JUDICIAL COUNCIL MEETING
Minutes of the October 10, 2008, Meeting
San Francisco, California

Chief Justice Ronald M. George, Chair, called the meeting to order at 11:10 a.m. on Friday, October 10, 2008, at the Administrative Office of the Courts (AOC) in San Francisco, California.

Judicial Council members present: Chief Justice Ronald M. George; Justices Marvin R. Baxter, Brad R. Hill, Richard D. Huffman, and Tani Cantil-Sakauye; Judges Lee Smalley Edmon, Peter Paul Espinoza, Terry B. Friedman, Jamie A. Jacobs-May, Carolyn B. Kuhl, Thomas M. Maddock, Dennis E. Murray, and James Michael Welch; Mr. Raymond G. Aragon, Mr. Joel S. Miliband, Mr. James N. Penrod, and Mr. William C. Vickrey; advisory members: Judges Kenneth K. So and Mary E. Wiss; Commissioner Lon F. Hurwitz; Mr. John Mendes, Mr. Michael D. Planet, and Mr. Michael M. Roddy.

Absent: Senator Ellen M. Corbett; Assembly Member Dave Jones; Judges George J. Abdallah, Jr., and Winifred Younge Smith; and Mr. Anthony P. Capozzi.

Others present included: Executive Officer Tania Ugrin-Capobianco; Ms. Angelique Andreozzi, Mr. Ryan Burkhart, Ms. Jennifer Chan, Mr. Mark Culkins, Mr. James E. Lumbardo, Ms. Shannon Martin, Ms. Debra Schoenstein, and Ms. Maggie Wong; **staff:** Mr. Peter Allen, Mr. Dennis Blanchard, Ms. Deborah Brown, Ms. Marcia Caballin, Mr. Philip Carrizosa, Mr. Steven Chang, Ms. Roma Cheadle, Mr. Curtis L. Child, Dr. Diane Cowdrey, Mr. Dexter Craig, Mr. Mark Crouse, Mr. Edward Ellestad, Mr. Robert Emerson, Mr. Ekuike Falorca, Mr. Bob Fleshman, Mr. Ernesto V. Fuentes, Mr. David Glass, Mr. Joe Glavin, Mr. Ruben Gomez, Ms. Marlene Hagman-Smith, Ms. Melanie Hayden, Ms. Lynn Holton, Ms. Jonna Houghton, Mr. Kenneth L. Kann, Mr. Gary Kitajo, Ms. Leanne Kozak, Ms. Maria Kwan, Ms. Eunice Lee, Ms. Althea Lowe-Thomas, Mr. Dag MacLeod, Ms. Andrea McIsaac, Mr. Mark Moore, Ms. Vicki Muzny, Ms. Hiroko Nagata, Mr. Stephen Nash, Ms. Diane Nunn, Mr. Ronald G. Overholt, Ms. Christine Patton, Ms. Mary M. Roberts, Ms. Lusia Siaki, Ms. Nancy E. Spero, Ms. Marcia Taylor, and Mr. Lee Willoughby; **media representatives**: Ms. Amy Yarbrough, *San Francisco Daily Journal.*

Welcome Extended to New Judicial Council Members

Chief Justice Ronald M. George welcomed new Judicial Council members Justice Tani Cantil-Sakauye, Judges Lee Smalley Edmon, Kenneth K. So, and Mary E. Wiss (Judge Winifred Younge Smith was unable to attend this meeting); Commissioner Lon F. Hurwitz, Mr. John Mendes, Mr. Joel S. Miliband, and Mr. James N. Penrod, all of whom were attending the meeting in their first official capacity as council members.

Public Comment Related to Trial Court Budget Issues
Chief Justice George noted that no requests to address the council had been received.

Chief Justice's Report

Chief Justice Ronald M. George made some introductory remarks before the business of this specially noticed meeting: Fiscal year 2008-2009 trial court allocations. He commended the judges and court administrators from across the state who serve on the Trial Court Budget Working Group, the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee for their hard work and efforts in developing allocation recommendations to the Judicial Council.

The Chief Justice reflected on how far the judicial branch has come in the past 10 to 15 years. He and the Administrative Director of the Courts, William C. Vickrey, observed significant disparities in the amount of funding provided to the courts by their counties when they traveled in their 1996-97 visits to the 58 superior courts. These disparities had resulted in significant inequalities between counties in the level of access to justice and service to the public. Because of insufficient county funding at that time, some trial courts were discontinuing some operations. He recalled a phone call from the court in tiny Alpine County, which had a trivial amount of money in the bank for meeting its payroll the next day. Mr. Vickrey arranged for funding to keep that court and other small courts in similar circumstances operating. By spring, medium and large counties, such as Orange, Los Angeles, and San Diego, were also having serious difficulties funding trial court operations. With the counties funding trial courts, some court's operations were insufficient. The reference to the "good old days" of county trial court funding is not in most cases factually grounded. The Chief Justice recalled that, when he was a municipal court judge, the presiding judge had to hold the county officer in contempt of court for not reimbursing him for a legitimate expenditure.

A key priority for the Judicial Council thus became obtaining state funding for the trial courts, which was achieved soon thereafter. The courts are much more financially stable with statewide funding. Moreover, significant progress has been made on other trial court funding issues, including the State Appropriations Limit. We have succeeded in being treated by the executive and legislative branches appropriately as a co-equal branch of government. Given the current economic upheaval, setting goals and determining how best to allocate resources becomes essential to the proper administration of justice.

In this legislative session, the judicial branch has an outstanding achievement, Senate Bill 1407 authorizing $5 billion in courthouse construction bonds to replace and renovate courthouses throughout the state, to address 40 of our 68 most critical and intermediate facilities needs. Office of Governmental Affairs Director Curt Child and his staff maneuvered outstandingly, enabling us to achieve success with this bond

legislation. We can be very proud of and can rely upon our fine Office of Governmental Affairs staff for future efforts.

