

**Trial Court Budget Advisory Committee**  
**AOC San Francisco Office – Judicial Council Boardroom**  
**Minutes for Meeting of August 14, 2013**

**Trial Court Budget Advisory Committee members present:** Judge Laurie M. Earl, Co-Chair, Zlatko Theodorovic, Co-Chair, Judges Rene A. Couteau, C. Don Clay, Mark A. Cope, Thomas DeSantos, Barry P. Good, Lloyd L. Hicks, Laura J. Masunaga, Marsha Slough, Robert J. Trentacosta, and Brian Walsh; court executive officers Sherri R. Carter, Jake Chatters, Richard Feldstein, John Fitton, Rebecca Fleming, Kimberly Flener, Shawn Landry, Deborah Norrie, Michael Planet, Michael Roddy, Brian Taylor, Mary Beth Todd, Tania Ugrin-Capobianco, Christine Volkers, and David Yamasaki; **advisory members present:** Curtis L. Child, Jody Patel, and Curt Soderlund.

Members absent: Judges Loretta M. Begen, Thomas J. Borris, Elizabeth W. Johnson, and David S. Wesley.

**Action Item 1 – Approval of minutes of July 9, 2013 meeting.**

A motion was made and adopted unanimously to approve the minutes of the July 9, 2013 meeting of the Trial Court Budget Advisory Committee (TCBAC).

**Action Item 2 – Funding Methodology Subcommittee – Update & WAFM Adjustment Process**

A motion was made and approved unanimously to recommend that the Judicial Council take the following actions:

1. Approve the Workload-based Allocation and Funding Methodology (WAFM) Adjustment Request Process, and
2. Direct the Director of the Administrative Office of the Court's (AOC) Fiscal Services Office to develop an application form the trial courts will be required to complete in order to be considered for a WAFM adjustment.

**Action Item 3 – FY 2013–2014 State Trial Court Improvement and Modernization Fund (STCIMF) and Trial Court Trust Fund (TCTF) (Programs 30.05 and 30.15) Allocations.**

*STCIMF*

The following actions were taken by the TCBAC with regard to allocations from the STCIMF based on recommendations from the Revenue and Expenditures Subcommittee of the TCBAC:

1. A motion was made and approved unanimously to recommend an allocation of \$8.74 million for the telecommunications support program. A decision was deferred on whether to recommend an additional \$6.9 million allocated as proposed by the AOC to replace network switches in 16 courts. The TCBAC intends to make a recommendation on the \$6.9 million to be brought to the October 2013 Judicial Council meeting.
2. A motion was made and approved to defer \$609,000 for a new Superior Court of Orange County telecommunications network infrastructure upgrade project until the October 2013 Judicial Council meeting to allow time for the TCBAC to receive the full assessment of the existing telecommunication program courts, and for the AOC to determine whether other courts wish to join the program.
3. A motion was made and approved unanimously to approve \$67.093 million in STCIMF allocations, including the two actions taken above, and which will also:
  - a. Reduce the proposed funding level by \$34,000 for the EAP for Bench Officers Program due to historically low service utilization rates, cancel the contract with the service vendor, and change from blanket service coverage to per-call base service;
  - b. Deny the new funding request of \$1.16 million for the Courts Linked by Information and Knowledge (CLIK) program due to the non-urgency of the system re-write and/or replacement; and
  - c. Shift the STCIMF allocation for the Domestic Violence – Family Law Interpreter Program by \$1.73 million, and instead use \$1.73 million of the TCTF Program 45.45 appropriation to pay for costs related to the program.
4. A motion was made and approved unanimously to have the WAFM subcommittee review the court-by-court allocation for the Complex Civil Litigation Program and possibly develop a recommendation to the TCBAC for changing the allocation methodology starting in FY 2014–2015. The action taken in 3. above maintains the FY 2013–2014 allocation at the FY 2012–2013 level of \$4.001 million using the current allocation methodology.

*TCTF*

The following actions were taken by the TCBAC with regard to allocations from the TCTF, based on recommendations from the Revenue and Expenditures Subcommittee of the TCBAC:

1. A motion was made and approved unanimously that the Revenue and Expenditure Subcommittee of the TCBAC, coordinating with the Court Technology Planning Task Force, as appropriate, review the future allocations for the Civil, Small Claims, Probate and Mental Health (V3) Case Management System and Criminal and Traffic (V2) Case Management

System and recommend a new methodology for allocating monies for trial court technology programs and projects in general and case management systems in particular.

