a continued distribution by

Children's Waiting Room (CWR) Distribution and Fund Balance Policy

September 26, 2015 or have their distributions stopped on January 1, 2016 and return to the TCTF any CWR fund balance.

- For courts that are required to return all of their remaining CWR fund balance to the TCTF, the return will occur on the October 2015 trial court distribution.
- If there is a dispute between a court and JC staff over the amount of CWR fund balance that should be returned to the TCTF, the dispute will be brought before the TCBAC and the Judicial Council if the two parties cannot come to a resolution within 90 days of the cessation date.



SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN MATEO
400 COUNTY CENTER
REDWOOD CITY, CA 94063-1655

NEAL I. TANIGUCHI
COURT EXECUTIVE OFFICER
CLERK & JURY COMMISSIONER

Tel: (650)261-5030
Fax: (650)261-5147

October 31, 2019

Zlatko Theodorovic
Director, Budget Services
Judicial Council of California
2850 Gateway Oaks Drive, Suite 300
Sacramento, CA 95833-4353

RE: Request to Receive Children's Waiting Room (CWR) Distribution During Temporary Closure

Dear Mr. Theodorovic:

The court is requesting that the Judicial Council consider its request to continue receiving CWR distributions (maintain at \$5) during a temporary closure of its CWRs at the Hall of Justice facility in Redwood City and the Youth Services Center in San Mateo at the council's January 17, 2020 meeting. In June 2019, our previous vendor canceled their contract citing an inability to recruit and retain staff at present funding levels. Since their departure, the court has experienced difficulty securing a vendor to operate the facilities after two unsuccessful solicitations.

The first solicitation opened on May 22, 2019. When this solicitation closed with no bids, we revised our Request for Proposals in an effort to make it more attractive to prospective bidders while maintaining quality of services. We opened a new solicitation on August 15, 2019 and again received no bids.

The court is deeply committed to providing a safe and supportive environment for children while their parents attend to court business, and sees the continuation of services at both sites as essential. It is the court's plan to issue another RFP in early 2020 and resume services by September 1, 2020.

In recent years, the annual cost to the court of providing CWR services has exceeded the court's annual CWR distribution. Allowing the court to continue to receive CWR distributions will help defray likely higher operating costs when service is resumed.

If you or your staff have any questions regarding the application, please contact Steven Chang, Finance Director, at stevenchang@sanmateocourt.org or (650) 261-5046.

Sincerely,



Neal Taniguchi
Court Executive Officer

cc: Michelle Allen, Senior Budget Analyst, Budget Services, Judicial Council of California

Children's Waiting Room
Distribution Amount and Total Distribution

	Court	Distribution Amount	2015-16 Total Distribution	2016-17 Total Distribution	2017-18 Total Distribution	2018-19 July 2018-October 2018
	A	B	C	D	E	F
1	Alameda	\$5	\$ 162,487	\$ 188,819	\$ 169,579	\$ 174,451
2	Butte	\$5	\$ 19,372	\$ 27,096	\$ 11,227	\$ -
3	Contra Costa	\$5	\$ 104,333	\$ 129,349	\$ 116,444	\$ 126,445
4	Fresno	\$5	\$ 98,469	\$ 121,401	\$ 110,504	\$ 117,334
5	Los Angeles	\$5	\$ 830,421	\$ 1,295,100	\$ 1,480,168	\$ 1,603,832
6	Monterey	\$5	\$ 32,856	\$ 40,826	\$ 20,230	\$ -
7	Orange	\$5	\$ 369,617	\$ 466,843	\$ 421,645	\$ 447,379
8	Riverside	\$5	\$ 253,815	\$ 317,869	\$ 287,070	\$ 328,848
9	Sacramento	\$5	\$ 504,807	\$ 373,901	\$ 348,234	\$ 314,540
10	San Bernardino	\$5	\$ -	\$ 297,239	\$ 288,108	\$ 299,668
11	San Diego	\$5	\$ 336,581	\$ 430,649	\$ 380,780	\$ 407,575
12	San Francisco	\$5	\$ 115,160	\$ 140,230	\$ 124,923	\$ 130,501
13	San Joaquin	\$5	\$ -	\$ -	\$ 91,233	\$ 94,255
14	San Luis Obispo	\$5	\$ 23,484	\$ 29,250	\$ 25,681	\$ 28,232
15	San Mateo	\$5	\$ 64,791	\$ 81,204	\$ 71,715	\$ 76,285
16	Santa Barbara	\$5	\$ 39,686	\$ 48,354	\$ 43,675	\$ 45,150
17	Santa Clara	\$5	\$ 147,497	\$ 174,867	\$ 162,279	\$ 172,182
18	Solano	\$5	\$ 46,724	\$ 56,083	\$ 54,379	\$ 59,359
19	Sonoma	\$5	\$ 45,987	\$ 55,979	\$ 49,926	\$ 54,341
20	Stanislaus	\$2	\$ 19,924	\$ 24,371	\$ -	\$ -
21	Ventura	\$5	\$ 84,342	\$ 103,657	\$ 92,008	\$ 97,711
	Total		\$ 3,300,353	\$ 4,403,087	\$ 4,349,806	\$ 4,578,087

Distribution	State vs. Local	Current
Trial Court Trust Fund Base Allocation	State	\$280.20
Children's Waiting Room	State	\$5.00
Automated Recored-Keeping and Micrographics	State	\$1.00
Judges' Retirement Fund	State	\$32.50
State Court Facilities Construction Fund	State	\$35.00
Immediate & Critical Needs Account	State	\$30.00
Local Courthouse Construction Surcharges		\$0.00
Equal Access Fund	Local	\$4.80
Dispute Resolution	Local	\$0.00
Law Library	Local	\$38.50
Fee Amount		\$427.00

JUDICIAL COUNCIL OF CALIFORNIA
BUDGET SERVICES
Report to the Trial Court Budget Advisory Committee

(Action Item)

Title: Children’s Waiting Room Distribution and Fund Balance Policy
Date: 11/21/2019
Contact: Michele Allan, Supervisor, Judicial Council Budget Services
916-263-1374 | michele.allan@jud.ca.gov

Issue

Consideration of a recommendation from the Fiscal Planning Subcommittee (FPS) to the Children’s Waiting Room (CWR) Distribution and Fund Balance Policy which includes an update to the timing of when CWR fund balance cap reductions will occur, clean-up language in the policy that is no longer relevant, other technical revisions for the purpose of clarifying language in the policy, and a recommendation from Judicial Council Budget Services staff on the timeline.

Background

Government Code section 70640 authorizes the Judicial Council to provide monthly CWR distributions to each court where a CWR has been established or where the court has elected to establish such a service. CWR distributions for individual courts are made from the respective court’s first paper civil filing fee collections, which would otherwise support all courts’ Trial Court Trust Fund (TCTF) base allocations. The distribution to a court must be no less than \$2 and no more than \$5 per paid first paper civil filing fee.

The council first adopted a policy and procedure on court requests for CWR distributions at its business meeting on June 27, 2014. The council has since adopted various revisions to the policy which included clarification on when distributions may be requested in advance of a CWR planned opening as well as when distributions will end for temporary or permanent closures. Additionally, effective July 1, 2015, the policy specified a cap on the amount of CWR fund balance that courts can carry forward from one fiscal year to the next, which would be determined based on the highest annual distribution within the most recent three fiscal years. Courts that have a CWR fund balance in excess of the calculated CWR cap would have their allocation reduced by the amount above the cap in the subsequent fiscal year.

At its business meeting on March 24, 2017, the council approved a revision to the policy to extend the review and adjustment of CWR fund balances from an annual to a biennial schedule and require annual reporting for courts that retain excess funding for multi-year contracts (Attachment 6A)

Currently, the policy states that the return of funds in excess of the CWR fund balance cap will be accomplished through a reduction in the court’s August trial court distribution. The

JUDICIAL COUNCIL OF CALIFORNIA
BUDGET SERVICES
Report to the Trial Court Budget Advisory Committee

recommended changes to the policy would update this timeframe to the October trial court distribution in order to allow sufficient time for:

1. Courts to close the fiscal year and fund balances to be finalized, typically in late July;
2. Total distributions for the fiscal year to be known since the final distribution #14 in August is scheduled for August 30th of each year;
3. Budget Services staff to calculate the estimated reduction and distribute this information to the courts;
4. Attain confirmation and agreement from the courts on the amount to be reduced; and
5. Allow time for courts to submit a fund balance cap adjustment. Requests for a cap adjustment must be received by Budget Services within 60 days of the end of the fiscal year for which the adjustment is being requested.

Technical changes include removing language specifying that the biennial review will occur “every other year beginning with fiscal year 2016-17,” to reflect “fiscal years ending with an odd number.” Other notable changes include clarification that if a court has submitted a request for a cap adjustment that is pending Judicial Council consideration, that the requesting court will not have their allocation reduced in October, but instead will have action taken in the next scheduled distribution following Judicial Council approval or denial or the fund balance cap adjustment request.

In addition, the recommendation includes elimination of Section E of the CWR policy since this section is no longer relevant. This section was related to courts that received a distribution between January 1, 2006 and June 30, 2014 but never operated a CWR. For these courts, this section required that the courts apply for continued distribution by September 26, 2015, otherwise their distributions would end on January 1, 2016, with any remaining fund balance returned to the TCTF by October 2015.

Following the September 26, 2019, FPS meeting, Budget Services staff identified further refinements to the policy and present them to the TCBAC for inclusion in the recommendation for consideration to the Judicial Council including:

- Moving submission requirements above Section A of the policy to provide clarity that the requirement pertains to all types of CWR requests; and
- Changing the number of days for submissions from 45 days to 70 business days prior to the council meeting to allow sufficient time for consideration of requests through the FPS and TCBAC to the council.

Recommendation:

The Fiscal Planning Subcommittee and Budget Services staff recommends the Trial Court Budget Advisory Committee approve the revisions to the CWR Distribution and Fund Balance Policy, as provided in Attachment 6B, for Judicial Council consideration at its business meeting on January 16-17, 2020.

JUDICIAL COUNCIL OF CALIFORNIA
BUDGET SERVICES
Report to the Trial Court Budget Advisory Committee

Attachments

Attachment 6A: Current CWR Distribution and Fund Balance Policy

Attachment 6B: Proposed CWR Distribution and Fund Balance Policy

Current Children’s Waiting Room (CWR) Distribution and Fund Balance Policy

A. Applying for a New CWR Distribution

- A court’s presiding judge or executive officer must submit a request to the director of the Judicial Council Finance Office 45 days prior to the date of the council meeting at which the court is requesting consideration.
- The request must include the following information:
 - Date of the council meeting at which the court is requesting consideration.
 - Requested effective date of the distribution (July 1 or January 1). If a court wants to begin receiving distributions more than one year in advance of the planned opening date of a CWR, the request should include an explanation of the extenuating circumstance(s).
 - The scheduled opening date of the CWR(s).
 - Description of the CWR(s).
 - The date when the court intends to make expenditures related to operating its CWR(s).
 - The requested distribution amount between \$2 and \$5. Courts can request the Judicial Council Finance Office to provide an estimate of annual distributions.
- The Trial Court Budget Advisory Committee (TCBAC) will make a recommendation to the council on each court’s request.
- If the council approves that distributions begin prior to the operating of a CWR but the court does not operate a CWR six months after their planned opening date, the court must apply for a continued distribution.

B. Requesting a Decreased CWR Distribution Amount

- Any court’s request to decrease its existing CWR distribution is approved by the Judicial Council and the request can be implemented by Judicial Council staff, effective either January 1 or July 1.

C. Temporarily or Permanently Ceasing CWR Operations

- Courts that cease operating all CWRs must notify the director of the JC Finance Office within 60 days of the cessation date. Unless a court provides notification and submits an application to continue receiving distributions while not operating a CWR within 60 days of the cessation date, the court’s CWR distributions will be stopped either January 1 or July 1, whichever is earlier, and the court will be required to return any CWR fund balance to the TCTF.
- For courts that are required to return all of their remaining CWR fund balance to the TCTF, the return of the CWR fund balance will occur on the February trial court distribution for those courts that the CWR distribution stopped on January 1, and on the August distribution for those courts that the CWR distributions stopped on July 1.
- If there is a dispute between a court and JC staff over the amount of CWR fund balance that should be returned to the TCTF, the dispute will be brought before the TCBAC and the Judicial Council if the two parties cannot come to a resolution within 90 days of the cessation date.

Current Children's Waiting Room (CWR) Distribution and Fund Balance Policy

- An application for a continued distribution must include all the information required of courts applying for a new distribution (see section A above) as well as the amount of any CWR fund balance.
- The TCBAC will make a recommendation to the Judicial Council on each court's application.
- For courts that apply and whose application is denied by the Judicial Council, any CWR fund balance shall be returned to the TCTF.