Administrative Director's Report

Mr. William C. Vickrey thanked the members for making time to attend this specially called meeting. Mr. Vickrey briefly called to the members' attention several newspaper articles regarding the economic condition of the state and nation.

Most legislation passed during this past session did not reach the Governor's desk until after September 19 because he had announced that he would not sign any bills until the legislature passed a budget. Since there was a September 30 deadline to sign or veto 1,187 pieces of legislation, the Governor had less than two weeks. By September 30, he had signed 772 of those bills, and vetoed 415. The press reports this 35% veto rate to be the highest percentage in some forty years of vetoes. Almost all of the vetoed bills included a message that the late passage of the budget and the limited time prevented the Governor to properly review all bills, and therefore he was forced to prioritize those to focus on, resulting in the veto of the remainder. His vetoes were attached to some bills that were important to the courts and the legal community.

On the positive side, the Governor signed the court construction bond bill which provides the authorization to release revenue bonds to create a revenue stream to support $5 billion of court construction. At the signing, the Governor cited both the urgent need to build and repair courts, and also the significant positive impact that this construction will have on the state's economy. At a future meeting, the Judicial Council will have the opportunity to determine the trial court capital projects to be funded by this bill. Then, with that list of projects, the Administrative Office of the Courts will seek appropriation authority from the Legislature for those funds. This will maximize the value from the bond proceeds in two ways: by beginning work on a cash basis with some land acquisition and early design work, the full revenue stream can be devoted to the construction of those projects, and by beginning these projects very soon and avoiding delays, the inflationary impact of rising costs of materials can be avoided. Mr. Vickrey commended many Judicial Council members, our presiding judges throughout the state, court executives, and members of the State Bar of California for their sustained efforts to educate legislators and advocate for this result. He joined the Chief Justice in praising the efforts of Curt Child in bringing diverse points of view together in support of this facilities bill, for the benefit of court users throughout the state.

Another bill, passed unanimously in the Assembly and the Senate, pertained to the discovery of electronic information. This legislation was the result of a cooperative effort of the Consumer Attorneys, California Defense Council, and the Judicial Council. The Governor vetoed this bill, not because of any policy problem, but rather because of the press of other business pertaining to the state budget. This bill will be a high priority for next year.

A bill authored by Assembly Member Dave Jones and supported by the Judicial Council would have established a pilot program to provide interpreters in civil cases with revenue from a $15 fee for each telephonic hearing. Representatives of both the plaintiffs' and defense bars supported the establishment of a statewide contract for telephonic hearings, and uniform statewide procedures and fees. Although the Governor vetoed this bill, his office did not have significant policy objections. They asked for financial information and suggested it be reintroduced next year.

The court security legislation, however, failed to pass. A team of appellate justices, trial court judges, and court executive officers, including Justices Brad R. Hill and Richard D. Aldrich, Judge Steven E. Jahr, worked with the sheriffs to find solutions which the Legislature could support to control court security costs and provide cost predictability for both the sheriffs and the courts. Legislation, support by the sheriffs and by the judiciary, was approved by both budget subcommittees and then by the Budget Conference Committee. Having no opposition, it was included in the A.B. 900 trailer bill. Unfortunately, a controversy arose over an unrelated part of the trailer bill and the Senate set the entire trailer bill aside. This proposal will be reintroduced next year.

For the December Judicial Council meeting, you will be presented with proposed legislative priorities for next year. We plan to revisit the funding for the 50 judgeships that have already been legislatively authorized, and funding for the probate conservatorship reform also legislatively approved, as well as seek the authorization on the third 50 judges.

Reform of the JRS II judicial retirement program becomes increasingly important in our efforts to attract and retain highly qualified judges. Every year's delay results in substantially increased costs. It is important to start making what is still a reasonably small investment to have a reasonable program to attract and retain judges.

The implementation of the recommendations from the Blue Ribbon Commission on Foster Care is proceeding and will result in recommendations coming back to you for sponsoring legislation next year.

Even during dire economic times in our state, the judicial branch, the legislature, and the Governor share the goal of keeping the courts open and accessible. Today, the council meets to allocate 2008-2009 funding for the trial courts. It is important to do so without delay, even with further action from the Legislature or the Governor possible, so that our 58 trial courts can continue operations and anticipate the impact of any changes.

The allocation recommendations for your consideration today pertain to the trial courts. They do not pertain to the budget for Supreme Court, the Courts of Appeal, or the Judicial Council/Administrative Office of the Courts. Although the level of budget

reduction is the same as for the trial courts, the issues are significantly different. The appellate courts and the Administrative Office of the Courts have no authority to carry forward money from one year to the next; the trial courts, in distinction, do have this ability. Because of this difference, beginning several months ago, the appellate courts and the AOC began implementing cost savings procedures. Budget allocations for the appellate courts and the Administrative Office of the Courts will come to you in a subsequent meeting.

After the Legislature makes the appropriation for the trial courts, developing the recommendations that you will receive today takes the following course. The Administrative Office of the Courts Finance Division reviews all the information and develops recommendations which are presented to the Trial Court Budget Working Group, a representative group of presiding judges and executive officers. They contribute a substantial amount of time to review the information and then gather in meetings for a discussion, even a debate, on how to address the allocation issues. Chief Financial Officer and Finance Division Director Stephen Nash takes the work and recommendations of the Budget Working Group and meets the Administrative Director and the Chief Deputy Director. The recommendations presented to the Judicial Council come from the Administrative Director, as informed by the Chief Financial Officer and the Trial Court Budget Working Group. Today's recommendations are consistent with the recommendations from our Finance Division and those from the Budget Working Group.

Today's allocation recommendations are built on a combination of new revenue and one-time revenue that result in a similar budget for the trial courts as in previous years. This budget includes a $92 million—4 percent—one-time reduction. The level of funding that you will consider allocating today is not different than what you would have expected to allocate last December before we knew about the Governor's proposed budget reductions. Last January, when the Governor published his budget, we could reasonably have expected to receive the full State Appropriation Limit (SAL) funding, approximately $128 million, and then an approximately $216 million permanent reduction in the trial court budget. The state and national economic condition, however, means that the future will be difficult to predict.

