



## Judicial Council of California Administrative Office of the Courts

455 Golden Gate Avenue · San Francisco, California 94102-3688

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on December 13, 2013

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Title

Government Code Section 68106: Public  
Notice by Courts of Closures or Reduced  
Clerks' Office Hours (Gov. Code, § 68106—  
Report No. 23)

Agenda Item Type

Information Only

Date of Report

November 26, 2013

Submitted by

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### Executive Summary

Government Code section 68106 directs (1) trial courts to notify the public and the Judicial Council before closing courtrooms or clerks' offices or reducing clerks' regular office hours, and (2) the council to post all such notices on its website and also relay them to the Legislature. This is the 23rd report to date listing the latest court notices received by the council under this statutory requirement; since the previous report, three superior courts—those of Ventura, Siskiyou, and Yolo Counties—have issued new notices.

### Previous Council Action

In 2010, the Legislature enacted a Judiciary Budget Trailer Bill with fee increases and fund transfers for the courts that also added section 68106 to the Government Code.<sup>1</sup> Section 68106 requires trial courts to notify the public and the Judicial Council in advance of any closures or reductions in service, and the council in turn to post all such notices on its website and report them to the Legislature. Since the enactment of section 68106, a total of 45 courts have issued

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<sup>1</sup> Sen. Bill 857; Stats. 2010, ch. 720, § 13. Attachment A contains the full text of Government Code section 68106, as amended effective January 1, 2011, and June 27, 2012.

notice under its requirements.<sup>2</sup> The Judicial Council has received 22 prior informational reports listing such notices as they have been received.

### **Notices Received From Three Courts Since Last Report**

This is the 23rd report provided to date on trial court notices submitted under Government Code section 68106. Since the previous report, the Judicial Council has received new notices of closures or reduced hours from three trial courts:

1. The Superior Court of **Ventura** County will offer limited services on December 23, 24, 26, and 27, 2013. The majority of courtrooms and all of the clerk's offices will be closed. Criminal custody calendars, preliminary hearings, early disposition conferences (Monday & Tuesday only) and three criminal trial courtrooms will remain open. These days are not court holidays, so statutory deadlines will not be extended. However, drop boxes are currently provided outside each clerical office for filing papers or submitting payments. Documents placed in the boxes by 5:00 p.m. are deemed deposited for filing that same business day. Limited courtrooms will be open to hear urgent juvenile, unlawful detainer, and temporary restraining order issues. (*Attachment B*)
2. Effective January 6, 2014, the Superior Court of **Siskiyou** County will discontinue holding court and conducting court operations in Weed and Happy Camp. Commencing January 6, 2014, all matters currently pending in Weed and Happy Camp are transferred to be heard at the Superior Court located at 311 Fourth Street, Yreka. (*Attachment C*)
3. The Superior Court of **Yolo** County will participate in a reduced calendaring system for normal hearings and trials from Monday, December 23, 2013 through and including Friday, January 3, 2014. The public will have access to all clerk filing windows for filing and payment of fees and fines. Clerk windows will be open from Monday through Friday, 9:00 a.m. to 3:00 p.m., excluding holidays. (*Attachment D*)

### **Mandate in Government Code Section 68106**

In providing fee increases and fund transfers for the courts in the Judiciary Budget Trailer Bill in 2010, the Legislature expressly declared its intention that trial courts remain open to the public on all days that are not judicial holidays and that access to court services for civil litigants be preserved to the extent practicable. Statements in Government Code section 68106 affirmed this intent, and the recent amendment of the statute strengthened it.