D. Cap on CWR Fund Balance

- Courts shall monitor the CWR distribution amount per filing to ensure it is adequate to meet the CWR needs of the court without accumulating an amount in excess of the cap described below.
- Effective July 1, 2015, there shall be a cap on the amount of CWR fund balance that courts can carry forward from one fiscal year to the next. The cap shall be the amount of the highest annual distribution within the three most recent fiscal years.
- Courts that have a CWR fund balance greater than the cap (as described above) at the end of the every other fiscal year (beginning with fiscal year 2016–2017) will be required to return to the TCTF the amount above the cap in the subsequent fiscal year.
- For courts that are required to return the portion of their CWR fund balance above the cap to the TCTF, the return of the CWR fund balance will occur on the August trial court distribution.
- If there is a dispute between a court and JC staff over the amount of CWR fund balance that should be returned to the TCTF, the dispute will be brought before the TCBAC and the Judicial Council if the two parties cannot come to a resolution within 90 days of the cessation date.
- The cap applies only to courts that have received at least 12 months of distributions in a fiscal year while operating a CWR.
- If a court wants a cap adjustment, it must submit a request explaining the extenuating circumstance and including its CWR expenditure plan to the director of the JC Finance Office for consideration by the TCBAC and the Judicial Council. The request must be received by the Finance Director within 60 days of the end of the fiscal year for which the adjustment is being requested.
- JC staff will report any return of CWR fund balance through the trial court distribution process to the TCBAC and the Judicial Council.
- For courts that have Judicial Council–approved adjustments to their CWR caps, annual reporting will be required 60 days after the end of each fiscal year for courts that have an adjustment to their CWR cap approved by the Judicial Council, using a template provided by Judicial Council staff.

E. Courts that have Received a Distribution but Never Operated a CWR

- Courts that received distributions between January 1, 2006 and June 30, 2014 but did not operate a CWR during that time period must either apply for a continued

Current Children's Waiting Room (CWR) Distribution and Fund Balance Policy

distribution by September 26, 2015 or have their distributions stopped on January 1, 2016 and return to the TCTF any CWR fund balance.

- For courts that are required to return all of their remaining CWR fund balance to the TCTF, the return will occur on the October 2015 trial court distribution.
- If there is a dispute between a court and JC staff over the amount of CWR fund balance that should be returned to the TCTF, the dispute will be brought before the TCBAC and the Judicial Council if the two parties cannot come to a resolution within 90 days of the cessation date.

Proposed Children's Waiting Room (CWR) Distribution and Fund Balance Policy

1 A court's presiding judge or executive officer must submit a request to the director of
 2 Judicial Council (JC) Budget Services Office 70 business days prior to the date of the
 3 council meeting at which the court is requesting consideration.

4 A. Applying for a New CWR Distribution

- 5 ~~• A court's presiding judge or executive officer must submit a request to the director~~
 6 ~~of Judicial Council Finance Office 45 days prior to the date of the council meeting at~~
 7 ~~which the court is requesting consideration.~~
- 8 • The request must include the following information:
 - 9 ○ Date of the council meeting at which the court is requesting consideration.
 - 10 ○ Requested effective date of the distribution (July 1 or January 1). If a court
 - 11 wants to begin receiving distributions more than one year in advance of the
 - 12 planned opening date of a CWR, the request should include an explanation of
 - 13 the extenuating circumstance(s).
 - 14 ○ The scheduled opening date of the CWR(s).
 - 15 ○ Description of the CWR(s).
 - 16 ○ The date when the court intends to make expenditures related to
 - 17 operating its CWR(s).
 - 18 ○ The requested distribution amount between \$2 and \$5. Courts can request the
 - 19 ~~Judicial Council Finance Office~~ JC Budget Services to provide an estimate of
 - 20 annual distributions.
 - 21 • The Trial Court Budget Advisory Committee (TCBAC) will make a
 - 22 recommendation to the council on each court's request.
 - 23 • If the council approves that distributions begin prior to the operating of a CWR but
 - 24 the court does not operate a CWR six months after their planned opening date, the
 - 25 court must apply for a continued distribution.

26 B. Requesting a Decreased CWR Distribution Amount

- 27 • Any court's request to decrease its existing CWR distribution is must be approved
- 28 by the Judicial Council and the request can be implemented by ~~Judicial Council~~ JC
- 29 Budget Services staff, effective either January 1 or July 1.

30 C. Temporarily or Permanently Ceasing CWR Operations

- 31 • Courts that cease operating all CWRs must notify the director of ~~JC Finance Office~~
- 32 Budget Services within 60 days of the cessation date. Unless a court provides
- 33 notification and ~~submits an application~~ applies to continue receiving distributions
- 34 while not operating a CWR within 60 days of the cessation date, the court's CWR
- 35 distributions will be stopped either January 1 or July 1, whichever is earlier, and the
- 36 court will be required to return any CWR fund balance to the Trial Court Trust Fund
- 37 (TCTF).
- 38 • For courts that are required to return all of their remaining CWR fund balance to the
- 39 TCTF, the return of the CWR fund balance will occur on the February trial court
- 40 distribution for those courts that the CWR distribution stopped on January 1, and on
- 41
- 42

Proposed Children's Waiting Room (CWR) Distribution and Fund Balance Policy

- 43 the August distribution for those courts that the CWR distributions stopped on July
 44 1. Courts may also request return of any remaining CWR fund balance at any time.
 45 • If there is a dispute between a court and JC Budget Services staff over the amount of
 46 CWR fund balance
 47 ~~that should~~ to be returned to the TCTF, the dispute will be brought before the
 48 TCBAC and the Judicial Council if the two parties cannot come to a resolution
 49 within 90 days of the cessation date.
- 50 • An application for a continued distribution must include all the information
 51 required of courts applying for a new distribution (see section A above) as well as
 52 the amount of any CWR fund balance.
 - 53 • The TCBAC will make a recommendation to the Judicial Council on each
 54 court's application.
 - 55 • For courts that apply and whose application is denied by the Judicial Council, any
 56 CWR fund balance shall be returned to the TCTF.

D. Cap on CWR Fund Balance

- 59 • Courts shall monitor the CWR distribution amount per filing to ensure it is
 60 adequate to meet the CWR needs of the court without accumulating an amount in
 61 excess of the cap described below.
- 62 • Effective July 1, 2015, there shall be a cap on the amount of CWR fund balance that
 63 courts can carry forward from one fiscal year to the next. The cap shall be the
 64 amount of the highest annual distribution within the three most recent fiscal years.
- 65 • Courts that have a CWR fund balance greater than the cap (as described above) at the
 66 end of ~~the every other fiscal year (beginning with fiscal year 2016–2017)~~ fiscal years
 67 ending with an odd number will be required to return the amount above the cap to the
 68 TCTF ~~the amount above the cap~~ in the subsequent fiscal year.
- 69 • If a court wants to seek a cap adjustment, it must submit a request explaining the
 70 extenuating circumstance(s) and include its CWR expenditure plan to the director
 71 of JC Budget Services for consideration by the TCBAC and the Judicial Council.
 72 The request must be received by the director of JC Budget Services within 60 days
 73 of the end of the fiscal year for which the adjustment is being requested.
- 74 • For courts that are required to return the portion of their CWR fund balance above the
 75 cap to the TCTF, the return of the CWR fund balance will occur on the ~~August~~
 76 October trial court distribution, unless the court has a request for a cap adjustment
 77 pending Judicial Council consideration.
- 78 • Courts that have submitted a request for a cap adjustment will have action taken on
 79 their fund balance in the next scheduled distribution following Judicial Council
 80 consideration of the cap adjustment request.
- 81 • If there is a dispute between a court and JC Budget Services staff over the amount
 82 of CWR fund balance ~~that should~~ to be returned to the TCTF, the dispute will be
 83 brought before the TCBAC and the Judicial Council if the two parties cannot come
 84 to a resolution within 90 days of the cessation date.

Proposed Children's Waiting Room (CWR) Distribution and Fund Balance Policy

- 85 • The cap applies only to courts that have received at least 12 months of distributions
86 in a fiscal year while operating a CWR.
- 87 • ~~If a court wants a cap adjustment, it must submit a request explaining the
88 extenuating circumstance and including its CWR expenditure plan to the director
89 of the JC Finance Office for consideration by the TCBAC and the Judicial
90 Council. The request must be received by the Finance Director within 60 days of
91 the end of the fiscal year for which the adjustment is being requested.~~
- 92 • JC Budget Services staff will report any return of CWR fund balance through the
93 trial court distribution process to the TCBAC and the Judicial Council.
- 94 • For courts that have Judicial Council–approved adjustments to their CWR caps,
95 annual reporting will be required 60 days after the end of each fiscal year ~~for courts
96 that have an adjustment to their CWR cap approved by the Judicial Council~~, using a
97 template provided by ~~Judicial Council~~ JC Budget Services staff.

98

99 ~~E. Courts that have Received a Distribution but Never Operated a CWR~~

- 100 • ~~Courts that received distributions between January 1, 2006 and June 30, 2014 but did
101 not operate a CWR during that time period must either apply for a continued
102 distribution by September 26, 2015 or have their distributions stopped on January 1,
103 2016 and return to the TCTF any CWR fund balance.~~
- 104 • ~~For courts that are required to return all of their remaining CWR fund balance to the
105 TCTF, the return will occur on the October 2015 trial court distribution.~~
- 106 • ~~If there is a dispute between a court and JC staff over the amount of CWR fund
107 balance that should be returned to the TCTF, the dispute will be brought before the
108 TCBAC and the Judicial Council if the two parties cannot come to a resolution
109 within 90 days of the cessation date.~~

JUDICIAL COUNCIL OF CALIFORNIA
BUDGET SERVICES
Report to the Trial Court Budget Advisory Committee

(Action Item)

Title: Children’s Waiting Room (CWR) Fund Balance Cap Adjustment Biennial Review

Date: 11/21/2019

Contact: Michele Allan, Supervisor, Judicial Council Budget Services
916-263-1374 | michele.allan@jud.ca.gov

Issue

Consideration of the recommendation from the Fiscal Planning Subcommittee (FPS) that the Trial Court Budget Advisory Committee (TCBAC) recommend that the Judicial Council approve CWR fund balance cap adjustments for three trial courts.

Background

Current Judicial Council-approved CWR Distribution and Fund Balance Policy places a cap on the amount of CWR fund balance that courts can accumulate (Attachment 7A). The review and adjustment of CWR fund balances is on a biennial schedule beginning in 2016-17. Courts with fund balances that exceed the cap are required to return the amount above the cap to the Trial Court Trust Fund (TCTF) by the end of the fiscal year, unless the council approves a court’s request for a cap adjustment.

CWR Fund Balance Cap Adjustment Requests

On August 9, 2019, Judicial Council Budget Services staff sent out the Estimated 2018-19 CWR Fund Balance Cap Reductions to all trial courts, which identified seven courts with fund balances above their cap. Three courts submitted CWR fund balance cap adjustment requests totaling \$485,549 that were approved for recommendation to TCBAC by the FPS at its September 26, 2019 meeting (Attachment 7B). The courts’ rationale for the adjustments are as follows:

- Contra Costa Superior Court: CWR fund balance cap adjustment of \$120,719 (Attachment 7C). Contra Costa closed its CWR in October 2018 and received Judicial Council approval for continued distribution during its temporary closure for relocation and reopening in July 2019. The court submitted another request for an extension due to project delays to continue distribution to October 2019, which was approved by the council at its business meeting on September 24, 2019. A subsequent request for continued distribution to June 2020 due to difficulty securing a vendor was approved by the council at its November 14, 2019 business meeting.
- San Bernardino Superior Court: CWR fund balance cap adjustment of \$75,759 (Attachment 7D). This request is based on the court’s intent to expand their CWR services to a new location, in addition to operating its current three CWR locations. A

JUDICIAL COUNCIL OF CALIFORNIA
BUDGET SERVICES
Report to the Trial Court Budget Advisory Committee

new facility is expected to house family law courtrooms and is slated to open in 2020-21. The court anticipates that projected annual expenditures will exceed revenues with the anticipated opening of the new location, coupled with the current increase in contract rates for their existing CWR locations.

- Santa Barbara Superior Court: CWR fund balance cap adjustment of \$289,071 (Attachment 7E). This request is based on the continuation of multi-year contracts and projected annual expenditures exceeding annual revenues.

Los Angeles Superior Court closed its 2018-19 financials on September 23, 2019, after the biennial review and submitted its CWR fund balance following the September 26, 2019 FPS meeting. The court's 2018-19 fund balance does not exceed its cap; therefore, does not face a reduction. The court's fund balance is integrated in this report for inclusion in the recommendation for consideration to the Judicial Council.