Meanwhile, today's recommendations focus on keeping the courts open, trying to maintain the level of services the public has enjoyed in the last year, keeping the statewide initiatives progressing. Making those initiatives a reality and fulfilling the expectations of the other branches of government will ultimately depend on the state's willingness to do so. There is a potential for a special legislative session convening on December 1, so we may have some further information for you by then.

CONSENT AGENDA

No consent items were submitted for this business meeting.

DISCUSSION AGENDA (Item 1)

Item 1 Allocation of Trial Court Funding, Including Allocation of New Funding, a One-Time Reduction, and Other Adjustments

Mr. Stephen Nash, Finance Division, presented this item.

Administrative Office of the Courts staff and the Trial Court Budget Working Group recommended the allocation of funding to the trial courts for FY 2008–2009. (The Trial Court Budget Working Group (TCBWG) did not consider recommendation 14, which was a standard technical budget delegation.) The recommendations included policy and funding proposals in the following program areas: Assigned Judges Program, workers' compensation, retirement, staffing and operating expenses for new and transferring facilities, inflation and workforce funding, security, probate reform/conservatorship, court-appointed counsel, and other scheduled reimbursement and local assistance programs. In addition, a recommendation was presented on a methodology for allocating a one-time budget reduction of $92 million.

Council action

The Judicial Council took the following actions:

1. Applied $542,616 of the Judicial Branch Workers' Compensation Program FY 2007–2008 net program savings as follows (see column D of Attachment 1):
   A. $290,237 in savings to offset Workers' Compensation Program premiums in FY 2008–2009 for courts that experienced lower claim costs than assumed in FY 2007–2008; and
   B. $252,379 as a credit to reduce the FY 2008–2009 increased program charge of one court related an unexpected increase in costs resulting from various workers' compensation claims that have been filed against the court regarding conditions in one facility.
2. Approved the redirection of $12.483 million from available funding in the Trial Court Trust Fund (TCTF), on a one-time basis, to provide full funding of FY 2007–2008 court-appointed counsel costs.
3. Approved a one-time allocation of $9.27 million in funding from the TCTF to establish an overall statewide baseline allocation for this program of $113 million to be available to reimburse court-appointed counsel costs in FY 2008–2009.
4. Approved use of projected savings in judicial compensation to address a projected $3.5 million funding shortfall in the Assigned Judges Program for FY 2008–2009.
5. Approved allocation of $8.5 million from the Trial Court Improvement Fund (TCIF) to courts to enhance the programmatic efforts already being made related to implementation of the Omnibus Conservatorship and Guardianship Reform Act of 2006. This funding is to be allocated

consistent with methodology reviewed and recommended by the Trial Court Budget Working Group. The allocations are displayed in Column E of Attachment 1.

6. Approved allocation to the courts in FY 2008–2009 of $1.177 million for the annualization of retirement changes that occurred partway through FY 2007–2008; reduced court allocations by a total of $4.737 million for ratified retirement rate and plan changes that produced projected savings of this amount in FY 2008–2009; and included the resulting net savings of $3.560 million within the overall Consumer Price Index (CPI) funding that will be available for allocation to all courts. The retirement allocation adjustments are indicated in columns F and G of Attachment 1. The net retirement savings are reflected in column D of Attachment 3.
7. Allocated $45.209 million in new and carryover funding ($12.644 million in CPI funding, $20 million in one-time security funding from TCTF authorized by legislature, $2.291 million in funding from TCTF, and $10.274 million in one-time security carryover money), to address projected cost increases for court security based on FY 2007–2008 existing service levels only. This funding addresses $31.202 million of new and previously unfunded court security costs (see Attachment 1, columns H, I, and J), as well as $13.902 million of ongoing costs funded with one-time savings in FY 2007–2008.
8. Approved distribution of funding to courts, once a court has notified AOC staff that security compensation and retirement cost increases are confirmed and ratified. Some of the projected court security cost increases are based on estimated cost changes for security employee compensation and retirement that have not been ratified.
9. Directed that the remaining $105,483 in one-time security funding be used to address security costs for new or transferring facilities in FY 2008–2009.
10. Allocated $2.35 million ($1.538 million one-time; $812,619 ongoing) in FY 2008–2009 for non-security-related staffing and operating expenses for facilities scheduled to open or transfer during the period July 1, 2008, to September 30, 2009, and an additional $178,167 ongoing in FY 2009–2010, as indicated in columns K, L, and M of Attachment 1.
11. Allocated $758,309 ($264,000 one-time; $494,309 ongoing) in FY 2008–2009 to address entrance screening staffing and equipment costs for new and transferring facilities scheduled to open or transfer during the period July 1, 2008 through June 30, 2009, and an additional $284,108 ongoing in FY 2009–2010. The proposed allocations are reflected in columns N, O, and P of Attachment 1.
12. Approved allocation of $71.67 million of new CPI funding ($69.058 million) and retirement savings ($3.560 million) as displayed on the Trial Court CPI Growth Factor Allocation Template FY 2008–2009 (see Attachment 5, section I, Total Funds Available for Allocation to Courts).
13. Allocated the $92.24 million one-time reduction, by trial court, as indicated in column R of Attachment 1, using a methodology that does the following:

- Exempts courts from a share of the reduction if they have *both* (1) at least a 15 percent funding need based on the updated Resources Allocation Study (RAS) and (2) a FY 2007–2008 adjusted fund balance (total fund balance less operating and emergency and technology infrastructure designations) that is less than or equal to 10 percent of courts' FY 2008–2009 beginning TCTF base allocation. Four courts qualify for an exemption.
- For the 54 courts that are not exempt, allocates 100 percent of the reduction, or $92.24 million, on a pro-rata basis, using each court's share of the sum of the FY 2008–2009 beginning TCTF base allocation for those 54 courts.