Section 68106 imposes the following requirements on trial courts and the Judicial Council:

- Trial courts must provide written notice to the public at least 60 days before closing any courtroom or closing or reducing the hours of clerks' offices, although "[n]othing in this section is intended to affect, limit, or otherwise interfere with regular court management

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<sup>2</sup> All courts' notices are listed and posted at [www.courts.ca.gov/12973.htm](http://www.courts.ca.gov/12973.htm). Some courts have given more than one notice.

decisionmaking, including calendar management and scheduling decisions.”<sup>3</sup> The trial court is to provide this notice “by conspicuous posting within or about its facilities, on its public Internet Web site, by electronic distribution to individuals who have subscribed to the court’s electronic distribution service, and to the Judicial Council . . . .”<sup>4</sup> The notice must describe the scope of the closure or reduction in hours, state the financial constraints or other reasons that make the closure or reduction necessary, and invite public comment.<sup>5</sup> Courts expressly are *not* obligated to respond to comments received.<sup>6</sup> If a court changes its plan “as a result of the comments received or for any other reason” during the 60-day notice period, it must “immediately provide notice to the public” by posting and distributing “a revised notice” using the procedure previously described, including distribution to the council.<sup>7</sup> The change in plan does not require notification, however, beyond the original 60-day period.<sup>8</sup>

- The Judicial Council must, within 15 days of receiving a notice from a trial court, “conspicuously” post the notice “on its Internet Web site” and forward a copy to the chairs and vice-chairs of both houses’ Committees on the Judiciary, the chair of the Assembly Committee on Budget, and the chair of the Senate Committee on Budget and Fiscal Review.<sup>9</sup>

## Implementation Efforts

The Administrative Office of the Courts (AOC), which carries out the directives of the Judicial Council, notified all trial court presiding judges and court executive officers of the enactment of this statutory mandate, and the AOC’s Legal Services Office (LSO) provided legal guidance to help courts comply with the requirements of the statute. Trial courts have been requested to e-mail such notices to Debora Morrison, LSO Senior Attorney, who has provided legal review of the courts’ notices since Government Code section 68106 first took effect in 2010.

To fulfill the Judicial Council’s obligations under section 68106, the AOC has placed on the home page of the California Courts website a prominent link to the Reduced Court Services page ([www.courts.ca.gov/12973.htm](http://www.courts.ca.gov/12973.htm)), which contains a summary of Government Code section 68106 and all notices received from trial courts about closures of courtrooms or clerks’ offices or reductions in clerks’ office hours.<sup>10</sup> Since the previous report to the council, the notices from the courts detailed above have been added to the web page. The AOC has also forwarded the notices from these courts to the designated legislative leaders.

## Attachments

Attachment A: Government Code section 68106

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<sup>3</sup> Gov. Code, § 68106(c).

<sup>4</sup> *Id.*, § 68106(b)(1).

<sup>5</sup> *Id.*, § 68106(b)(1), (2)(A).

<sup>6</sup> *Id.*, § 68106(b)(2)(B).

<sup>7</sup> *Id.*, § 68106(b)(3).

<sup>8</sup> *Id.*, § 68106(b)(2)(A).

<sup>9</sup> *Id.*, § 68106(b)(3).

<sup>10</sup> The Reduced Court Services page has been updated recently, so that court notices now are grouped according to whether the 60-day period has expired or not, making it easier to identify new notices at a glance.

Attachment B: Notice from the Superior Court of Ventura, October 17, 2013  
Attachment C: Notice from the Superior Court of Siskiyou, November 7, 2013  
Attachment D: Notice from the Superior Court of Yolo, November 8, 2013

**Government Code section 68106:**

(a) (1) In making appropriations for the support of the trial courts, the Legislature recognizes the importance of increased revenues from litigants and lawyers, including increased revenues from civil filing fees. It is therefore the intent of the Legislature that courts give the highest priority to keeping courtrooms open for civil and criminal proceedings. It is also the intent of the Legislature that, to the extent practicable, in the allocation of resources by and for trial courts, access to court services for civil litigants be preserved, budget cuts not fall disproportionately on civil cases, and the right to trial by jury be preserved.