Exceptions

San Mateo Superior Court transferred \$245,113 in General Fund monies into the CWR account to cover multi-year contract encumbrances in 2016-17. Of this amount, \$155,953 has been carried forward in 2018-19. This has been the court's practice so that it could cover expenses beyond what its restricted CWR revenue allows. The CWR fund balance policy is in place to prevent and discourage courts from accumulating fund balances in a restricted revenue stream that could otherwise be used for other purposes in the TCTF. As San Mateo's fund balance is due to unrestricted funds being put into the CWR account to cover a multi-year contract, no fund balance cap adjustment request was deemed necessary for the Judicial Council to approve.

CWR Fund Balance Reductions

Of the remaining four courts with CWR fund balances above the cap, three courts (Sacramento, San Joaquin, and San Luis Obispo) have agreed to the fund balance reductions. These reductions were applied in the October 2019 distribution (Distribution #4).

Recommendation:

The Fiscal Planning Subcommittee recommends that the Trial Court Budget Advisory Committee approve the CWR fund balance cap adjustments as detailed in Attachment 7C through 7E for consideration by the council at its business meeting on January 16-17, 2020.

Attachments

Attachment 7A: *CWR Distribution and Fund Balance Policy*

Attachment 7B: 2018-19 Biennial Review of CWR Fund Balances

Attachment 7C: Contra Costa Superior Court Biennial Fund Balance Cap Adjustment Request

Attachment 7D: San Bernardino Superior Court Biennial Fund Balance Cap Adjustment Request

Attachment 7E: Santa Barbara Superior Court Biennial Fund Balance Cap Adjustment Request

Current Children’s Waiting Room (CWR) Distribution and Fund Balance Policy

A. Applying for a New CWR Distribution

- A court’s presiding judge or executive officer must submit a request to the director of the Judicial Council Finance Office 45 days prior to the date of the council meeting at which the court is requesting consideration.
- The request must include the following information:
 - Date of the council meeting at which the court is requesting consideration.
 - Requested effective date of the distribution (July 1 or January 1). If a court wants to begin receiving distributions more than one year in advance of the planned opening date of a CWR, the request should include an explanation of the extenuating circumstance(s).
 - The scheduled opening date of the CWR(s).
 - Description of the CWR(s).
 - The date when the court intends to make expenditures related to operating its CWR(s).
 - The requested distribution amount between \$2 and \$5. Courts can request the Judicial Council Finance Office to provide an estimate of annual distributions.
- The Trial Court Budget Advisory Committee (TCBAC) will make a recommendation to the council on each court’s request.
- If the council approves that distributions begin prior to the operating of a CWR but the court does not operate a CWR six months after their planned opening date, the court must apply for a continued distribution.

B. Requesting a Decreased CWR Distribution Amount

- Any court’s request to decrease its existing CWR distribution is approved by the Judicial Council and the request can be implemented by Judicial Council staff, effective either January 1 or July 1.

C. Temporarily or Permanently Ceasing CWR Operations

- Courts that cease operating all CWRs must notify the director of the JC Finance Office within 60 days of the cessation date. Unless a court provides notification and submits an application to continue receiving distributions while not operating a CWR within 60 days of the cessation date, the court’s CWR distributions will be stopped either January 1 or July 1, whichever is earlier, and the court will be required to return any CWR fund balance to the TCTF.
- For courts that are required to return all of their remaining CWR fund balance to the TCTF, the return of the CWR fund balance will occur on the February trial court distribution for those courts that the CWR distribution stopped on January 1, and on the August distribution for those courts that the CWR distributions stopped on July 1.
- If there is a dispute between a court and JC staff over the amount of CWR fund balance that should be returned to the TCTF, the dispute will be brought before the TCBAC and the Judicial Council if the two parties cannot come to a resolution within 90 days of the cessation date.

Current Children’s Waiting Room (CWR) Distribution and Fund Balance Policy

- An application for a continued distribution must include all the information required of courts applying for a new distribution (see section A above) as well as the amount of any CWR fund balance.
- The TCBAC will make a recommendation to the Judicial Council on each court’s application.
- For courts that apply and whose application is denied by the Judicial Council, any CWR fund balance shall be returned to the TCTF.

D. Cap on CWR Fund Balance

- Courts shall monitor the CWR distribution amount per filing to ensure it is adequate to meet the CWR needs of the court without accumulating an amount in excess of the cap described below.
- Effective July 1, 2015, there shall be a cap on the amount of CWR fund balance that courts can carry forward from one fiscal year to the next. The cap shall be the amount of the highest annual distribution within the three most recent fiscal years.
- Courts that have a CWR fund balance greater than the cap (as described above) at the end of the every other fiscal year (beginning with fiscal year 2016–2017) will be required to return to the TCTF the amount above the cap in the subsequent fiscal year.
- For courts that are required to return the portion of their CWR fund balance above the cap to the TCTF, the return of the CWR fund balance will occur on the August trial court distribution.
- If there is a dispute between a court and JC staff over the amount of CWR fund balance that should be returned to the TCTF, the dispute will be brought before the TCBAC and the Judicial Council if the two parties cannot come to a resolution within 90 days of the cessation date.
- The cap applies only to courts that have received at least 12 months of distributions in a fiscal year while operating a CWR.
- If a court wants a cap adjustment, it must submit a request explaining the extenuating circumstance and including its CWR expenditure plan to the director of the JC Finance Office for consideration by the TCBAC and the Judicial Council. The request must be received by the Finance Director within 60 days of the end of the fiscal year for which the adjustment is being requested.
- JC staff will report any return of CWR fund balance through the trial court distribution process to the TCBAC and the Judicial Council.
- For courts that have Judicial Council–approved adjustments to their CWR caps, annual reporting will be required 60 days after the end of each fiscal year for courts that have an adjustment to their CWR cap approved by the Judicial Council, using a template provided by Judicial Council staff.

E. Courts that have Received a Distribution but Never Operated a CWR

- Courts that received distributions between January 1, 2006 and June 30, 2014 but did not operate a CWR during that time period must either apply for a continued

Current Children's Waiting Room (CWR) Distribution and Fund Balance Policy

distribution by September 26, 2015 or have their distributions stopped on January 1, 2016 and return to the TCTF any CWR fund balance.

- For courts that are required to return all of their remaining CWR fund balance to the TCTF, the return will occur on the October 2015 trial court distribution.
- If there is a dispute between a court and JC staff over the amount of CWR fund balance that should be returned to the TCTF, the dispute will be brought before the TCBAC and the Judicial Council if the two parties cannot come to a resolution within 90 days of the cessation date.


Court	2016-17	2017-18	2018-19	Highest Dist.
	Col. A	Col. B	Col. C	Col. D
Alameda	161,044	169,579	174,451	174,451
Alpine	-	-	-	-
Amador	-	-	-	-
Butte	23,243	11,227	-	23,243
Calaveras	-	-	-	-
Colusa	-	-	-	-
Contra Costa	110,553	116,444	126,445	126,445
Del Norte	-	-	-	-
El Dorado	-	-	-	-
Fresno	102,249	110,504	117,334	117,334
Glenn	-	-	-	-
Humboldt	-	-	-	-
Imperial	-	-	-	-
Inyo	-	-	-	-
Kern	-	-	-	-
Kings	-	-	-	-
Lake	-	-	-	-
Lassen	-	-	-	-
Los Angeles ²	1,135,306	1,480,168	1,603,832	1,603,832
Madera	-	-	-	-
Marin	-	-	-	-
Mariposa	-	-	-	-
Mendocino	-	-	-	-
Merced	-	-	-	-
Modoc	-	-	-	-
Mono	-	-	-	-
Monterey	34,348	(104,004)	-	34,348
Napa	-	-	-	-
Nevada	-	-	-	-
Orange	395,975	421,645	447,379	447,379
Placer	-	-	-	-
Plumas	-	-	-	-
Riverside	267,712	287,070	328,848	328,848
Sacramento	331,970	348,234	314,540	348,234
San Benito	-	-	-	-
San Bernardino	254,178	288,108	299,668	299,668
San Diego	363,973	380,780	407,575	407,575
San Francisco	119,097	124,923	130,501	130,501
San Joaquin	-	91,233	94,255	94,255
San Luis Obispo	25,058	25,681	28,232	28,232
San Mateo	68,540	71,715	76,285	76,285
Santa Barbara	41,033	43,675	45,150	45,150
Santa Clara	148,907	162,279	172,182	172,182
Santa Cruz	-	-	-	-
Shasta	-	-	-	-
Sierra	-	-	-	-
Siskiyou	-	-	-	-
Solano	48,472	54,379	59,359	59,359
Sonoma	46,841	49,926	54,341	54,341
Stanislaus	20,812	-	-	20,812
Sutter	-	-	-	-
Tehama	-	-	-	-
Trinity	-	-	-	-
Tulare	-	-	-	-
Tuolumne	-	-	-	-
Ventura	87,949	92,008	97,711	97,711
Yolo	-	-	-	-
Yuba	-	-	-	-
Total	3,787,262	4,225,573	4,578,087	4,690,184

CWR 2018-19 Fund Balance as of 6/30/2019	2019-20 CWR Reduction
Col. E	Col. F
57,265	-
-	-
-	-
-	-
-	-
-	-
-	-
247,164	(120,719)
-	-
-	-
-	-
-	-
-	-
-	-
-	-
-	-
-	-
-	-
-	-
-	-
-	-
-	-
958,419	-
-	-
-	-
-	-
-	-
-	-
-	-
-	-
-	-
-	-
-	-
285,378	-
-	-
-	-
263,223	-
431,227	(82,993)
-	-
375,427	(75,759)
-	-
-	-
164,335	(70,081)
83,133	(54,901)
155,953	(79,668)
334,221	(289,071)
-	-
-	-
-	-
-	-
-	-
-	-
-	-
-	-
-	-
33,029	-
14,356	-
-	-
-	-
-	-
-	-
-	-
-	-
15,179	-
-	-
-	-
3,418,308	(773,191)

Info Only							Calculated CWR Reduction	Adjustments to CWR Reductions ^{1,2}	Court Confirmed Reduction	Pending Adjustment Requests
CWR 2016-17 Fund Balance	CWR 2017-18 Fund Balance	CWR 2018-19 Fund Balance	Col. J	Col. K	Col. L	Col. M				
Col. G	Col. H	Col. I	Col. J	Col. K	Col. L	Col. M	Col. J	Col. K	Col. L	Col. M
69,270	26,055	57,265	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-
10,011	21,512	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-
177,534	157,459	247,164	(120,719)	-	-	-	-	-	-	120,719
-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-
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-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-
555,010	671,158	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-
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-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-
103,177	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-
747,898	456,858	285,378	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-
141,514	194,075	263,223	-	-	-	-	-	-	-	-
368,698	453,105	431,227	(82,993)	-	(82,993)	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-
126,416	258,444	375,427	(75,759)	-	-	-	-	-	-	75,759
-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-
-	68,742	164,335	(70,081)	-	(70,081)	-	-	-	-	-
55,670	51,123	83,133	(54,901)	-	(54,901)	-	-	-	-	-
200,875	162,638	155,953	(79,668)	79,668	-	-	-	-	-	-
484,419	395,528	334,221	(289,071)	-	-	-	-	-	-	289,071
125,995	154,955	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-
46,860	37,345	33,029	-	-	-	-	-	-	-	-
7,382	8,204	14,356	-	-	-	-	-	-	-	-
82,229	65	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-
45,345	40,122	15,179	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-
3,348,303	3,157,388	2,459,889	(773,191)	79,668	(207,975)	-	-	-	-	485,549

¹ San Mateo transferred non-CWR funds into its CWR account to cover expenditures in excess of CWR revenues; therefore, the cap adjustment does not apply.