14. Delegated authority to the Administrative Director of the Courts to make minor or technical one-time and ongoing allocations of funds to courts, as needed, to address unanticipated needs and contingencies, to the extent that program savings are identified during the fiscal year from reimbursable or other funds.

There were no Circulating Orders since the last business meeting.

There were no Appointment Orders since the last business meeting.

There being no further public business, the meeting was adjourned at 1:50 p.m.

Respectfully submitted,

William C. Vickrey
Administrative Director of the Courts and
Secretary of the Judicial Council

Attachment 1

Proposed Allocation of FY 2008-09 Trial Court Funding and Reduction Adjustments

	Informational Only			Proposed New Allocations						
						Retirement Changes		Security		
Court System	FY 2008-09 Base Budget (excluding security)	FY 2008-09 Security Base Budget (includes annualized cost for screening stations opened in FY 2007-08)	FY 2008-09 Total Beginning Base Budget (A + B)	FY 2007-08 Adjustment for JBWCP Premium Costs	One-Time TCIF Conserva-torship Allocation	FY 2007-08 Adjustments and Annualization	FY 2008-09 Ratified	FY 2008-09 Security (ongoing allocation from CPI and one-time security funding)	One-Time Funding for Costs in Excess of Security Standards	One-Time Funding for Security Retiree Health Costs in MOEs
	A	B	C	D	E	F	G	H	I	J
Alameda	90,977,464	24,472,901	**115,450,365**	(63,458)	376,029	90,513	36,213	1,110,388	-	-
Alpine	643,488	12,034	**655,522**	(80)	140	468	(856)	-	-	-
Amador	2,605,570	560,464	**3,166,034**	1,439	16,694	-	8,435	25,379	1,867	-
Butte	9,414,336	2,327,690	**11,742,026**	(2,541)	140,369	-	32,190	19,459	-	-
Calaveras	2,369,314	277,500	**2,646,814**	(444)	8,726	-	5,896	19,350	-	-
Colusa	1,722,026	132,002	**1,854,028**	(770)	1,400	-	(1,106)	-	-	-
Contra Costa	43,039,218	13,117,201	**56,156,419**	(48,867)	220,277	-	(286,057)	683,685	-	396,000
Del Norte	2,824,541	273,658	**3,098,198**	8,420	10,522	-	1,988	12,174	-	-
El Dorado	7,793,097	2,063,850	**9,856,947**	(4,904)	59,305	-	19,237	102,381	-	-
Fresno	40,937,783	12,752,677	**53,690,460**	(8,315)	158,290	-	407,620	975,497	-	-
Glenn	2,218,964	290,770	**2,509,734**	2,187	10,891	-	5,375	38,227	-	-
Humboldt	6,447,958	1,102,786	**7,550,743**	5,271	37,012	-	(13,638)	100,470	-	-
Imperial	8,229,348	1,454,464	**9,683,812**	(2,737)	8,695	-	35,542	52,902	-	-
Inyo	2,113,700	245,101	**2,358,800**	N/A	15,233	-	-	10,000	-	-
Kern	35,322,576	8,517,629	**43,840,205**	16,140	99,154	-	(986,761)	298,187	-	33,757
Kings	6,384,915	1,395,525	**7,780,440**	(213)	6,897	-	10,568	10,325	-	-
Lake	3,726,605	632,577	**4,359,182**	(5,232)	10,710	-	74,528	28,431	-	-
Lassen	2,462,406	416,280	**2,878,687**	2,667	13,394	-	5,657	13,573	17,082	-
Los Angeles	521,465,855	149,966,758	**671,432,614**	N/A	2,573,340	-	(4,144,060)	4,421,197	5,569,826	3,885,574
Madera	6,913,500	1,163,774	**8,077,274**	(984)	26,330	-	302,523	90,399	-	-
Marin	16,908,781	2,660,334	**19,569,115**	(3,608)	78,541	-	(196,889)	132,368	35,796	-
Mariposa	1,163,702	172,848	**1,336,550**	(2)	11,128	-	5,223	16,954	-	-
Mendocino	5,168,446	1,526,115	**6,694,561**	(1,813)	22,564	-	24,359	84,305	-	-
Merced	11,237,321	2,388,941	**13,626,262**	(2,370)	21,959	-	27,901	140,396	-	-
Modoc	1,191,262	103,137	**1,294,399**	(87)	5,140	-	(895)	1,000	-	-
Mono	1,472,199	418,276	**1,890,476**	N/A	8,550	-	588	46,598	-	-
Monterey	16,697,684	4,483,193	**21,180,877**	(118,997)	106,786	-	(5,971)	152,915	-	-
Napa	7,898,456	1,784,588	**9,683,044**	(1,249)	40,190	-	488	28,160	-	-
Nevada	5,079,751	1,101,857	**6,181,608**	(3,080)	23,348	-	(7,963)	16,064	-	-
Orange	151,800,685	40,277,251	**192,077,936**	(31,605)	495,377	-	(548,321)	1,388,408	-	-
Placer	14,309,524	2,886,072	**17,195,596**	284	69,749	-	32,276	179,587	-	-
Plumas	1,778,028	192,093	**1,970,121**	2,396	11,596	-	(1,788)	1,814	-	-
Riverside	77,149,963	14,777,990	**91,927,953**	(21,700)	295,711	-	257,220	874,374	-	-
Sacramento	76,616,582	21,045,446	**97,662,028**	(28,791)	325,342	-	98,372	1,271,016	-	146,533
San Benito	3,166,615	206,605	**3,373,220**	872	3,460	-	-	20,357	-	-
San Bernardino	81,026,501	25,915,179	**106,941,680**	(46,970)	212,418	-	84,972	1,050,602	-	-
San Diego	157,843,984	31,909,575	**189,753,558**	(52,713)	853,755	-	(1,120,744)	1,184,518	-	-
San Francisco	65,461,803	10,020,818	**75,482,621**	(15,896)	303,727	-	(428,317)	452,220	-	-
San Joaquin	28,446,676	7,634,760	**36,081,437**	(895)	134,048	67,841	25,951	437,316	-	-
San Luis Obispo	14,179,957	3,444,616	**17,624,573**	(9,765)	51,466	-	(74,003)	242,643	111,435	-
San Mateo	37,345,657	8,519,181	**45,864,838**	(10,883)	346,904	-	(172,690)	288,043	-	-
Santa Barbara	21,816,931	4,880,456	**26,697,387**	(9,152)	76,298	-	-	198,766	122,814	-
Santa Clara	90,686,799	26,556,433	**117,243,232**	(78,141)	434,291	401,862	2,206,506	2,256,420	-	514,176
Santa Cruz	12,837,902	2,472,200	**15,310,103**	(5,375)	54,552	26,817	(8,052)	219,139	-	-
Shasta	9,607,914	2,000,186	**11,608,100**	(5,373)	84,800	-	9,082	181,065	20,242	-
Sierra	685,052	21,248	**706,300**	(1,975)	2,815	-	(8,446)	5,752	-	-
Siskiyou	4,107,504	600,274	**4,707,778**	8,318	17,113	-	21,294	52,038	11,720	-
Solano	21,118,383	4,966,840	**26,085,223**	629	106,470	-	(318,935)	172,387	-	-
Sonoma	23,229,502	6,564,029	**29,793,531**	(1,947)	143,598	-	86,915	118,774	-	-
Stanislaus	17,908,808	4,316,995	**22,225,803**	(507)	86,639	-	-	359,305	-	-
Sutter	4,177,861	750,787	**4,928,648**	(318)	57,311	-	7,115	32,365	-	-
Tehama	3,553,188	521,121	**4,074,309**	3,847	14,424	-	19,408	26,076	-	-
Trinity	1,181,789	201,221	**1,383,010**	(787)	1,659	-	149	(336)	76,822	-
Tulare	16,689,515	4,654,162	**21,343,677**	3,293	18,604	-	(72,574)	233,686	77,446	-
Tuolumne	3,247,429	843,290	**4,090,718**	(2,399)	11,882	-	1,717	98,716	-	-
Ventura	31,351,560	11,603,398	**42,954,958**	(589)	111,660	589,514	(284,143)	12,054	-	-
Yolo	8,822,359	2,470,706	**11,293,065**	(2,850)	34,609	-	85,099	167,639	-	-
Yuba	3,918,192	581,376	**4,499,568**	N/A	28,107	-	4,343	25,906	-	-
Total	**1,848,496,929**	**476,649,238**	**2,325,146,167**	**(542,616)**	**8,500,000**	**1,177,016**	**(4,737,457)**	**20,181,433**	**6,045,050**	**4,976,040**

