



JUDICIAL COUNCIL  
OF CALIFORNIA

TRIAL COURT BUDGET  
ADVISORY COMMITTEE

TRIAL COURT BUDGET ADVISORY COMMITTEE  
FISCAL PLANNING SUBCOMMITTEE

MATERIALS FOR NOVEMBER 25, 2020 MEETING

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**Notice of Action by E-mail Between Meetings for  
Trial Court Budget Advisory Committee  
Fiscal Planning Subcommittee**

The Chair of the Fiscal Planning Subcommittee having concluded that prompt action is needed, public notice is hereby given that the Fiscal Planning Subcommittee proposes to act by email between meetings on November 25, 2020 at 9:30 a.m. in accordance with California Rules of Court, rule 10.75(o)(1)(B). A copy of the proposed action is available on the advisory body web page on the California Courts website listed above.

**Written Comment**

In accordance with California Rules of Court, rule 10.75(o)(2), written comments pertaining to the proposed action may be submitted before the Fiscal Planning Subcommittee acts on the proposal. For this specific meeting, comments should be e-mailed to [tcbac@jud.ca.gov](mailto:tcbac@jud.ca.gov). Only written comments received by 9:30 a.m. on November 25, 2020 will be provided to advisory body members.

**Posted on: November 23, 2020**

JUDICIAL COUNCIL OF CALIFORNIA  
BUDGET SERVICES  
Report to the Fiscal Planning Subcommittee

**(Action Item)**

**Title:** Trial Court Trust Fund (TCTF) Funds Held on Behalf (FHOB) of the Trial Courts Requests

**Date:** 11/25/2020

**Contact:** Catrayel Wood, Senior Analyst, Judicial Council Budget Services  
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**Issue**

Consideration of TCTF funds to be held on behalf of the trial courts in response to one new request from Kings Superior Court totaling \$1,045,708 for recommendation to the Judicial Council at its January 22, 2021 business meeting.

**Background**

Government Code section 77203 authorizes trial courts to carry over unexpended funds in certain amounts from the courts' operating budget from the prior fiscal year. Prior to June 30, 2014, trial courts could carry over all unexpended funds from their operating budget from the prior fiscal year. Commencing June 30, 2014, and concluding June 30, 2019, trial courts could carry over unexpended funds in an amount not to exceed 1 percent of their operating budget from the prior fiscal year. Commencing June 30, 2020, trial courts may carry over unexpended funds in an amount not to exceed 3 percent of the court's prior year operating budget.

At the Judicial Council's business meeting on April 15, 2016<sup>1</sup>, the council approved the Trial Court Budget Advisory Committee recommended process, criteria, and required information for trial courts to request TCTF reduced allocations, related to the fund balance cap, be retained in the TCTF as restricted fund balance for the benefit of those courts.

Categories or activities for which funds can be requested to be held include, but are not limited to:

- Projects that extend beyond the original planned three-year process such as delayed deployment of information systems;
- Technology improvements or infrastructure such as a new case management system;
- Facilities maintenance or repair allowed under rule 10.810 of the California Rule of Court;
- Court efficiencies such as online and smart forms for court users; and

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<sup>1</sup> Judicial Council meeting report (April 15, 2016), <https://jcc.legistar.com/View.ashx?M=F&ID=4378277&GUID=57D6B686-EA95-497E-9A07-226CA724ADCB>; Judicial Council meeting minutes (April 15, 2016), <https://jcc.legistar.com/View.ashx?M=M&ID=463457&GUID=194A3350-D97F-452B-ACF4-1EBE6C105CCA>

JUDICIAL COUNCIL OF CALIFORNIA  
BUDGET SERVICES  
**Report to the Fiscal Planning Subcommittee**

- Other court infrastructure projects such as vehicle replacement or copy machine replacement.