**CHILDREN'S WAITING ROOM (CWR)
ANNUAL REPORTING FOR MULTI-YEAR CONTRACTS /
BIENNIAL FUND BALANCE CAP REVIEW**

Please check all that apply: <input type="checkbox"/> ANNUAL REPORTING FOR MULTI-YEAR CONTRACTS <i>(Complete Sections I and II)</i> <input checked="" type="checkbox"/> BIENNIAL FUND BALANCE CAP REVIEW <i>(Complete Sections I, II, and III)</i>	
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SECTION I: GENERAL INFORMATION

SUPERIOR COURT: Contra Costa	PERSON AUTHORIZING REPORT <i>(Presiding Judge or Court Executive Officer):</i> Kate Bieker, Court Executive Officer
	CONTACT PERSON AND CONTACT INFO <i>(Please include mailing address, email, and phone number):</i> Fae Li, Director of Finance 725 Court Street, 4 th Floor; Martinez, CA 95443
DATE OF SUBMISSION: 8/30/2019	RECEIVED AT LEAST 12 MONTHS OF DISTRIBUTIONS IN THE LAST FISCAL YEAR: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> <i>(No biennial reporting is required if less than 12 months of distributions received)</i> DO YOU HAVE MULTI-YEAR CONTRACTS? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> <i>(If yes, provide an explanation of the contracts in the CWR Program Update below)</i>

CWR PROGRAM UPDATE *(Please briefly summarize the status of your current program):*

The Court previously received a cap adjustment, and at the time was operating a Children's Waiting Room (CWR) in its Pittsburg Courthouse. The Court closed its Pittsburg Courthouse CWR in October 2018 due to decreased demand and usage of the CWR so that it may relocate the CWR to its Martinez Family Law Courthouse where demand for CWR services is much higher. The FY 18/19 expenditures of \$34,429 below reflects operating the Pittsburg CWR for three months prior to the temporary closure.

Construction on the new Martinez Family Law Courthouse CWR completed in July 2019. During the temporary closure period, the Court issued an RFP for a vendor to operate its new CWR. A prospective vendor submitted a cost proposal to operate the CWR for approximately \$220,000 per year, but the Court did not accept this proposal since it is significantly higher than its historical annual CWR allocation. The Court continues its search for a CWR vendor but anticipates that once a CWR vendor is secured, its annual cost of operating the CWR will exceed the annual CWR allocation, and will need to use its CWR fund balance to cover the funding shortfall. The Court requests a cap adjustment to \$247,164 so that it may retain its full fund balance to cover these anticipated annual funding shortfalls in order to allow the Court to operate its new CWR.

SECTION II: FINANCIAL INFORMATION

- A. THREE-YEAR HISTORY AND THREE-YEAR PROJECTION OF YEAR END FUND BALANCES, REVENUES, AND EXPENDITURES** *(Double click below for Excel spreadsheet. Please populate rows 1 and 2, and the beginning fund balance in cell A3. The rest of the sheet is formula driven and will automatically populate. If requesting an adjustment to the calculated CAP and return of funds to the Trial Court Trust Fund (TCTF), enter the amount (row 7) being requested and complete Section III):*

		A	B	C	D	E	F	G
Row	Fiscal Year	<i>Actual</i>			<i>Estimated</i>			
		Beginning Fund Balance	2016-17	2017-18	2018-19	2019-20	2020-21	2021-2022
1	Revenue Distributed to the Court		-731,860	115,472	124,134	125,000	125,000	125,000
2	Expenditures		135,601	135,547	34,429	137,500	178,500	187,425
3	Fund Balance	1,044,995	177,534	157,459	247,164	234,664	181,164	118,739
CWR Fund Balance above CAP Calculation:								
4	Highest Year of Revenue Distributed to the Court	124,134						
5	Fund Balance at the End of the Current Fiscal Year	247,164						
6	Amount to Return to the TCTF	123,030						
7	Requested Adjustment to Fund Balance CAP ¹	120,719						
¹ Due to the Director of Budget Services within 60 days of the end of the fiscal year								

B. CURRENT DETAILED EXPENDITURE PROJECTIONS/PLAN FOR NEXT THREE FISCAL YEARS (Please provide an explanation of the expenditure plan that ties to row 2, columns E, F, and G):

FY 2019-2020: The Court anticipates annual operating costs of \$170,000 for CWR vendor. Since the Court anticipates opening its new Martinez Family Law Courthouse CWR by October 1, 2019, the estimated expenditures of \$137,500 represents 9 months of operating a CWR.

FY 2020-2021: \$178,500 = \$170,000 annual operating budget for year 1 * 5% increase

FY 2021-2022: \$187,425 = \$178,500 annual operating budget for year 2 * 5% increase

SECTION III: RETURNING FUNDS ABOVE THE CAP TO THE TCTF

A. IF APPEALING THE AMOUNT CALCULATED TO RETURN TO TCTF IN CELL A6, PLEASE PROVIDE YOUR JUSTIFICATION BELOW (Include a summary of your ongoing CWR expenditure plan):

**CHILDREN'S WAITING ROOM (CWR)
ANNUAL REPORTING FOR MULTI-YEAR CONTRACTS /
BIENNIAL FUND BALANCE CAP REVIEW**

Please check all that apply:

ANNUAL REPORTING FOR MULTI-YEAR CONTRACTS *(Complete Sections I and II)*

BIENNIAL FUND BALANCE CAP REVIEW *(Complete Sections I, II, and III)*



SECTION I: GENERAL INFORMATION

SUPERIOR COURT:

San Bernardino

PERSON AUTHORIZING REPORT *(Presiding Judge or Court Executive Officer):*

Nancy Eberhardt, Court Executive Officer

CONTACT PERSON AND CONTACT INFO *(Please include mailing address, email, and phone number):*

Kristine Swensson
247 W 3rd Street, 11th Floor
San Bernardino, CA 92415
(909) 708-8744
kswensson@sb-court.org

DATE OF SUBMISSION:

8/30/2019

RECEIVED AT LEAST 12 MONTHS OF DISTRIBUTIONS IN THE LAST FISCAL YEAR:

YES **NO** *(No biennial reporting is required if less than 12 months of distributions received)*

DO YOU HAVE MULTI-YEAR CONTRACTS? **YES** **NO** *(If yes, provide an explanation of the contracts in the CWR Program Update below)*

CWR PROGRAM UPDATE *(Please briefly summarize the status of your current program):*

In April 2016, the Superior Court of San Bernardino County (Court) obtained approval from the Judicial Council to receive Children's Waiting Room fee revenue effective July 1, 2016. This approval allows for the Court to collect \$5 of each designated filing fee pursuant to Government Code 70640.

As planned in the original request for funding, the Court was successful in opening three children's waiting rooms. Currently, the Court operates waiting rooms in the San Bernardino Justice Center (SBJC), Fontana Courthouse, and the Historic Courthouse. The hours of operations are 8:00 AM to 4:00 PM for all locations. These waiting rooms provide much needed services to over 1600 children annually and have provided a safe place for children to stay while their parents or guardians participate in court matters or proceedings. Services include providing children with activities focused on education and engagement. These childcare services are provided in both English and Spanish.

The Court recently executed a multi-year contract with "Choices for Children" to provide childcare services from July 1, 2019 through June 20, 2022. Additionally, the contract allows for two one-year extensions for renewal at the Court's discretion. This new contract increased rates from \$247,033.72 to \$251,700.00, resulting in a 2% increase.

SECTION II: FINANCIAL INFORMATION

A. THREE-YEAR HISTORY AND THREE-YEAR PROJECTION OF YEAR END FUND BALANCES, REVENUES, AND EXPENDITURES (Double click below for Excel spreadsheet. Please populate rows 1 and 2, and the beginning fund balance in cell A3. The rest of the sheet is formula driven and will automatically populate. If requesting an adjustment to the calculated CAP and return of funds to the Trial Court Trust Fund (TCTF), enter the amount (row 7) being requested and complete Section III):

Fiscal Year	Actual				Estimated		
	Beginning Fund Balance	2016-17	2017-18	2018-19	2019-20	2020-21	2021-2022
Revenue Distributed to the Court		254,235	286,646	309,200	290,000	295,000	300,000
Expenditures		127,819	154,618	192,217	247,003	353,791	359,791
Fund Balance		126,416	258,444	375,427	418,424	359,633	299,842

Fund Balance above CAP Calculation:

Highest Year of Revenue Distributed to the Court	299,668						
Fund Balance at the End of the Current Fiscal Year	375,427						
Amount to Return to the TCTF	75,759						
Requested Adjustment to Fund Balance CAP ¹	75,759						

to the Director of Budget Services within 60 days of the end of the fiscal year

Note: The table in Section II A. includes interest earned and accrual adjustments under the section that is entitled "Revenue Distributed to the Court" because there is not a separate line/row for these items. These amounts are needed to accurately account for the ending fund balance total.

B. CURRENT DETAILED EXPENDITURE PROJECTIONS/PLAN FOR NEXT THREE FISCAL YEARS (Please provide an explanation of the expenditure plan that ties to row 2, columns E, F, and G):

The Court plans to continue to expand children’s waiting room services over the next several years. This expansion includes both an increase in utilization of services at existing locations and an expansion to the high desert region of the County near Victorville. Below is a more detailed expenditure plan for Fiscal Year (FY) 2019-20 through 2021-22:

FY 2019-20 – the expenditure amount in row 2 reflects both the newly contracted rates with a slight increase projected in service utilization for existing locations.

FY 2020-21 – the expenditure amount for this year includes an increase to the projected contract amount of approximately \$57,000 to provide for a half year of two additional staff and oversight of a new location in the high desert, near Victorville. This year also includes \$50,000 in one-time purchases to buy furniture, books, supplies, equipment, and other necessities to set forth plans for the opening of a new waiting room in a space that the Court plans to occupy in FY 2020-21.

FY 2021-22 – the expenditure amount for this year includes the increase in contract costs due to the expansion to the high desert area near Victorville in FY 2020-21.

The projections included in Section II A indicate that the Court will be able to utilize fund balance in excess of the cap by FY 2021-22. Therefore, the Court is requesting a three-year exception to the fund balance cap and be permitted to use the funds in excess of the cap of \$75,759 to further expansion of services.


SECTION III: RETURNING FUNDS ABOVE THE CAP TO THE TCTF

A. IF APPEALING THE AMOUNT CALCULATED TO RETURN TO TCTF IN CELL A6, PLEASE PROVIDE YOUR JUSTIFICATION BELOW *(Include a summary of your ongoing CWR expenditure plan):*

The Court is respectfully requesting a three-year exception to the fund balance cap be approved so that it may continue efforts to expand children’s waiting room services in the County.

Specifically, the Court intends to open a new waiting room in the high desert area of the County, near Victorville, in a facility that is being provided by County Probation. This location is expected to house family law courtrooms, mediation services, self-help, and a new children’s waiting room. This facility is slated to open in FY 2020-21. The opening of this new location, coupled with the current increase in contract rates and projected utilization will mean that the Court will start utilizing fund balance as soon as FY 2020-21. Should the funds of \$75,759 be swept now, the Court might have to reconsider the sustainability of opening any additional locations and may be unable to expand into the Victorville area in the near future.

**CHILDREN'S WAITING ROOM (CWR)
ANNUAL REPORTING FOR MULTI-YEAR CONTRACTS /
BIENNIAL FUND BALANCE CAP REVIEW**

Please check all that apply:		
<input type="checkbox"/> ANNUAL REPORTING FOR MULTI-YEAR CONTRACTS <i>(Complete Sections I and II)</i> <input checked="" type="checkbox"/> BIENNIAL FUND BALANCE CAP REVIEW <i>(Complete Sections I, II, and III)</i>		
SECTION I: GENERAL INFORMATION		
SUPERIOR COURT: Santa Barbara	PERSON AUTHORIZING REPORT <i>(Presiding Judge or Court Executive Officer):</i> Darrel Parker, CEO	
	CONTACT PERSON AND CONTACT INFO <i>(Please include mailing address, email, and phone number):</i> Patrick Ballard, CFO 1100 Anacapa St, 2 nd Floor Santa Barbara, CA 93101 pballard@sbcourts.org phone: (805) 882-4682	
DATE OF SUBMISSION: 8/23/2019	RECEIVED AT LEAST 12 MONTHS OF DISTRIBUTIONS IN THE LAST FISCAL YEAR: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> <i>(No biennial reporting is required if less than 12 months of distributions received)</i> DO YOU HAVE MULTI-YEAR CONTRACTS? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> <i>(If yes, provide an explanation of the contracts in the CWR Program Update below)</i>	
CWR PROGRAM UPDATE <i>(Please briefly summarize the status of your current program):</i> <p>The Superior Court of California, County of Santa Barbara requests a cap adjustment to the funds accumulated in its Children's Waiting Room fund. The court currently operates two children's waiting rooms in the major population centers within the county. The first is operated in downtown Santa Barbara, at the Figueroa Division, a criminal court building adjacent to the civil and family courts located in the historic courthouse. The second children's waiting room is operated in the juvenile court building in Santa Maria. Both rooms were previously opened a limited number of hours under the supervision of a contracted non-profit agency.</p> <p>In order to better serve the needs of the public, a multi-year contract was negotiated with the non-profit agency Community Action Commission to operate both rooms on a full-time basis. The contract and expanded hours became effective on June 1, 2017. The children's waiting room in Santa Barbara was previously opened 24 hours per week, it's now serving the public 40 hours per week. The children's waiting room in Santa Maria at the juvenile court building was previously opened 8 hours per week, it's now serving the public 35 hours per week. Over the past year (FY 2018–19) a total of 684 families with 996 children used the children's waiting rooms. The court will continue to use its fund balance for the increase in services available to the public.</p>		

SECTION II: FINANCIAL INFORMATION

A. THREE-YEAR HISTORY AND THREE-YEAR PROJECTION OF YEAR END FUND BALANCES, REVENUES, AND EXPENDITURES (Double click below for Excel spreadsheet. Please populate rows 1 and 2, and the beginning fund balance in cell A3. The rest of the sheet is formula driven and will automatically populate. If requesting an adjustment to the calculated CAP and return of funds to the Trial Court Trust Fund (TCTF), enter the amount (row 7) being requested and complete Section III):

		A	B	C	D	E	F	G
Row	Fiscal Year	<i>Actual</i>			<i>Estimated</i>			
		Beginning Fund Balance	2016-17	2017-18	2018-19	2019-20	2020-21	2021-2022
1	Revenue Distributed to the Court		41,033	43,677	45,150	45,150	45,150	45,150
2	Expenditures		63,205	138,413	114,858	157,745	157,745	157,745
3	Fund Balance	506,591	484,419	389,683	319,975	207,380	94,785	-17,810
CWR Fund Balance above CAP Calculation:								
4	Highest Year of Revenue Distributed to the Court	45,150						
5	Fund Balance at the End of the Current Fiscal Year ¹	334,221						
6	Amount to Return to the TCTF	289,071						
7	Requested Adjustment to Fund Balance CAP ²	289,071						
¹ Amount Includes interest earned.								
² Due to the Director of Budget Services within 60 days of the end of the fiscal year.								