Attachment 2

Proposed Allocation of TCIF for Conservatorship Workload

COURTS	WORKLOAD				COSTS				RESOURCES			ALLOCATION	
	New Filings (updated 8-2008)[1]	Cases Under Court's Control[2]	Total Time (in Minutes)[3]	Total FTEs	Total Salary & Benefit Costs[4]	Standard Complement (One-Time)[5]	Standard Complement (Ongoing)[5]	Total First Year Cost (Col. E+F+G)	Assumed Investigator Cost Recovery[6]	BCP Funding Allocation w-Updated Workload Data	Total Assumed Resources (Col. I+J)	FY 2008-09 Allocation Based on BCP Funding Allocation of 18.271M	Pro-Rated FY 2008-09 TCIF Allocation as 46.5% of $18.271M (Col.L*46.5%)
	Col. A	Col B.	Col. C	Col. D	Col. E	Col F	Col. G	Col. H	Col. I	Col. J	Col. K	Col. L	Col. M
Alameda	179	1,802	939,194	8.8	$ 777,894	$ 129,640	$ 175,640	$ 1,083,174	$ 287,080	$ 808,286	$ 1,095,366	$ 808,286	$ 376,029
Alpine	-	1	404	0.0	290	60	80	430	102	301	403	301	140
Amador	15	76	48,026	0.5	34,534	6,630	8,990	50,154	13,020	35,883	48,904	35,883	16,694
Butte	75	894	449,461	4.2	290,383	62,040	84,060	436,483	102,419	301,728	404,147	301,728	140,369
Calaveras	7	43	25,247	0.2	18,052	3,490	4,730	26,272	6,778	18,757	25,535	18,757	8,726
Colusa	1	7	4,038	0.0	2,896	560	760	4,216	1,080	3,010	4,090	3,010	1,400
Contra Costa	156	866	534,115	5.0	455,688	73,730	99,890	629,308	176,292	473,491	649,784	473,491	220,277
Del Norte	5	60	30,545	0.3	21,767	4,220	5,720	31,707	8,026	22,617	30,643	22,617	10,522
El Dorado	52	268	169,685	1.6	122,685	23,430	31,740	177,855	46,015	127,478	173,493	127,478	59,305
Fresno	136	857	506,878	4.8	327,456	69,970	94,800	492,226	126,516	340,250	466,766	340,250	158,290
Glenn	4	66	31,397	0.3	22,530	4,340	5,880	32,750	8,155	23,411	31,565	23,411	10,891
Humboldt	52	113	107,034	1.0	76,567	14,780	20,020	111,367	30,253	79,559	109,812	79,559	37,012
Imperial	5	52	27,312	0.3	17,987	3,770	5,110	26,867	6,766	18,690	25,456	18,690	8,695
Inyo	24	38	43,679	0.4	31,513	6,030	8,170	45,713	12,524	32,745	45,268	32,745	15,233
Kern	75	501	290,610	2.7	205,120	40,120	54,350	299,590	77,887	213,134	291,021	213,134	99,154
Kings	13	10	19,775	0.2	14,269	2,730	3,700	20,699	5,828	14,826	20,654	14,826	6,897
Lake	25	2	30,701	0.3	22,156	4,240	5,750	32,146	9,344	23,021	32,365	23,021	10,710
Lassen	7	76	38,586	0.4	27,709	5,330	7,220	40,259	10,134	28,791	38,925	28,791	13,394
Los Angeles	1,528	9,478	5,634,030	52.8	5,323,488	777,670	1,053,610	7,154,768	2,013,284	5,531,472	7,544,756	5,531,472	2,573,340
Madera	23	143	84,547	0.8	54,468	11,670	15,820	81,958	19,417	56,596	76,014	56,596	26,330
Marin	32	405	201,461	1.9	162,479	27,810	37,680	227,969	59,446	168,827	228,273	168,827	78,541
Mariposa	12	44	31,945	0.3	23,020	4,410	5,980	33,410	8,804	23,919	32,723	23,919	11,128
Mendocino	13	112	61,004	0.6	46,679	8,430	11,410	66,519	17,462	48,502	65,964	48,502	22,564
Merced	23	90	63,124	0.6	45,425	8,720	11,810	65,955	17,330	47,199	64,530	47,199	21,958
Modoc	4	25	14,825	0.1	10,633	2,050	2,780	15,463	3,985	11,048	15,034	11,048	5,140
Mono	20	2	24,408	0.2	17,687	3,370	4,570	25,627	7,420	18,378	25,798	18,378	8,550
Monterey	56	597	307,387	2.9	220,909	42,430	57,490	320,829	80,914	229,540	310,453	229,540	106,786
Napa	48	144	114,844	1.1	83,141	15,860	21,480	120,481	31,962	86,389	118,351	86,389	40,190
Nevada	35	64	66,775	0.6	48,301	9,220	12,490	70,011	19,016	50,188	69,205	50,188	23,348