(2) Furthermore, it is the intent of the Legislature in enacting the Budget Act of 2010, which includes increases in civil and criminal court fees and penalties, that trial courts remain open to the public on all days except judicial holidays, Saturdays, and Sundays, and except as authorized pursuant to Section 68115.

(b)(1) A trial court shall provide written notification to the public by conspicuous posting within or about its facilities, on its public Internet Web site, and by electronic distribution to individuals who have subscribed to the court's electronic distribution service, and to the Judicial Council, not less than 60 days prior to closing any courtroom, or closing or reducing the hours of clerks' offices during regular business hours on any day except judicial holidays, Saturdays, and Sundays, and except as authorized pursuant to Section 68115. The notification shall include the scope of the closure or reduction in hours, and the financial constraints or other reasons that make the closure or reduction necessary.

(2)(A) The notification required pursuant to paragraph (1) shall include information on how the public may provide written comments during the 60-day period on the court's plan for closing a courtroom, or closing or reducing the hours of clerks' offices. The court shall review and consider all public comments received. If the court plan for closing a courtroom, or closing or reducing the hours of clerks' offices, changes as a result of the comments received or for any other reason, the court shall immediately provide notice to the public by posting a revised notice within or about its facilities, on its public Internet Web site, and by electronic distribution to individuals who have subscribed to the court's electronic distribution service, and to the Judicial Council. Any change in the court's plan pursuant to this paragraph shall not require notification beyond the initial 60-day period.

(B) This paragraph shall not be construed to obligate courts to provide responses to the comments received.

(3) Within 15 days of receipt of a notice from a trial court, the Judicial Council shall conspicuously post on its Internet Web site and provide the chairs and vice chairs of the Committees on Judiciary, the Chair of the Assembly Committee on Budget, and the Chair of the Senate Committee on Budget and Fiscal Review a copy of any notice received pursuant to this subdivision. The Legislature intends to review the information obtained pursuant to this section to ensure that California trial courts remain open and accessible to the public.

(c) Nothing in this section is intended to affect, limit, or otherwise interfere with regular court management decisionmaking, including calendar management and scheduling decisions.



## **PUBLIC NOTICE**

(Government Code §68106)

### **Superior Court of California, County of Ventura December 23, 24, 26, and 27, 2013 – Limited Operations**

Pursuant to *Government Code* §68106, the Superior Court of California, County of Ventura, is providing sixty (60) days notice of limited operation days.

The majority of the courtrooms and all of the clerk's offices will be closed on December 23, 24, 26, and 27 2013 to mitigate the impact of employee furlough days on court operations. Criminal custody calendars, preliminary hearings, early disposition conferences (Monday & Tuesday only) and three criminal trial courtrooms will remain open.

These days are not court holidays, so statutory deadlines will not be extended. However, drop boxes are currently provided outside each clerical office for filing papers or submitting payments. Documents placed in the boxes by 5:00 p.m. are deemed deposited for filing that same business day. Most cases already calendared for hearing will be rescheduled and the affected parties notified by the court. An exterior walk-up window on the north side of the Hall of Justice at the Government Center near parking lots A, B and C will be open until 6:45 p.m. and the East County Courthouse walk-up window will be open until 4:45 p.m. for handling criminal/traffic and collections payments only. Limited courtrooms will be open to hear urgent juvenile, unlawful detainer, and temporary restraining order issues.

These dates were selected to minimize the impact on the public and court staff as court business is generally the slowest during the holiday season.

While the court regrets having to take the above actions, it is required to address the continued reduction in funding to the California court system. The 2013-14 fiscal year is the first time in five years that no additional budget reductions were made to the judicial branch. However, the trial courts are still dealing with the prior year's statewide reduction of \$261 million. Ventura Superior Court's share of the statewide reduction is \$4.5 million, which is also the amount of the court's structural budget deficit. The court's structural deficit is \$2.7 million lower than the 2012-13 fiscal year deficit. So while the situation has improved, the court's budget is still \$4.5 million short of revenue that is required to fully operate.