CURRENT DETAILED EXPENDITURE PROJECTIONS/PLAN FOR NEXT THREE FISCAL YEARS (Please provide an explanation of the expenditure plan that ties to row 2, columns E, F, and G):

The court has a multi-year Children’s Waiting Room agreement with Community Action Commission. Within the next three fiscal years the court will be incurring an estimated (based on maximum amount of agreement) total of \$473,235 in expenditures to run the children’s waiting rooms at both its locations. However, only \$135,450 is estimated (based on prior year) to be received in revenues during the same period leaving a large deficit. Without an ability to use existing reserves the court would have to cease operating the children’s waiting rooms in Santa Barbara and Santa Maria.

Ongoing Expenses	Annual Max Amount
Children’s Waiting Room Services – Santa Barbara	83,359
Children’s Waiting Room Services – Santa Maria	74,386
Annual Total	\$157,745

SECTION III: RETURNING FUNDS ABOVE THE CAP TO THE TCTF

A. IF APPEALING THE AMOUNT CALCULATED TO RETURN TO TCTF IN CELL A6, PLEASE PROVIDE YOUR JUSTIFICATION BELOW *(Include a summary of your ongoing CWR expenditure plan):*

The total cost of operating the two centers is estimated at \$157,745 annually. Assuming annual revenue of \$45,150, the court would need an additional \$112,595 in ongoing costs each year. Using the balance in the Children's Waiting Room fund will continue to allow the court to provide full-time services in Santa Barbara and Santa Maria. The court could operate both children's waiting rooms to better serve the community for another two years. At the end of that time the court would have exhausted the balance of the fund and would either find an alternate source of funding or reduce the schedule.

JUDICIAL COUNCIL OF CALIFORNIA
BUDGET SERVICES
Report to the Trial Court Budget Advisory Committee

(Action Item)

Title: 2018-19 Final One-Time Reduction for Fund Balances Above the 1% Cap
Date: 11/21/2019
Contact: Michele Allan, Supervisor, Judicial Council Budget Services
916-263-1374 | michele.allan@jud.ca.gov

Issue

The Judicial Council approved the 2018-19 preliminary one-time allocation reduction of \$7,890,830 on September 24, 2019. The final reduction allocation related to the fund balance in 2018-19 and prior-year excluded funds is \$6,935,081, which is further reduced by approved funds held on behalf (FHOB) to \$796,545, and is provided for Trial Court Budget Advisory Committee consideration and recommendation to the council at its business meeting on January 16-17, 2020.

Background

Government Code (GC) section 68502.5(c)(2)(A) requires the council to make a preliminary allocation reduction in July of each fiscal year and to finalize allocations in January of each fiscal year, to be offset by the amount of fund balance (or reserves) in excess of the amount authorized by GC section 77203. GC 77203 limited the amount of funds to be carried over from one year to the next beginning June 30, 2014.

At its July 29, 2014 business meeting, the council approved an annual process beginning in 2015-16 for courts to provide preliminary and final computations of the portion of their ending fund balance that is subject to the 1 percent cap in compliance with GC section 68502.5(c)(2)(A):

- Each year, courts will be required to submit the 1 percent computation form with preliminary year-end information by July 15. The information provided by courts will be used by the council to make the preliminary allocation of reductions as required by statute. Courts would not be required to provide the details related to encumbrances, prepayments, and restricted revenue when submitting the form for the preliminary allocation.
- Each year, courts will be required to submit the 1 percent computation form with final year end information by October 15.

JUDICIAL COUNCIL OF CALIFORNIA
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Report to the Trial Court Budget Advisory Committee

- Before February, the Judicial Council’s Chief Financial Officer will report to the council the information provided by courts for the final allocation reduction, if any.

The figures in Attachment 8A reflect courts’ finalized and closed accounting records for 2018-19, which have been reviewed by the Judicial Council’s Budget Services and Branch Accounting and Procurement staff:

- Column A displays the calculated fund balance cap amount for each court;
- Column G shows the court’s 2018-19 fund balance amounts subject to the cap, excluding statutorily restricted funds per GC section 77203(b), encumbrances consistent with the state contracting process, prepayments, and approved FHOB returned to courts;
- Column H displays the courts’ final computation of the amount above their 1 percent cap, totaling \$6.62 million;
- Column I provides those 2018-19 adjustments to the courts’ 2016-17 and 2017-18 fund balance cap, totaling \$315,028; and
- Column J displays the courts’ final total reduction computation.

10 courts have submitted requests totaling \$6.14 million (Column K) under the Judicial Council-approved process for trial courts to request that Trial Court Trust Fund (TCTF)-reduced allocations related to the fund balance cap be retained in the TCTF as restricted fund balance for the benefit of those courts. This retention allows the courts to prudently plan for and fund necessary court infrastructure projects such as technology or infrastructure improvements, facilities maintenance and repair allowed under rule 10.810 of the California Rules of Court, court efficiencies projects, and other court infrastructure projects that would not be possible as an unintended consequence of the 1 percent fund balance cap.

Attachment 8B provides detail on the final allocation adjustments for the 2018-19 1 percent cap adjustment and TCTF FHOB requests that will be distributed in the February 2020 TCTF distributions to the trial courts:

- Column A shows the preliminary 1 percent cap reductions taken in October 2019 that included 16 courts;
- Column B displays the final reductions include 21 courts;
- Column C shows the net adjustment of \$955,749 between the preliminary and final 1 percent cap calculations;
- Column D reflects the preliminary TCTF FHOB requests of \$5.41 million returned in October 2019;
- Column E reflects the final TCTF FHOB requests totaling \$6.14 million. Of this amount, \$2.99 million will be allocated to trial courts for 2019-20 expenditures (Column F); and \$3.12 million will be held in the TCTF fund balance for the courts that are saving funds for expenditures in future years shown in column G; and

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- Column H displays the February 2020 allocation adjustment between the preliminary and final FHOB.

The amounts that will be returned to courts has been adjusted for those courts that have approved FHOB requests that exceed their reduction for the 1 percent fund balance cap. The net adjustment column displays the total net allocation adjustment for both the 1 percent cap and the TCTF FHOB requests.

Recommendation

Approve the adjustment to the preliminary 1 percent fund balance cap reduction allocation by a net of \$955,749, for a reduction allocation of \$6,935,081 to match the trial courts' final calculations of the amount above the 1 percent fund balance cap, which nets to \$796,545 after a FHOB reduction, for consideration and recommendation to the council at its business meeting on January 16-17, 2020.

Attachments

Attachment 8A: Final One-Time Allocation Reduction for Fund Balance Above the 1% Cap

Attachment 8B: Final 1% Fund Balance Cap Calculation Form

Final One-Time Allocation Reduction for Fund Balance Above the 1% Cap
(as of October 15, 2019)

Court	Fund Balance Cap	FY 2018-19 Ending Fund Balance	Encumbrance Reserves at June 30	Excluded Funds	Prepayments	Balance of Approved 2018-19 Funds Held on Behalf	Fund Balance Subject to Cap	Current Year Reduction	Prior Year Disencumbrance	Total Final Reduction	Approved 2019-20 Funds Held on Behalf ¹	Net Reduction after Funds Held on Behalf
	Col. A	Col. B	Col. C	Col. D	Col. E	Col. F	Col. G (B - C - D - E - F)	Col. H	Col. I	Col. J (H + I)	Col. K	Col. L (J - K)
ALAMEDA ²	1,026,992	8,399,643	5,580,958	1,713,820	0	0	1,104,865	0	93,217	93,217		93,217
ALPINE	7,830	37,452	0	15,048	12,477	0	9,927	2,097	0	2,097		2,097
AMADOR	38,595	223,355	180,000	35,650	0	0	7,705	0	1,900	1,900		1,900
BUTTE	154,203	1,096,979	357,292	350,422	235,186	0	154,079	0	7,754	7,754		7,754
CALAVERAS	32,192	593,647	126,044	173,724	244,909	0	48,970	16,778	0	16,778		16,778
COLUSA	19,791	797,657	42,284	264,183	139,505	0	351,685	331,894	0	331,894	325,000	6,894
CONTRA COSTA	593,872	2,874,701	359,692	2,113,322	80,000	0	321,687	0	35,978	35,978		35,978
DEL NORTE	35,955	629,482	11,703	505,008	0	0	112,771	76,752	64	76,816		76,816
EL DORADO	92,279	27,723	0	0	2,270	0	25,453	0	0	0		0
FRESNO	669,876	4,822,806	2,702,674	1,610,593	1,143	0	508,396	0	0	0		0
GLENN	32,587	146,498	33,641	80,607	0	0	32,250	0	0	0		0
HUMBOLDT	91,784	198,122	455	101,896	15,659	0	80,112	0	0	0		0
IMPERIAL	125,215	2,366,123	1,595,407	659,233	76,867	0	34,616	0	0	0		0
INYO	30,222	428,520	0	399,485	2,015	0	27,020	0	0	0		0
KERN	837,133	5,001,862	0	3,508,063	167,760	676,688	649,351	0	0	0		0
KINGS	114,008	1,907,188	1,545,375	264,220	1,867	0	95,726	0	0	0		0
LAKE	47,037	466,473	255,463	180,882	0	0	30,128	0	0	0		0
LASSEN	32,312	475,212	250,000	124,268	2,451	75,925	22,568	0	0	0		0
LOS ANGELES	7,875,869	56,911,094	28,361,847	23,739,080	59,330	0	4,750,837	0	0	0		0
MADERA	111,499	871,929	315,205	542,102	0	0	14,622	0	0	0		0
MARIN	149,876	1,537,617	459,913	942,893	5,000	0	129,811	0	0	0		0
MARIPOSA	19,319	55,343	0	28,329	2,358	0	24,656	5,337	0	5,337		5,337
MENDOCINO	73,932	1,278,063	187,127	239,924	0	0	851,012	777,080	0	777,080	777,000	80
MERCED	181,504	3,217,774	338,456	2,625,421	223,066	8,914	21,917	0	0	0		0
MODOC	14,650	106,398	81,788	22,303	0	0	2,307	0	0	0		0
MONO	24,219	259,263	34,430	51,379	27,337	0	146,117	121,880	18	121,898	121,898	0
MONTEREY	259,645	1,381,095	373,814	679,695	186,333	9,368	131,885	0	0	0		0
NAPA	101,771	758,282	16,687	621,994	0	18,088	101,513	0	0	0		0
NEVADA	71,976	320,906	0	306,498	0	0	14,408	0	0	0		0
ORANGE	1,982,410	13,602,320	2,888,008	6,767,019	992,229	465,234	2,489,830	507,420	0	507,420	507,420	0
PLACER	236,557	1,112,553	103,464	484,877	125,688	45,453	353,071	111,796	4,718	116,514	110,000	6,514
PLUMAS	14,631	95,126	23,483	57,120	0	0	14,523	0	0	0		0
RIVERSIDE	1,678,599	10,643,419	4,364,227	4,658,147	200,000	0	1,421,045	0	0	0		0
SACRAMENTO	960,695	7,388,961	1,096,690	2,110,046	18,568	1,412,664	2,750,993	1,700,000	90,298	1,790,298	1,776,000	14,298
SAN BENITO	33,186	924,028	239,759	22,920	113,538	0	547,811	514,625	0	514,625	415,801	98,824
SAN BERNARDINO	1,409,682	9,719,801	3,764,347	2,353,826	3,601,628	0	0	0	0	0		0
SAN DIEGO	1,880,327	21,321,819	6,969,607	11,935,353	1,389,920	0	1,026,939	0	0	0		0
SAN FRANCISCO	746,466	1,796,044	0	1,045,565	0	385,693	364,786	0	0	0		0
SAN JOAQUIN	460,249	2,525,209	81,129	1,922,727	226,122	0	295,231	0	0	0		0
SAN LUIS OBISPO	180,612	3,062,298	665,982	2,003,348	0	0	392,968	207,723	4,633	212,356		212,356
SAN MATEO	480,978	5,271,692	2,246,511	631,725	239,611	0	2,153,845	1,597,589	75,278	1,672,867	1,660,000	12,867
SANTA BARBARA	317,859	4,951,402	1,676,822	2,891,532	360,885	0	22,163	0	0	0		0
SANTA CLARA	1,045,372	125,602	0	66,003	18,828	0	40,771	0	0	0		0
SANTA CRUZ	168,563	1,017,364	489,878	472,958	0	0	54,528	0	0	0		0
SHASTA	203,225	313,521	0	258,541	0	0	54,980	0	0	0		0