2. A motion was made and approved unanimously to approve \$23.41 million in allocations for projects and programs related to the Programs 30.05 and 30.15 appropriations.

#### **Action Item 4 – STCIMF Delegation of Authority Guidelines for the Administrative Director of the Courts**

A motion was made and approved unanimously to delegate to the Administrative Director of the Courts (Administrative Director) the authority to make transfers between allocations in the STCIMF subject to the following:

- The sum of any allocation transfers cannot exceed 20 percent of any allocation to be reduced nor 20 percent of the allocation to be augmented.
- The Administrative Director must notify the chairperson of the council's Executive and Planning Committee and the co-chairs of the TCBAC in advance of the transfer.
- The Administrative Director must report back to the council the rationale and amounts of any approved adjustments after the end of the fiscal year.

#### **Action Item 5 – Court-Appointed Dependency Counsel: Amendments to Collections Program Guidelines**

##### *Process for Recovering Program Implementation Costs*

A motion was made and approved unanimously to permit each participating court to recover its eligible program costs from the funds that it alone has collected before remitting the remaining revenue to the state.

##### *Allocation Methodology*

A motion was made and approved unanimously to allocate funds proportionally to each participating court whose current allocation, as a proportion of available funds, is below its proportionate funding need as determined by the Caseload Funding Model (CFM) and allocate no funds to courts whose current allocation, as a proportion of available funds, equals or exceeds their proportionate funding need as determined by the CFM.

A motion was made and approved unanimously to have the WAFM Subcommittee examine the equity of the \$103.7 million court-appointed dependency counsel allocation in future years.

## **Action Item 6 – Superior Court of Fresno County CMS Allocation Request**

A motion was made and approved unanimously to adopt the recommendation of the Judicial Council Technology Committee that the Judicial Council approve funding from the TCTF, up to \$2,373,200, for the Superior Court of Fresno County to replace their V2 case management system. The funding for systems replacement will be contingent on the following terms and conditions:

1. Verification and validation of proposed costs based on review of vendor responses to the Court's case management system Request for Proposal (RFP), including technical specifications and resource requirements; and the preferred vendor's final contract proposal;
2. In line with the efforts of the branch to maintain transparency with technology projects, the Court must submit notification of the project to the California Department of Technology (CalTech) according to Government Code section 68511.9 in the event the total project costs including local court staff costs, operations costs, and the first year of maintenance costs post deployment exceed five million dollars;
3. The funds distributed will not exceed the requested level of funding (\$2,373,200) beyond FY 2015–2016;
4. The funds will be distributed over a two year period in accordance with the contract and upon submission of invoices for product and services necessary to acquire and deploy the court's case management system;
5. The AOC will provide project oversight, including monitoring project progress and costs to assure the distributions are appropriate; as well as independent project oversight for a period of 2 years; and
6. The Court will provide the AOC with access to all records necessary to evaluate and monitor the project and will cooperate fully with efforts of the Trial Court Liaison Office to do so.

## **Action Item 7 – Budget Change Proposals**

A motion was made and defeated by a vote of 15-yes and 18-no, to recommend to the Judicial Council that a security funding deficiency be prepared and submitted to the Governor and the Legislature for FY 2013–2014.

A motion was made and defeated with only two yes votes to recommend to the Judicial Council that a FY 2014–2015 budget change proposal be prepared and submitted to the Governor and the Legislature for statewide funding for security deficiencies.

A motion was made and approved by a vote of 23-yes and 8-no, to support the recommendation to the Judicial Council of the submission of a FY 2014–2015 BCP for operations funding for new trial court facilities.

A motion was made and approved by a majority of members to support a recommendation to the Judicial Council for submission of a FY 2014–2015 BCP for operational costs for transferred trial court facilities.

A motion was made and approved unanimously to support a recommendation to the Judicial Council for submission of a FY 2014–2015 placeholder BCP for technology.

A motion was made and approved unanimously to support a recommendation to the Judicial Council for submission of a FY 2014–2015 BCP for funding for the second 50 judgeships.

A motion was made and approved to support a recommendation to the Judicial Council for the AOC to advocate for authorization (as opposed to funding) for the third 50 judgeships.

A motion was made and approved unanimously to recommend the following prioritized list of FY 2014–2015 BCPs to the Judicial Council for submission to the Governor and Legislature:

1. Trial court reinvestment
2. Benefit increases
3. Technology
4. Second 50 judgeships (AB 159)
5. Trial court facilities modification projects
6. Increased operating costs for new and renovated courthouses
7. Maintenance of trial court facilities
8. Staff salary increase; and
9. Court-appointed dependency counsel.