Orange	172	4,504	2,023,482	19.0	1,024,791	279,310	378,410	1,682,511	335,563	1,064,828	1,400,391	1,064,828	495,377
Placer	59	326	200,995	1.9	144,290	27,750	37,590	209,630	54,318	149,927	204,246	149,927	69,749
Plumas	5	67	33,375	0.3	23,988	4,610	6,250	34,848	8,737	24,925	33,663	24,925	11,596
Riverside	500	1,200	1,075,030	10.1	611,740	148,390	201,040	961,170	220,225	635,640	855,865	635,640	295,711
Sacramento	141	1,669	841,383	7.9	673,037	116,140	157,350	946,527	243,133	699,332	942,465	699,332	325,342
San Benito	8	1	9,844	0.1	7,157	1,360	1,850	10,367	2,988	7,437	10,425	7,437	3,460
San Bernardino	217	989	656,204	6.2	439,431	90,580	122,720	652,731	164,160	456,599	620,759	456,599	212,418
San Diego	448	4,132	2,198,792	20.6	1,766,167	303,500	411,200	2,480,867	649,972	1,835,170	2,485,142	1,835,170	853,754
San Francisco	221	911	629,396	5.9	628,321	86,880	117,710	832,911	239,708	652,869	892,578	652,869	303,727
San Joaquin	127	574	381,476	3.6	277,306	52,660	71,340	401,306	104,073	288,140	392,213	288,140	134,048
San Luis Obispo	40	272	157,142	1.5	106,469	21,700	29,390	157,559	39,497	110,628	150,125	110,628	51,466
San Mateo	167	1,591	839,748	7.9	717,643	115,920	157,040	990,603	271,908	745,681	1,017,589	745,681	346,904
Santa Barbara	40	507	252,129	2.4	157,839	34,810	47,160	239,809	54,825	164,005	218,830	164,005	76,298
Santa Clara	180	2,067	1,047,881	9.8	898,421	144,640	195,970	1,239,031	344,133	933,521	1,277,655	933,521	434,291
Santa Cruz	37	335	179,460	1.7	112,851	24,780	33,570	171,201	40,667	117,260	157,927	117,260	54,552
Shasta	56	544	285,965	2.7	175,426	39,480	53,480	268,386	61,410	182,280	243,690	182,280	84,800
Sierra	5	5	8,062	0.1	5,824	1,120	1,510	8,454	2,350	6,052	8,402	6,052	2,815
Siskiyou	16	75	49,195	0.5	35,401	6,800	9,200	51,401	13,400	36,784	50,184	36,784	17,113
Solano	37	614	292,232	2.7	220,256	40,340	54,650	315,246	80,685	228,861	309,546	228,861	106,470
Sonoma	65	625	329,718	3.1	297,062	45,520	61,660	404,242	113,799	308,668	422,467	308,668	143,598
Stanislaus	33	575	271,749	2.5	179,230	37,510	50,820	267,560	62,881	186,233	249,114	186,233	86,639
Sutter	19	356	165,922	1.6	118,559	22,910	31,030	172,499	42,936	123,191	166,127	123,191	57,311
Tehama	19	90	58,404	0.5	29,840	8,070	10,930	48,840	10,024	31,006	41,029	31,006	14,424
Trinity	3	4	4,763	0.0	3,432	660	900	4,992	1,369	3,566	4,935	3,566	1,659
Tulare	36	21	50,967	0.5	38,486	7,040	9,540	55,066	16,166	39,990	56,155	39,990	18,604
Tuolumne	5	69	34,183	0.3	24,581	4,720	6,400	35,701	8,941	25,541	34,482	25,541	11,882
Ventura	68	587	317,505	3.0	230,992	43,830	59,380	334,202	84,227	240,017	324,243	240,017	111,660
Yolo	44	119	100,019	0.9	71,596	13,810	18,710	104,116	27,977	74,394	102,370	74,394	34,609
Yuba	13	164	82,022	0.8	58,145	11,330	15,340	84,815	21,488	60,417	81,905	60,417	28,109
TOTAL	**5,406**	**39,829**	**22,478,082**	**210.7**	**$ 17,584,009**	**$ 3,102,920**	**$ 4,203,870**	**$ 24,890,799**	**$ 6,528,819**	**$ 18,271,000**	**$ 24,799,819**	**$ 18,271,000**	**$ 8,500,000**

[1]New Filings: At the time of this analysis, 4th Quarter data was not in for all courts. To obtain a 4th Quarter number, the previous three quarters were averaged. To obtain the fiscal year total, the four quarters were summed.