**TCTF FHOB Requests**

The TCTF FHOB of the trial courts process requires courts to submit their requests at least 40 business days before the Judicial Council business meeting. One court has submitted a request within this time frame:

Attachment A summarizes Kings Superior Court’s new request to hold funds in excess of the 3 percent 2019-20 fund balance cap totaling \$1,045,708 for Case Management System infrastructure upgrades. Greater detail on the court’s request is provided in Attachment B.

**Recommendation**

The recommendation is to approve one new request totaling \$1,045,708 from Kings Superior Court for recommendation to the Judicial Council at its January 22, 2021 business meeting.


**Attachments**

- Attachment A:**        **Summary of Requests for TCTF FHOB of the Court (New Requests)**  
**Attachment B:**        Application for TCTF FHOB of the Court—Request for Kings Superior Court (New Request)  
**Attachment C:**        *Judicial Council–Approved Process, Criteria, and Required Information for TCTF FHOB of the Courts*

**Summary of Requests for Trial Court Trust Fund Funds to be Held on Behalf of the Court (New Requests)****Table 1: New Request for Consideration by the Judicial Council at its January 22, 2021 Business Meeting**

Court	Amount Requested	Category	High Level Summary
Kings	1,045,708	Technology	Case Management System
<b>1,045,708</b>			

# APPLICATION FOR TCTF FUNDS HELD ON BEHALF OF THE COURT

<p>Please check the type of request: New</p> <p><input checked="" type="checkbox"/> <b>NEW REQUEST (Complete Section I, III, and IV only.)</b></p> <p><input type="checkbox"/> <b>AMENDED REQUEST (Complete Sections I through IV.)</b></p>	
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<b>SECTION I: GENERAL INFORMATION</b>		
<b>SUPERIOR COURT:</b> Click here to enter court Kings	<b>PERSON AUTHORIZING REQUEST (Presiding Judge or Court Executive Officer):</b> <b>Michelle S Martinez, CEO</b>	
<b>CONTACT PERSON AND CONTACT INFO:</b> mmartinez@kings.courts.ca.gov 559/582-1010		
<b>DATE OF SUBMISSION:</b> 9/22/2020	<b>TIME PERIOD COVERED BY THE REQUEST, INCLUDING CONTRIBUTION AND EXPENDITURE: 3 YEARS-19/20 THRU 22/23.</b>	<b>REQUESTED AMOUNT:</b> <b>\$1,045,708.00</b>

**REASON FOR REQUEST** (Please briefly summarize the purpose for this request, including a brief description of the project/proposal. Use attachments if additional space is needed.):

The court is requesting the Judicial Council of California to hold TCTF funds on the court's behalf in the sum of \$1,045,708.00 for Case Management System infrastructure upgrades for the purposes of the court hosting the case management system on site within the next 2.5 years.

The court currently uses the Tyler Technologies, Inc.'s Odyssey Case Management System. The court has been using the system since going live in October 2014. Since going live, the Court has had an agreement with Tyler Technologies, Inc (Tyler) to provide Hosting (of the system) and IT Support to the Court. Currently, the Court is in the middle of a five-year agreement for these services.

Tyler has hosted the case management system since going live in 2014. Initially it was the only option available to the Court. These services are expensive, and the Court was not equipped, at the time, with the proper Information Systems infrastructure, nor the personnel, to be able to host the system on premises.

Having Tyler host the court's case management system has been frustrating and Tyler's IT Support team has been lacking in helping the court move forward to a more efficiently run case management system. The court has been stuck in Odyssey 2014 because of several configuration issues that have prevented the Court from becoming more efficient and able to serve the citizens of Kings County the way they should be. We have not been able to install programs like e-Citations, because other system issues in Traffic and DMV (just to name a couple) need to still be reconfigured in some situations, or upgraded in order to do the basic functions within Odyssey correctly. Traffic and DMV modules still have issues. The Court has been trying to upgrade the Case Management System to Navigator 2018 (Tyler product upgrade) since before 2018 and to this day we still have not been able to. (Side note: we are currently testing Navigator 2018 for the 3rd time.). We have worked closely with Tyler to correct some of our issues, but we can get some items fixed, then other modules have errors. There are some modules that started configuration and implementation over two years ago, such as DOJ, are still not running correctly. We can continue working but there will be much work to do in the way of clean up once the program's bugs are corrected.