Final One-Time Allocation Reduction for Fund Balance Above the 1% Cap
(as of October 15, 2019)

Court	Fund Balance Cap	FY 2018-19 Ending Fund Balance	Encumbrance Reserves at June 30	Excluded Funds	Prepayments	Balance of Approved 2018-19 Funds Held on Behalf	Fund Balance Subject to Cap	Current Year Reduction	Prior Year Disencumbrance	Total Final Reduction	Approved 2019-20 Funds Held on Behalf ¹	Net Reduction after Funds Held on Behalf
	Col. A	Col. B	Col. C	Col. D	Col. E	Col. F	Col. G (B - C - D - E - F)	Col. H	Col. I	Col. J (H + I)	Col. K	Col. L (J - K)
SIERRA	8,857	21,431	4,515	2,173	9,960	0	4,783	0	0	0		0
SISKIYOU	42,678	262,532	0	239,631	0	0	22,901	0	0	0		0
SOLANO	292,962	2,254,252	799,796	1,173,332	33,701	0	247,423	0	0	0		0
SONOMA	295,266	2,578,830	0	1,909,520	474,426	0	194,884	0	0	0		0
STANISLAUS	309,258	1,477,325	265,210	280,553	622,304	0	309,258	0	0	0		0
SUTTER	73,951	1,326,522	618,397	342,424	3,749	2,889	359,063	285,112	0	285,112	285,112	0
TEHAMA	56,334	630,823	127,629	212,705	0	73,850	216,639	159,135	1,170	160,305	160,305	0
TRINITY	24,195	77,536	9,396	52,863	11,090	0	4,187	0	0	0		0
TULARE	336,782	1,173,096	500,000	380,054	191,490	0	101,552	0	0	0		0
TUOLUNME	47,097	345,763	0	227,501	0	0	118,262	71,165	0	71,165		71,165
VENTURA	563,138	3,632,296	3,249,413	106,864	0	0	276,019	0	0	0		0
YOLO	160,135	1,626,309	1,040,994	572,728	0	0	12,587	0	0	0		0
YUBA	67,799	527,990	215,081	111,440	0	0	201,469	133,670	0	133,670		133,670
TOTAL	26,944,009	196,997,071	74,650,593	85,193,537	10,119,270	3,174,766	23,858,905	6,620,053	315,028	6,935,081	6,138,536	796,545

1. Approved Trial Court Trust Fund Funds Held on Behalf Requests include those requests pending before the Judicial Council at its business meeting January 16-17, 2020.
2. Prior year liquidations applied against fund balance subject to cap brought court below the fund balance cap and resulted in no current year reduction.

Final Allocation Adjustments for 2018-19
1% Cap Adjustment and TCTF Funds Held on Behalf

Court	1% Cap Adjustments			TCTF Funds Held on Behalf (FHOB)					Net Adjustment
	Preliminary Reduction for Fund Balance Above the 1% Cap	Final Reduction for Fund Balance Above the 1% Cap	Allocation Adjustment for Reduction for Fund Balance Above the 1% Cap	Preliminary TCTF Funds Held on Behalf of the Trial Courts Returned to Courts	Total Final TCTF Funds Held on Behalf of the Trial Courts	TCTF Funds Held on Behalf of the Trial Courts to be Returned for 2019-20	TCTF Funds Held in Reserve in the TCTF for Future Years ¹	Allocation Adjustment for TCTF FHOB of the Trial Courts	
	One-Time Oct #4 Dist		One-Time Feb #8 Dist	One-Time Oct #4 Dist		Feb #8 Dist		One-Time Feb #8 Dist	
Col. A	Col. B	Col. C	Col. D	Col. E	Col. F	Col. G	Col. H		
Alameda	(2,002,203)	(93,217)	1,908,986					-	1,908,986
Alpine	(5,782)	(2,097)	3,685					-	3,685
Amador	(1,900)	(1,900)	-					-	-
Butte	-	(7,754)	(7,754)					-	(7,754)
Calaveras	-	(16,778)	(16,778)					-	(16,778)
Colusa	(325,000)	(331,894)	(6,894)	325,000	325,000	80,000	245,000	(245,000)	(251,894)
Contra Costa	(35,978)	(35,978)	-					-	-
Del Norte	(46,244)	(76,816)	(30,572)					-	(30,572)
El Dorado	-	-	-					-	-
Fresno	-	-	-					-	-
Glenn	-	-	-					-	-
Humboldt	-	-	-					-	-
Imperial	-	-	-					-	-
Inyo	-	-	-					-	-
Kern	-	-	-					-	-
Kings	-	-	-					-	-
Lake	-	-	-					-	-
Lassen	-	-	-					-	-
Los Angeles	-	-	-					-	-
Madera	-	-	-					-	-
Marin	-	-	-					-	-
Mariposa	-	(5,337)	(5,337)					-	(5,337)
Mendocino	(777,001)	(777,080)	(79)	777,001	777,000	777,000		(1)	(80)
Merced	-	-	-					-	-
Modoc	-	-	-					-	-
Mono	(124,202)	(121,898)	2,304		121,898	-	121,898	-	2,304
Monterey	-	-	-					-	-
Napa	-	-	-					-	-
Nevada	-	-	-					-	-
Orange	-	(507,420)	(507,420)		507,420	507,420		507,420	-
Placer	(124,368)	(116,514)	7,854	124,368	110,000	110,000		(14,368)	(6,514)
Plumas	-	-	-					-	-
Riverside	-	-	-					-	-
Sacramento	(1,786,154)	(1,790,298)	(4,144)	1,776,000	1,776,000	1,106,278	669,722	(669,722)	(673,866)
San Benito	(514,625)	(514,625)	-	415,801	415,801	166,321	249,480	(249,480)	(249,480)
San Bernardino	-	-	-					-	-
San Diego	-	-	-					-	-
San Francisco	-	-	-					-	-
San Joaquin	-	-	-					-	-
San Luis Obispo	(4,633)	(212,356)	(207,723)					-	(207,723)
San Mateo ²	(1,814,532)	(1,672,867)	141,665	1,660,000	1,660,000	-	1,660,000	(1,660,000)	(1,518,335)
Santa Barbara	-	-	-					-	-
Santa Clara	-	-	-					-	-
Santa Cruz	-	-	-					-	-
Shasta	-	-	-					-	-
Sierra	-	-	-					-	-
Siskiyou	-	-	-					-	-
Solano	-	-	-					-	-
Sonoma	-	-	-					-	-
Stanislaus	-	-	-					-	-
Sutter	(214,812)	(285,112)	(70,300)	214,812	285,112	240,000	45,112	25,188	(45,112)
Tehama	(113,379)	(160,305)	(46,926)	113,379	160,305	-	160,305	(113,379)	(160,305)
Trinity	-	-	-					-	-
Tulare	-	-	-					-	-
Tuolumne	(17)	(71,165)	(71,148)					-	(71,148)
Ventura	-	-	-					-	-
Yolo	-	-	-					-	-
Yuba	-	(133,670)	(133,670)					-	(133,670)
Total	(7,890,830)	(6,935,081)	955,749	5,406,361	6,138,536	2,987,019	3,151,517	(2,419,342)	(1,463,593)

¹Approved requests for TCTF funds held on behalf will be held in reserve in the TCTF account for courts that have indicated they will incur expenditures in future years.

JUDICIAL COUNCIL OF CALIFORNIA
BUDGET SERVICES
Report to the Trial Court Budget Advisory Committee

(Information Only)

Title: Trial Court Trust Fund Funds (TCTF) Held on Behalf Expenditure Reporting

Date: 11/21/2019

Contact: Catrayel Wood, Senior Budget Analyst, Judicial Council Budget Services
916-643-7008 | Catrayel.Wood@jud.ca.gov

Issue

Upon completion of TCTF Funds Held on Behalf (FHOB) projects or planned expenditures, courts are required to report to the Trial Court Budget Advisory Committee (TCBAC) within 90 days on the project or planned expenditure and how the funds were expended.

Background

Government Code section 68502.5(c)(2)(A) requires the Judicial Council, when setting the allocations for trial courts, to set a preliminary allocation in July of each fiscal year. Further, in January of each fiscal year, after review of available trial court reserves as of June 30 of the prior fiscal year, the Judicial Council shall finalize allocations to trial courts and each court's finalized allocation shall be offset by the amount of reserves in excess of the amount authorized to be carried over pursuant to subdivision (b) of Section 77203. GC 77203 provides that a trial court may, beginning June 30, 2014 and concluding June 30, 2019, carryover unexpended funds in an amount not to exceed 1 percent of the court's operating budget from the prior fiscal year. Effective June 30, 2020 the carryover amount increases to 3 percent.

At its business meeting on July 29, 2014, the council approved an annual process beginning in 2015-16 for courts to provide preliminary and final computations of the portion of their ending fund balance that is subject to the 1 percent cap in compliance with GC 68502.5(c)(2)(A).

At its business meeting on April 15, 2016, the Judicial Council adopted a process, criteria, and procedures for trial courts to request that TCTF-reduced allocations related to the 1 percent fund balance cap be retained in the TCTF as restricted fund balance for the benefit of those courts that make the request (see Attachment 1A1). The process is intended only for expenditures that cannot be funded by a court's annual budget or three-year encumbrance term and that require multiyear savings to implement, and it requires reporting on the use of the funds.

Judicial Council Budget Services staff submitted its initial expenditure report to the TCBAC at its July 25, 2019 meeting and established quarterly reporting on the status of FHOB projects or planned expenditures from those courts that indicate completion.

JUDICIAL COUNCIL OF CALIFORNIA
BUDGET SERVICES
Report to the Trial Court Budget Advisory Committee

Report of Status

In October 2019, Budget Services staff requested a status on projects or planned expenditures from those courts that indicated completion through 2018-19 and the first quarter of 2019-20. Reports on completion of each project or planned expenditure provided as of November 14, 2019 can be found in Attachment 1A2. A summary of each follows:

Court	Council Approval Date	Project or Planned Expenditure	Amount	Completion Date
Butte	09/15/17	Audio for courtrooms	\$120,000	09/11/19
Glenn	06/24/16	Case management system (CMS)	90,807	06/28/19
Los Angeles	05/19/17	CMS	2,000,000	06/28/19
Solano	09/21/18	Court technologies	183,965	04/10/19
Sutter	05/19/17	Court technologies	80,837	01/30/19
Tulare	05/24/18	Court technologies	45,020	01/15/19
Yuba	05/24/18	Tyler Technologies	1,409	10/01/18
			<u>\$2,522,038</u>	

Attachments

Attachment 1A1: Summary of Recommended Process, Criteria, and Required Information for Trial Court Trust Fund Fund Balance Held on Behalf of the Courts

Attachment 1A2: Funds Held on Behalf of the Court Project Completion Reporting

Summary of Recommended Process, Criteria, and Required Information for Trial Court Trust Fund Fund Balance Held on Behalf of the Courts

Recommended Process for Trial Court Trust Fund Fund Balance Held on Behalf of the Courts

1. Trial Court Trust Fund fund balance will be held on behalf of trial courts only for expenditures or projects that cannot be funded by a court's annual budget or three-year encumbrance term and that require multiyear savings to implement.
 - a. Categories or activities include, but are not limited to:
 - i) Projects that extend beyond the original planned three-year term process such as expenses related to the delayed opening of new facilities or delayed deployment of new information systems;
 - ii) Technology improvements or infrastructure such as installing a local data center, data center equipment replacement, case management system deployment, converting to a VoIP telephone system, desktop computer replacement, and replacement of backup emergency power systems;
 - iii) Facilities maintenance and repair allowed under rule 10.810 of the California Rules of Court such as flooring replacement and renovation as well as professional facilities maintenance equipment;
 - iv) Court efficiencies projects such as online and smart forms for court users and RFID systems for tracking case files; and
 - v) Other court infrastructure projects such as vehicle replacement and copy machine replacement.
2. The submission, review, and approval process is as follows:
 - a. All requests will be submitted to the Judicial Council for consideration.
 - b. Requests will be submitted to the Administrative Director by the court's presiding judge or court executive officer.
 - c. The Administrative Director will forward the request to the Judicial Council director of Finance.
 - d. Finance budget staff will review the request, ask the court to provide any missing or incomplete information, draft a preliminary report, share the preliminary report with the court for its comments, revise as necessary, and issue the report to a formal review body consisting of members from the Trial Court Budget Advisory Committee (TCBAC); the TCBAC subgroup will meet to review the request, hear any presentation of the court representative, and ask questions of the representative if one participates on behalf of the court; and Finance office budget staff will issue a final report on behalf of the TCBAC subgroup for the council.
 - e. The final report to the TCBAC review subgroup and the Judicial Council will be provided to the requesting court before the report is made publicly available on the California Courts website.