[2]Cases Under Court Control (UCC): Only 3rd Quarter data was used. There are exceptions, however. For courts that were unable to provide UCC data in any quarter, the UCC number provided to the Probate Conservatorship Task Force for FY05-06 was used.

[3]Total Time in Minutes was derived from the assumptions that were included in the BCP related to the actual tasks that would be necessary to meet the new legislative requirements; the staff that would be required to perform the required tasks; and the estimated time for these tasks.

[4]Hourly rate calculated at 5% above minimum. Total compensation includes assumed 5% salary savings.

[5]The standard complement provides one-time and ongoing funding for facilities, general expense, computers, and communications, and also includes ongoing funding for postage, in-state travel, training and data processing.

[6]Probate Code 1851.5 requires a court to assess each conservatee for any investigation conducted by the court investigator with respect to that person, unless the court finds that all or any part of the assessment would impose a hardship on the conservatee or the conservatee's estate. Based on survey information collected from the 10 largest courts, it is estimated that the cost of the investigator is assessed in 60 percent of cases, with an 80 percent collection rate. Cost recovery amounts based on FY 2005-06 actual Investigator costs.

		FY 2008-2009 TRIAL COURT STAFF RETIREMENT COST CHANGES			
		RATIFIED PLANS			
	A	B	C	D	E
COURT	FY 2007-2008 RETIREMENT COST INCREASE ANNUALIZATION Figure comes from previous year's Retirement Form	PROJECTED RETIREMENT-RATE DRIVEN CHANGE Cost from effective date of rate change through June 30, 2009.	FY 2009-2010 ANNUALIZED COST Cost for 12 months	FY 2008-2009 ADJUSTMENTS	FY 2009-2010 RETIREMENT COST ANNUALIZATION
01 - ALAMEDA	90,513	36,213	48,284	126,726	**12,071**
02 - ALPINE	468	(856)	(856)	(387)	-
03 - AMADOR	-	8,435	8,435	8,435	-
04 - BUTTE	-	32,190	32,190	32,190	-
05 - CALAVERAS	-	5,896	5,896	5,896	-
06 - COLUSA	-	(1,106)	(1,106)	(1,106)	-
07 - CONTRA COSTA	-	(286,057)	(286,057)	(286,057)	-
08 - DEL NORTE	-	1,988	1,988	1,988	-
09 - EL DORADO	-	19,237	19,237	19,237	-
10 - FRESNO	-	407,620	407,620	407,620	-
11 - GLENN	-	5,375	5,375	5,375	-
12 - HUMBOLDT	-	(13,638)	(13,638)	(13,638)	-
13 - IMPERIAL	-	35,542	35,542	35,542	-
14 - INYO	-	-	-	-	-
15 - KERN	-	(986,761)	(986,761)	(986,761)	-
16 - KINGS	-	10,568	10,568	10,568	-
17 - LAKE	-	74,528	74,528	74,528	-
18 - LASSEN	-	5,657	5,657	5,657	-
19 - LOS ANGELES	-	(4,144,060)	(4,144,060)	(4,144,060)	-
20 - MADERA	-	302,523	302,523	302,523	-
21 - MARIN	-	(196,889)	(204,377)	(196,889)	**(7,488)**
22 - MARIPOSA	-	5,223	5,223	5,223	-
23 - MENDOCINO	-	24,359	24,359	24,359	-
24 - MERCED	-	27,901	27,901	27,901	-
25 - MODOC	-	(895)	(895)	(895)	-
26 - MONO	-	588	588	588	-
27 - MONTEREY	-	(5,971)	(5,971)	(5,971)	-
28 - NAPA	-	488	488	488	-
29 - NEVADA	-	(7,963)	(7,963)	(7,963)	-
30 - ORANGE	-	(548,321)	(548,321)	(548,321)	-
31 - PLACER	-	32,276	32,276	32,276	-
32 - PLUMAS	-	(1,788)	(1,788)	(1,788)	-
33 - RIVERSIDE	-	257,220	257,220	257,220	-
34 - SACRAMENTO	-	98,372	98,372	98,372	-
35 - SAN BENITO	-	-	-	-	-
36 - SAN BERNARDINO	-	84,972	84,972	84,972	-
37 - SAN DIEGO	-	(1,120,744)	(1,120,744)	(1,120,744)	-
38 - SAN FRANCISCO	-	(428,317)	(428,317)	(428,317)	-

		FY 2008-2009 TRIAL COURT STAFF RETIREMENT COST CHANGES			
		RATIFIED PLANS			
	A	B	C	D	E
COURT	FY 2007-2008 RETIREMENT COST INCREASE ANNUALIZATION Figure comes from previous year's Retirement Form	PROJECTED RETIREMENT-RATE DRIVEN CHANGE Cost from effective date of rate change through June 30, 2009.	FY 2009-2010 ANNUALIZED COST Cost for 12 months	FY 2008-2009 ADJUSTMENTS	FY 2009-2010 RETIREMENT COST ANNUALIZATION
39 - SAN JOAQUIN	67,841	25,951	51,902	93,793	**25,951**
40 - SAN LUIS OBISPO	-	(74,003)	(74,003)	(74,003)	-
41 - SAN MATEO	-	(172,690)	(172,690)	(172,690)	-
42 - SANTA BARBARA*	N/A	N/A	N/A	N/A	N/A
43 - SANTA CLARA	401,862	2,206,506	2,206,506	2,608,368	-
44 - SANTA CRUZ	26,817	(8,052)	(8,052)	18,766	-
45 - SHASTA	-	9,082	9,082	9,082	-
46 - SIERRA	-	(8,446)	(8,446)	(8,446)	-
47 - SISKIYOU	-	21,294	21,294	21,294	-
48 - SOLANO	-	(318,935)	(318,935)	(318,935)	-
49 - SONOMA	-	86,915	86,915	86,915	-
50 - STANISLAUS	-	-	-	-	-
51 - SUTTER	-	7,115	7,115	7,115	-
52 - TEHAMA	-	19,408	19,408	19,408	-
53 - TRINITY	-	149	297	149	**149**
54 - TULARE	-	(72,574)	(72,574)	(72,574)	-
55 - TUOLUMNE	-	1,717	1,717	1,717	-
56 - VENTURA	589,514	(284,143)	(367,136)	305,371	**(82,992)**
57 - YOLO	-	85,099	136,202	85,099	**51,103**
58 - YUBA	-	4,343	4,343	4,343	-
TOTAL	**1,177,016**	**(4,737,457)**	**(4,738,664)**	**(3,560,441)**	**(1,207)**