We believe that taking over the hosting of our own database will alleviate the feeling of "being at the mercy" of Tyler Technologies. The Court may still have to contract with Tyler for Advanced IT Support; but being able to host the system ourselves means that we can work on issues immediately and not have to wait for days, weeks, or months to get issues resolved. The Court will also be able to launch new modules that will continue to make the Court more efficient in other areas as well. Hosting the case management system onsite, will also enable IT staff to learn more about the system and in turn we hope to make IT staff more proficient and efficient in correcting issues immediately when they are able to. Currently, for any issue, the court has to report, then wait for Tyler IT Support to make contact and create more work on court staff, by requesting screen shots, examples of the issues, and still take weeks to get something clarified. The court is unable to correct any issue within the system because we are a hosted court. Many times, court IT Staff and court managers can find the issue, find a resolution before Tyler IT gets back to the court.

However, our hands are stuck in some situations because we are unable to correct the configuration or issue, again because we are a hosted court. Attachment B

In order to take on this project, the court is currently working with JCC IT and other Tyler Courts who host on premises to ensure that we build sufficient IT infrastructure to host the case management system. The court will still need to work with Tyler to achieve this and to secure a smooth transition from being hosted to hosting ourselves. Initially, the court will need to update the court's Data Center with host servers, purchase internal and external load balancers for Odyssey and Portal traffic, purchase of MSSQL, Windows Server Core, and VMware licensing, professional services to install and configure load balancers, MSSQL, and Networking just to name a few items. The court will need to provide much needed administrative training for Odyssey servers and applications to court IT Staff. The court may also be interested in hosting in the cloud with Microsoft Azure. There is much more that will be needed to achieve our goal of self-hosting the case management system on premises. Making this change will also help the court to be more self-sufficient and become the managers of the court's own case management system.

**SECTION II: AMENDED REQUEST CHANGES**

- A. Identify sections and answers amended.**
  
- B. Provide a summary of the changes to the request.**

**SECTION III: TRIAL COURT OPERATIONS AND ACCESS TO JUSTICE**

- A. Explain why the request does not fit within the court's annual operational budget process and the three-year encumbrance term.**

The request does not fit within the court's annual operational budget because the court still has about 2.5 years before the court will be able to host the case management system on premises due to contractual obligations with Tyler Technologies. This time will allow the court to be able to work with Tyler Technologies and with the JCC in the transition from Tyler's servers to the court's servers.

**APPLICATION FOR TCTF FUNDS HELD ON BEHALF OF THE COURT (Continued)**

**SECTION III (continued): TRIAL COURT OPERATIONS AND ACCESS TO JUSTICE**

- B. How will the request enhance the efficiency and/or effectiveness of court operations, and/or increase the availability of court services and programs?**

By hosting the court's case management on premises, the court will have more control over the running of the case management system programs, be able to make changes to the system when necessary and be able to upgrade programs when necessary. This in turn will help the court better provide services to both internal and external customers more efficiently.

- C. If a cost efficiency, please provide cost comparison (table template provided). N/A**

- D. Describe the consequences to the court's operations if the court request is not approved.**

The court will continue to be at the mercy and timeline as prescribed by Tyler Technologies. The court will continue to be impacted by the SAAS agreement with Tyler Technologies by not receiving timely crucial upgrades, impacted by system outages that occur out of state (Texas), and having to go thru Tyler Technologies IT Support department, which can be substandard at best. The court is still waiting to get several programs off the ground or updated, after more than a year of working with Tyler Technologies.