- f. The court may send a representative to the TCBCAC review subgroup and Judicial Council meetings to present its request and respond to questions.
3. To be considered at a scheduled Judicial Council business meeting, requests must be submitted to the Administrative Director at least 40 business days (approximately eight weeks) before that business meeting.
4. The Judicial Council may consider including appropriate terms and conditions that courts must accept for the council to approve designating TCTF fund balance on the court's behalf.
 - a. Failure to comply with the terms and conditions would result in the immediate change in the designation of the related TCTF fund balance from restricted to unrestricted and no longer held on behalf of the court unless the council specifies an alternative action.
5. Approved requests that courts subsequently determine need to be revised to reflect a change (1) in the amounts by year to be distributed to the court for the planned annual expenditures and/or encumbrances, (2) in the total amount of the planned expenditures, or (3) of more than 10 percent of the total request among the categories of expense will need to be amended and resubmitted following the submission, review, and approval process discussed in 1–3 above.
 - a. Denied revised requests will result in the immediate change in the designation of the related TCTF fund balance from restricted to unrestricted and no longer held on behalf of the court unless the council specifies an alternative action.
6. Approved requests that courts subsequently determine have a change in purpose will need to be amended and resubmitted following the submission, review, and approval process discussed in 1–3 above, along with a request that the TCTF funds held on behalf of the court for the previously approved request continue to be held on behalf of the court for this new purpose.
 - a. Denied new requests tied to previously approved requests will result in the immediate change in the designation of the related TCTF fund balance from restricted to unrestricted and no longer held on behalf of the court unless the council specifies an alternative action.
7. On completion of the project or planned expenditure, courts are required to report to the Trial Court Budget Advisory Committee within 90 days on the project or planned expenditure and how the funds were expended.
8. As part of the courts' audits in the scope of the normal audit cycle, a review of any funds that were held on behalf of the courts will be made to confirm that they were used for their stated approved purpose.

Recommended Criteria for Eligibility for TCTF Fund Balance Held on Behalf of the Courts

TCTF fund balance will be held on behalf of the trial courts only for expenditures or projects that cannot be funded by the court's annual budget or three-year encumbrance term and that require multiyear savings to implement.

Recommended Information Required to Be Provided by Trial Courts for TCTF Fund Balance Held on Behalf of the Courts

Below is the proposed information required to be provided by trial courts on the *Application for TCTF Funds Held on Behalf of the Court*:

SECTION I

General Information

- Superior court
- Date of submission
- Person authorizing the request
- Contact person and contact information
- Time period covered by the request (includes contribution and expenditure)
- Requested amount
- A description providing a brief summary of the request

SECTION II

Amended Request Changes

- Sections and answers amended
- A summary of changes to request

SECTION III

Trial Court Operations and Access to Justice

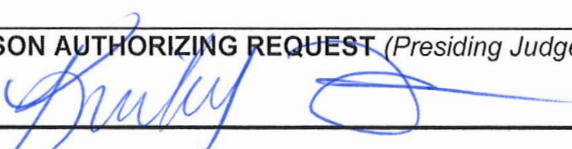
- An explanation as to why the request does not fit within the court's annual operational budget process and the three-year encumbrance term
- A description of how the request will enhance the efficiency and/or effectiveness of court operations, and/or increase the availability of court services and programs
- If a cost efficiency, cost comparison (*table template provided*)
- A description of the consequences to the court's operations if the court request is not approved
- A description of the consequences to the public and access to justice if the court request is not approved
- The alternatives that the court has identified if the request is not approved, and the reason why holding funding in the TCTF is the preferred alternative

SECTION IV

Financial Information

- Three-year history of year-end fund balances, revenues, and expenditures (*table template provided*)
- Current detailed budget projections for the fiscal years during which the trial court would either be contributing to the TCTF fund balance held on the court's behalf or receiving distributions from the TCTF fund balance held on the court's behalf (*table template provided*)
- Identification of all costs, by category and amount, needed to fully implement the project (*table template provided*)
- A specific funding and expenditure schedule identifying the amounts to be contributed and expended, by fiscal year (*table template provided*)

FUNDS HELD ON BEHALF OF THE COURT PROJECT COMPLETION REPORTING

REQUEST NUMBER: 04-17-01-00	
SECTION I: GENERAL INFORMATION	
SUPERIOR COURT: Butte	
JC APPROVED DATE: 9/15/2017	JC APPROVED AMOUNT: \$120,000
REASON PROVIDED ON APPLICATION: <p>Courthouse that runs both the Courtroom audio for each courtroom and the Court-wide public address system is failing and is in urgent need of being replaced. The system is comprised of various components installed over the years some dating as far back as 1980. The Court currently has four of its eleven courtrooms that have audio that is either not functioning at all or functioning on a limited/intermittent basis. Given the age of the system and the recent courtroom audio failures that have occurred in the last few months, more courtrooms could experience similar issues. Based on feedback received by multiple audio companies, continued repairs of the system were not advisable and could cause further damage to the system. A complete replacement of the audio system is therefore a reasonable and financially prudent solution to undertake.</p> <p>Discussions with the audio companies about a complete replacement of the audio system has led the Court to an approximate cost estimate for this of \$120,000. The Court plans on conducting an RFP to determine the final cost of this project but this information won't be available for three to four months until the RFP process concludes.</p>	
SECTION II: PROJECT STATUS OF COMPLETION (TO BE COMPLETED BY COURT)	
<input checked="" type="checkbox"/> PROJECT COMPLETE <i>Per Judicial Council policy, "On completion of the project or planned expenditure, courts are required to report to the Trial Court Budget Advisory Committee within 90 days on the project or planned expenditure and how the funds were expended."</i>	
PLEASE PROVIDE A DESCRIPTION OF HOW THE FUNDS WERE EXPENDED:	
<p>Funds were used to complete an audio survey which included the testing and labeling of audio infrastructure as well as providing a drawing of the infrastructure. This was needed prior to the replacement of the actual audio system. Funds were also used to replace the courtroom audio systems in five courtrooms (CR 3 – CR 7) along with the audio phone integration for these courtrooms plus an additional six courtrooms (CR 1 - CR 2, CR 8 - CR 11).</p>	
TOTAL COST OF PROJECT OR PLANNED EXPENDITURE:	
\$131,376.68	
COMPLETION DATE OF PROJECT: 9/11/2019	
<input type="checkbox"/> PROJECT NOT COMPLETED PLEASE PROVIDE A PROGRESS REPORT:	
ESTIMATED DATE OF COMPLETION: Click here to enter a date.	
CONTACT PERSON AND CONTACT INFO: Jarrod Orr, Deputy Court Executive Officer jorr@buttecourt.ca.gov , (530) 532-7208	
PERSON AUTHORIZING REQUEST (<i>Presiding Judge or Court Executive Officer</i>): 	
Kimberly Flener, Court Executive Officer	

FUNDS HELD ON BEHALF OF THE COURT PROJECT COMPLETION REPORTING

REQUEST NUMBER: 11-16-01-A1

SECTION I: GENERAL INFORMATION

SUPERIOR COURT:

Glenn

JC APPROVED DATE:

6/24/2016

JC APPROVED AMOUNT:

\$90,807

REASON PROVIDED ON APPLICATION:

Utilizing section 1.a.i. of the newly approved process for TCTF Fund Balance Held on Behalf of the Courts, Glenn Superior Court respectfully requests to have \$90,807 held on its behalf in order to successfully complete the implementation of a new case management system.

Glenn is a participant in the "NorCal Project" which was a group of seven trial courts that joined together to share efforts and achieve cost savings related to the Tyler/Odyssey Case Management System. Glenn Superior Court previously encumbered \$194,000 at the end of the 2013-2014 fiscal year at which time the expiration date associated with the encumbrance was June 30, 2016. The implementation process has been delayed due to many factors, which now puts \$90,807 of the previously set aside funds at risk. Glenn Superior Court's newly scheduled go-live date for the system is November 7, 2016, which is in the 2016-2017 fiscal year. Upon approval of this application, the Court intends to utilize the previously set aside funds to pay the vendor for each deliverable upon successful completion.

SECTION II: PROJECT STATUS OF COMPLETION (TO BE COMPLETED BY COURT)

PROJECT COMPLETE

Per Judicial Council policy, "On completion of the project or planned expenditure, courts are required to report to the Trial Court Budget Advisory Committee within 90 days on the project or planned expenditure and how the funds were expended."

PLEASE PROVIDE A DESCRIPTION OF HOW THE FUNDS WERE EXPENDED: Implementation of a new case management system.

TOTAL COST OF PROJECT OR PLANNED EXPENDITURE: Total cost of the project was \$346,000

COMPLETION DATE OF PROJECT: 6/28/2019

PROJECT NOT COMPLETED

PLEASE PROVIDE A PROGRESS REPORT:

ESTIMATED DATE OF COMPLETION: [Click here to enter a date.](#)

CONTACT PERSON AND CONTACT INFO: Julie Casaulong (Leach)

PERSON AUTHORIZING REQUEST (*Presiding Judge or Court Executive Officer*): Hon. Donald Cole Byrd, Presiding Judge

FUNDS HELD ON BEHALF OF THE COURT PROJECT COMPLETION REPORTING

REQUEST NUMBER: 19-17-01-00

SECTION I: GENERAL INFORMATION

SUPERIOR COURT:

Los Angeles

JC APPROVED DATE:

5/19/2017

JC APPROVED AMOUNT:

\$2,000,000

REASON PROVIDED ON APPLICATION:

The Court entered into a multi-year contract with Journal Technology, Inc. for the implementation of a new civil case management system. Pursuant to the contract, the implementation dates were scheduled to be completed prior to June 30, 2017, and milestone payments were to be made based on a deliverables schedule that should have resulted in liquidation of the encumbrance according to guidelines and within the 3 year term. However, following implementation of the Small Claims component, the Court found configuration issues and recognized a need for customized programming. Although the Court and the vendor are working diligently to address the issues, the Court recognized that a delay in implementation of the Limited and Unlimited Civil modules would be necessary to ensure a smooth transition. As a result, the Court will be unable to expend the balance of funds encumbered in Fiscal Year (FY) 2014/15, and is requesting the funds be held on its behalf in order to implement the case management system as planned and meet the obligations of the contract. In summary, there is a need to carry over funds towards the completion of the case management system. This application is being submitted to seek authorization to carry those monies into FY 2017/18 and 2018/19.

SECTION II: PROJECT STATUS OF COMPLETION (TO BE COMPLETED BY COURT)

PROJECT COMPLETE

Per Judicial Council policy, "On completion of the project or planned expenditure, courts are required to report to the Trial Court Budget Advisory Committee within 90 days on the project or planned expenditure and how the funds were expended."

PLEASE PROVIDE A DESCRIPTION OF HOW THE FUNDS WERE EXPENDED:

FUNDS WERE USED TO PAY DELAYED DELIVERABLES FOR DATA COLLECTION, CONFIGURATION, INTEGRATION TESTING, USER ACCEPTANCE TESTING, DATA CONVERSION AND SUBSCRIPTION FEES FOR SMALL CLAIMS, LIMITED AND UNLIMITED CIVIL.