***Santa Barbara's final FY 2008-2009 retirement rates are not yet ratified. No changes expected at this time.**

Attachment 4

A. Non-Security

Recommended Funding for FY 2008-2009 Staffing and Operational Costs for New Facilities

Available Funding in FY 2008-2009

Accumulated, Undistributed Funding from FY 2006-2007 & 2007-2008	$	343,263
Undistributed Ongoing Funding Available in FY 2008-2009 (Available for permanent reallocation)		168,361
One-Time Undistributed Security Funding from New/Transferring Facilities FY 2007-2008		1,194,783
FY 2008-2009 CPI Funding		948,015
Total		**2,654,422**
Less Recommended Funding		**(2,350,664)**
Remaining Ongoing Funding		**303,758**

Staff Recommended Funding in FY 2008-2009

One-Time	$	1,538,046
Ongoing		812,618
Total		**2,350,664**

Available Funding in FY 2009-2010

Available Ongoing Funding	$	303,758
Total		**303,758**
Less Recommended Funding		(178,167)
Remaining Ongoing Funding		**125,591**

Staff Recommended Funding in FY 2009-2010

Annualization of Ongoing	**$**	**178,167**
Total		**178,167**

B. Security

Available Funding in FY 2008-2009

Unneeded Ongoing Screening Station Funding from FY 2006-2007 and FY 2007-2008 (Available for permanent reallocation)	$	652,826
Unneeded One-Time Screening Station Funding from FY 2006-2007 and FY 2007-2008		105,483
Total		**758,309**
Less Recommended Funding		(758,309)
Remaining Funding		-

Staff Recommended Funding in FY 2008-2009

One-Time	$	264,000
Ongoing		494,309
Total		**758,309**

Available Funding in FY 2009-2010

Ongoing Operational Funding available for allocation in FY 2009-2010 (see above)	$	125,591
Remaining Ongoing Funding*		158,517
Total		**284,108**
Less Funding Recommendation		(284,108)
Remaining Funding		-

Staff Recommended Funding in FY 2009-2010

Annualization of Ongoing Costs	**$**	**284,108**
Total		**284,108**

Attachment 5

TRIAL COURT
CPI GROWTH FACTOR
ALLOCATION TEMPLATE
FY 2008-2009

ADJUSTED CPI GROWTH FACTOR		CPI GROWTH FACTOR	
Inflation & Workforce	2.826%	Initial Inflation & Workforce	2.700%
Workload Growth & Equity	0%	Workload Growth & Equity	0.000%
Total Adjusted CPI Growth Rate	2.826%	Effective CPI Growth Rate	2.700%

	A	B	C
	Base Budget Amount	CPI/Other Factor	Ongoing CPI Adjustment (A x B or Actual)
2008-2009 CPI FUNDING ADJUSTMENT	**$2,557,703,704**	2.700%	$ 69,058,000
TOTAL CPI FUNDS AVAILABLE FOR ALLOCATION			**$ 69,058,000**
I. FUNDING BASED ON ACTUAL COSTS:			
A. Court Employee Retirement Rate & Plan Cost Changes			**(3,560,441)**
B. Staff & Operating Cost for New and Transferring Facilities			948,015
TOTAL FUNDING BASED ON ACTUAL COSTS			**(2,612,426)**
TOTAL FUNDS AVAILABLE FOR ALLOCATION TO COURTS:			71,670,426
II. Court Allocations (Excluding Security)			
A. Inflation & Workforce	$1,835,295,518	2.826%	51,868,193
B. Workload Growth & Equity		0.000%	-
TOTAL COURT ALLOCATIONS (EXCLUDING SECURITY)			
III. Security:	**468,309,250**	2.700%	12,644,350
IV. Trial Court Reimbursement			
A. Unscheduled Reimbursement Programs			
1. Court Appointed Counsel [1]	99,885,977		3,839,468
2. Jury [1]	35,600,778		-
3. Processing of Elder Abuse Protective Orders [1]	368,340		-
B. Scheduled Reimbursement Programs			
1. Interpreters	90,243,077	2.826%	2,550,404
2. CASA	2,228,935	2.826%	62,993
3. Model Self-Help	963,864	2.826%	27,240
4. Equal Access	5,529,058	2.826%	156,259
5. Family Law Information Centers	347,547	2.826%	9,822
6. Civil Case Coordination	435,359	2.826%	12,304
TOTAL TRIAL COURT REIMBURSEMENT TOTAL	**235,602,935**		**6,658,491**
V. Scheduled Local Assistance Programs			
1. Service of Process for Protective Orders	3,524,000	2.700%	95,148
2. Prisoner Hearings Costs	3,004,000	2.700%	81,108
3. Cost of Homicide Trials	299,000	2.700%	8,073
4. Drug Court Projects	1,174,000	2.700%	31,698
5. Equal Access	10,495,000	2.700%	283,365
LOCAL ASSISTANCE PROGRAMS	**$ 18,496,000**		**$ 499,392**
TOTAL FUNDING ALLOCATED TO COURTS			**71,670,426**

1: The CPI Funding adjustments for Jury ($1,006,132) and for Processing of Elder Abuse Protective Orders ($10,410) are added to the CPI funding adjustment for Court Appointed Counsel ($2,822,927) to provide a total funding adjustment of $3,839,468 for this program.