**E. Describe the consequences to the public and access to justice if the court request is not approved.**

The public is impacted by the current situation because it is almost impossible for court staff to get basic functions done swiftly, without work arounds, such as online payments via the public Portal. The court's Courtroom Clerks have trouble preparing minute orders timely (real-time is our goal) due to the extremely complicated work processes set up by Tyler so many years ago. We are still unable to implement other modules such as e-Citations, which would help tremendously in the processing of traffic citation; this currently is all processed manually. In addition, not being approved means that the court will continue to receive support from Tyler that has proven over and over to be lacking in various areas.

**F. What alternatives has the court identified if the request is not approved, and why is holding funding in the TCTF the preferred alternative?**

Requesting the JCC hold this funding in the Trial Court Trust Fund is our only option. Before Covid-19 impacted the court this year, our intent was to start this project slowly and encumbering monies for this project with contracts; however, we were never able to get vendors to provide us with cost and contract information for hosting our own case management system because of the onset of the pandemic. Since we are still in the middle of this pandemic, it is still very difficult to get this project off the ground because of the limitations on vendors and court staff. In Kings, we are still unable to hold jury trials due to Covid 19 cases, we still have staff out because of illness or because children are not back in school and employees do not have any help at home. Our only option is to have the JCC hold these funds on our behalf in the TCTF. If approved, it gives us time get passed the pandemic, vendors are back in business, and staff can come back to work. Having the court's request approved will enable to the court to work on this project in a timely, but methodical process, to ensure success of the court's overall goal of being in control of our case management system by hosting on premises.

**SECTION IV: FINANCIAL INFORMATION**



Please provide the following *(table template provided for each)*:

**A. Three-year history of year-end fund balances, revenues, and expenditures**

N/A

**B. Current detailed budget projections for the fiscal years the trial court would either be contributing to or receiving distributions from the TCTF fund balance held on the court's behalf**

N/A

**C. Identification of all costs, by category and amount, needed to fully implement the project**

See Table Attached.

**D. A specific funding and expenditure schedule identifying the amounts to be contributed and expended, by fiscal year**

See Table Attached.

Application for TCTF Funds Held on Behalf of the Court

Identification of all costs, by category and amount, needed to fully implement the project

Expenses Category		Amount
GL Account	Description	
900000	Salaries	
910000	Staff Benefits	
920001	General Expense	
924000	Printing	
925000	Telecommunications	
926000	Postage	
928000	Insurance	
929000	Travel in State	
931000	Travel Out of State	
933000	Training	
934000	Security	
935000	Facilities Operations	
936000	Utilities	
938000	Contracted Services	
940000	Consulting and Professional Services - County Provided	
943000	Information Technology (IT)	1,045,708
945000	Major Equipment	
950000	Other Items of Expense	
972000	Other	
973000	Debt Service	
983000	Court Construction	
990000	Distributed Administration & Allocation	
<b>Total</b>		<b>1,045,708</b>

A specific funding and expenditure schedule identifying the amounts related to the proposal to be contributed and expended, by fiscal year

Description	FY 2019-20 ▼	FY 2022-23 ▼	Select Fiscal Year ▼	Select Fiscal Year ▼	Select Fiscal Year ▼	Select Fiscal Year ▼	Select Fiscal Year ▼	Select Fiscal Year ▼	Total
Contribution	1,045,708								1,045,708
Expenditures		1,045,708							1,045,708
Cumulative Balance	1,045,708	-	-	-	-	-	-	-	-

## **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 copymachine 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 *director of Budget Services* by the court's presiding judge or court executive officer.
  - c. *Budget Services* 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 the *Fiscal Planning Subcommittee of the Trial Court Budget Advisory Committee (TCBAC)*; the *subcommittee* 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 *Budget Services* office staff will issue a final report on behalf of the *subcommittee* for the council.
  - d. The final report to the *subcommittee* and the Judicial Council will be provided to the requesting court before the report is made publicly available on the California Courts website.
  - e. The court may send a representative to the *subcommittee* 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 *director of Budget Services* 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 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*)