TOTAL COST OF PROJECT OR PLANNED EXPENDITURE: \$2,000,000.00

COMPLETION DATE OF PROJECT: 6/28/2019

PROJECT NOT COMPLETED

PLEASE PROVIDE A PROGRESS REPORT:

ESTIMATED DATE OF COMPLETION: [Click here to enter a date.](#)

CONTACT PERSON AND CONTACT INFO:

PERSON AUTHORIZING REQUEST (*Presiding Judge or Court Executive Officer*):

FUNDS HELD ON BEHALF OF THE COURT PROJECT COMPLETION REPORTING

REQUEST NUMBER: 48-18-01-00

SECTION I: GENERAL INFORMATION

SUPERIOR COURT:

Solano

JC APPROVED DATE:

9/21/2018

JC APPROVED AMOUNT:

\$183,965

REASON PROVIDED ON APPLICATION:

On October 24, 2016, the Solano Court issued an RFP for telephonic appearance services. On May 18, 2017, after a lengthy RFP process, the Court entered into a contract with Court Call for a new and integrated telephonic appearance system and Court Call commenced production of a new system. On January 3, 2018, the Court began testing of the newly built system. Several days prior to implementation of the new system, Court Call contacted the Court and made an offer to amend the contract. Instead of implementing the newly built system for the Court, Court Call would continue to use their equipment, would provide the Court with an increased set fee per telephonic appearance, would integrate into the Court's CMS and would not charge the Court for work completed and contracted for to build the system. The Court agreed to amend the contract. Attached is the original contract and the amended contract with Court Call. Accordingly, funds reserved in FY 16/17 in the amount of \$184,868.75 were not expensed in FY 17/18 as originally contracted and planned for based on the amended contract.

SECTION II: PROJECT STATUS OF COMPLETION (TO BE COMPLETED BY COURT)

PROJECT COMPLETE

Per Judicial Council policy, "On completion of the project or planned expenditure, courts are required to report to the Trial Court Budget Advisory Committee within 90 days on the project or planned expenditure and how the funds were expended."

PLEASE PROVIDE A DESCRIPTION OF HOW THE FUNDS WERE EXPENDED:

THE COURT CONTRACTED WITH ALTEC SYSTEMS, INC. (SOFTFILE) TO PROVIDE SCANNING AND IMAGING OF COURT RECORDS THAT WERE STORED IN THE COURT WAREHOUSE. THE COURT'S INTENT WAS TO CONVERT COURT RECORDS INTO ELECTRONIC IMAGES IN ORDER FOR THE COURT TO VACATE AND TERMINATE THE LEASE FOR THE WAREHOUSE EXPIRING ON AUGUST 31, 2019.

TOTAL COST OF PROJECT OR PLANNED EXPENDITURE: \$189,387.65

COMPLETION DATE OF PROJECT: 4/10/2019

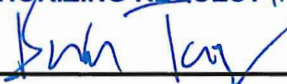
PROJECT NOT COMPLETED

PLEASE PROVIDE A PROGRESS REPORT:

ESTIMATED DATE OF COMPLETION: Click here to enter a date.

CONTACT PERSON AND CONTACT INFO: Agnes Shappy acshappy@solano.courts.ca.gov

PERSON AUTHORIZING REQUEST (Presiding Judge or Court Executive Officer): BRIAN TAYLOR, Court Executive Officer



10/28/19

FUNDS HELD ON BEHALF OF THE COURT PROJECT COMPLETION REPORTING

REQUEST NUMBER: 51-17-01-00

SECTION I: GENERAL INFORMATION

SUPERIOR COURT:

Sutter

JC APPROVED DATE:

5/19/2017

JC APPROVED AMOUNT:

\$80,837

REASON PROVIDED ON APPLICATION:

JSI: Professional services and deliverables on jury management system that is partially implemented (\$31,273.56).

Tyler: Professional services and deliverables on new case management system that is partially implemented (\$34,526.20).

Ricoh: Final term of purchase agreement for copiers (\$15,037.43).

SECTION II: PROJECT STATUS OF COMPLETION (TO BE COMPLETED BY COURT)

PROJECT COMPLETE

Per Judicial Council policy, "On completion of the project or planned expenditure, courts are required to report to the Trial Court Budget Advisory Committee within 90 days on the project or planned expenditure and how the funds were expended."

PLEASE PROVIDE A DESCRIPTION OF HOW THE FUNDS WERE EXPENDED:

JSI: THE JURY MANAGEMENT SYSTEM WAS FULLY IMPLEMENTED IN JANUARY 2019

TYLER: ODYSSEY CLERK EDITION FULLY IMPLEMENTED IN NOVEMBER 2018

RICOH: THE CONTRACTUAL OBLIGATION WAS FULLY SATISFIED IN DECEMBER 2018

AT ITS MARCH 21, 2019, MEETING, TCBAC APPROVED THE COURT'S AMENDED REQUEST TO APPLY THE REMAINING \$1,362.72 JSI FUNDS TO THE JURY MANAGEMENT SYSTEM'S LICENSING FEE COSTS IN FY 19-20. IT ALSO APPROVED USING THE REMAINING \$1,526.20 TYLER FUNDS TO PURCHASE COMPUTER PERIPHERALS TO USE IN THE COURTROOM IN CONJUNCTION WITH ODYSSEY IN FY 19-20.

TOTAL COST OF PROJECT OR PLANNED EXPENDITURE:

JSI: \$29,910.84

TYLER: \$33,000.00

RICOH: \$15,037.43

COMPLETION DATE OF PROJECT:

JSI: JANUARY 2019

TYLER: NOVEMBER 2018

RICOH: DECEMBER 2018

PROJECT NOT COMPLETED

PLEASE PROVIDE A PROGRESS REPORT:

FUNDS HELD ON BEHALF OF THE COURT PROJECT COMPLETION REPORTING

ESTIMATED DATE OF COMPLETION: Click here to enter a date.

CONTACT PERSON AND CONTACT INFO: Joe Azevedo (530) 822-3340; jazevedo@suttercourts.com

PERSON AUTHORIZING REQUEST (Presiding Judge or Court Executive Officer):

Stephane M. Jones, Court Executive Officer

REASON PROVIDED ON APPLICATION

151: Professional services and deliverables on a management system that is partially implemented
(531 273.88)
152: Professional services and deliverables on a new case management system that is partially implemented
(534 226.20)
153: Final term of purchase agreement for copiers (515 071.43)

SECTION II: PROJECT STATUS OF COMPLETION (TO BE COMPLETED BY COURT)

PROJECT COMPLETE

PLEASE PROVIDE A DESCRIPTION OF HOW THE FUNDS WERE EXPENDED:
Advisory Committee within 90 days on the project or planned expenditure and how the funds were expended.
Judicial Council policy. On completion of the project or planned expenditure, courts are required to report to the Trial Court Budget

RICH: THE CONTRACTUAL OBLIGATION WAS FULLY SATISFIED IN DECEMBER 2018
TYLER: ODYSSEY CLERK EDITION FULLY IMPLEMENTED IN NOVEMBER 2018
151: THE JURY MANAGEMENT SYSTEM WAS FULLY IMPLEMENTED IN JANUARY 2019
AT ITS MARCH 21, 2019, MEETING, TCBAJ APPROVED THE COURT'S AMENDED REQUEST TO APPLY THE
REMAINING \$1,362,712 JURY FUNDS TO THE JURY MANAGEMENT SYSTEM'S LICENSING FEE COSTS IN FY 19-20. IT
ALSO APPROVED USING THE REMAINING \$1,226,250 TYLER FUNDS TO PURCHASE COMPUTER PERIPHERALS TO
USE IN THE COURTROOM IN CONNECTION WITH ODYSSEY IN FY 19-20.

TOTAL COST OF PROJECT OR PLANNED EXPENDITURE:

RICH: \$15,037.43
TYLER: \$23,000.00
151: \$29,910.84

COMPLETION DATE OF PROJECT:

RICH: DECEMBER 2018
TYLER: NOVEMBER 2018
151: JANUARY 2019

PROJECT NOT COMPLETED

PLEASE PROVIDE A PROGRESS REPORT:

FUNDS HELD ON BEHALF OF THE COURT PROJECT COMPLETION REPORTING

REQUEST NUMBER: 54-18-01-A1

SECTION I: GENERAL INFORMATION

SUPERIOR COURT:

Tulare

JC APPROVED DATE:

5/24/2018

JC APPROVED AMOUNT:

\$45,020

REASON PROVIDED ON APPLICATION:

The Superior Court of Tulare County experiences a high volume of defendants who Fail to Appear (FTA) for criminal arraignments. In an effort to reduce the amount of FTA's, the Court sought the services of American Telesource Inc. (ATI) to design and build an e-Court integrated module that would automatically make reminder calls and text messages, in both English and Spanish, to the parties scheduled on the court calendar two (2) days before their scheduled appearance. The requested amount, referenced above, was encumbered to pay for the design and installation of the module in 2015. Prior to the start of the project, the Court learned from another court that had a similar product in place, there may be substantial liability issues if we moved forward with implementation...

SECTION II: PROJECT STATUS OF COMPLETION (TO BE COMPLETED BY COURT)

PROJECT COMPLETE

Per Judicial Council policy, "On completion of the project or planned expenditure, courts are required to report to the Trial Court Budget Advisory Committee within 90 days on the project or planned expenditure and how the funds were expended."

PLEASE PROVIDE A DESCRIPTION OF HOW THE FUNDS WERE EXPENDED:

THE FUNDS WERE EXPENDED UPGRADING EQUIPMENT THAT CONTROLS OUR SECURITY CAMERA SYSTEM. WE PURCHASED 5 PELCO VIDEOXPRT ENHANCED DECODERS; 6 PELCO VIDEOXPRT ENTERPRISE CORE AND MEDIA GATEWAY ALL-IN-ONE HARDWARE; 2 PELCO VIDEOXPRT ENTERPROSE 48TB CAPACITY STORAGE UNITS AND 5 PELCO ENCODERS. THIS EQUIPMENT ALLOWS COURT SECURITY TO OPERATE THE PTZ CAMERAS IN THE COURTROOMS.

TOTAL COST OF PROJECT OR PLANNED EXPENDITURE: \$94.683.00

COMPLETION DATE OF PROJECT: 1/15/2019

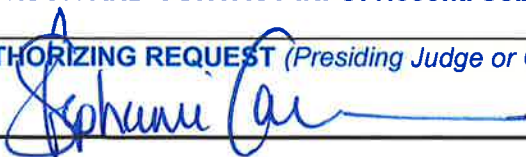
PROJECT NOT COMPLETED

PLEASE PROVIDE A PROGRESS REPORT:

ESTIMATED DATE OF COMPLETION: Click here to enter a date.

CONTACT PERSON AND CONTACT INFO: Nocona Soboleski, nsoboleski@tulare.courts.ca.gov; 559-730-5000 x 1370

PERSON AUTHORIZING REQUEST (Presiding Judge or Court Executive Officer):



FUNDS HELD ON BEHALF OF THE COURT PROJECT COMPLETION REPORTING

REQUEST NUMBER: 58-18-01-00

SECTION I: GENERAL INFORMATION

SUPERIOR COURT:

Yuba

JC APPROVED DATE:

5/24/2018

JC APPROVED AMOUNT:

\$1,409

REASON PROVIDED ON APPLICATION:

In FY 15/16 the Court entered an agreement with Tyler Technologies and the Superior Court of California County of Sutter for the deployment of Odyssey Clerk's Edition. Yuba Superior Court and Sutter Superior Court agreed to deploy Clerk's Edition at the same time in order to garner certain cost savings. The timeline for deployment of Clerk's Edition has changed several times since the Courts went live on the Odyssey CMS.

SECTION II: PROJECT STATUS OF COMPLETION (TO BE COMPLETED BY COURT)

PROJECT COMPLETE

Per Judicial Council policy, "On completion of the project or planned expenditure, courts are required to report to the Trial Court Budget Advisory Committee within 90 days on the project or planned expenditure and how the funds were expended."

PLEASE PROVIDE A DESCRIPTION OF HOW THE FUNDS WERE EXPENDED:

FUNDS WERE EXPENDED TO PROVIDE IMPLEMENTATION TRAINING AND ASSISTANCE FOR CONFIGURING AND DEPLOYING THE INITIAL CLERK EDITION PROJECT IN THE CRIMINAL DIVISION.
PROJECT IN THE CRIMINAL DIVISION.

TOTAL COST OF PROJECT OR PLANNED EXPENDITURE: \$33,000.00

COMPLETION DATE OF PROJECT: 10/1/2018

PROJECT NOT COMPLETED

PLEASE PROVIDE A PROGRESS REPORT:

ESTIMATED DATE OF COMPLETION: [Click here to enter a date.](#)

CONTACT PERSON AND CONTACT INFO: Taryn Kraus - (530) 740-1630 - tkraus@yuba.courts.ca.gov

PERSON AUTHORIZING REQUEST (Presiding Judge or Court Executive Officer):