Anyone wishing to comment on this proposed plan may do so, either by regular mail or e-mail, by December 15, 2013. Please direct your response to:

Michael D. Planet, Court Executive Officer  
P.O. Box 6489  
Ventura, CA 93006-6489  
or

[closuresresponse@ventura.courts.ca.gov](mailto:closuresresponse@ventura.courts.ca.gov)



**Superior Court of California  
County of Siskiyou**

**311 Fourth Street  
Yreka, California 96097**

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Mary Frances McHugh, Court Executive Officer  
(530) 842-8218 Telephone  
(530) 842-8339 Fax  
[mchugh@siskiyou.courts.ca.gov](mailto:mchugh@siskiyou.courts.ca.gov)

**Notice of Discontinuance of Court Sessions and Court  
Operations in Weed, California and Happy Camp, California**

Pursuant to California Government Code Section 68106(b), the Superior Court of California, County of Siskiyou hereby gives notice and seeks public comment concerning its proposal to cease to discontinue holding court and conducting court operations in Weed, California and Happy Camp, California, effective January 6, 2014.

The court currently holds session in Happy Camp the Second Monday of every other month, hearing infraction cases, small claims, and juvenile traffic matters. The Court currently holds session in Weed every Tuesday, hearing infraction cases, small claims, and misdemeanor arraignments. The Court does not conduct any other operations in Happy Camp, Ca. The Court maintains office hours for the clerk of the court in Weed Mondays through Fridays, from 8:00 AM to 4:00 PM.

Commencing January 6, 2014, all matters currently pending in Weed, California and Happy Camp, California are transferred to be heard at the Superior Court located at 311 Fourth Street, Yreka, California 96097. Commencing January 6, 2014, no court operations will occur in Weed, California or Happy Camp, California, and, no court sessions will be held in either location.

The proposed change is necessary due to conditions more fully described in the Report of the Court Executive Officer to the Presiding Judge and Judges dated November 4, 2013:

- 1. Current financial crisis**—Siskiyou Superior Court's state allocated funding has been cut by more than \$1.6 million since FY 2011-12. As a result, the court has not been able to fill vacancies and has had to eliminate vacant staff positions. The Court has a budgeted deficit of \$308,495 for the FY 2013-14. This action will allow the Court to consolidate staff to achieve efficiencies of operations to maintain access to justice for the public. The Weed facility rental cost will not be

a savings for the Court as the Court is not the lessee of the facility and does not pay the rent; the need for this action is due to the reduction of funding and the resulting inability of the Court to staff the Weed and Happy Camp locations.

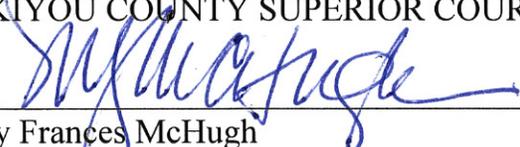
- 2. Desire for staff and calendar efficiency** — Currently, due to the loss of personnel, the ability of the Court to maintain public hours in all locations is adversely impacted. All but one Court Division is closed during the noon hour to accommodate breaks required by federal law. It has become problematic to maintain public window hours and staff courtroom operations because of these constraints. This action will allow the Court greater flexibility and efficiency in scheduling, which in turn will free staff for other duties and restore public access hours in the Main Courthouse. It will also conserve the resources of judicial staff, clerk staff, and security staff which will be redeployed at the Main Courthouse.

The Report of the Court Executive Officer to the Presiding Judge and Judges dated November 4, 2013, is available at the Court's website in the Section: "Important Notices" and is incorporated in this Notice by this reference.

This action will be effective January 6, 2014. The public may provide comment regarding the Court's action during the sixty (60) day period. The manner of providing public comment is by the submission of written comments. Written comments may be submitted in person, by mail, fax, or e-mail to the attention of Court Executive Officer Mary Frances McHugh.

Date: November 7, 2013

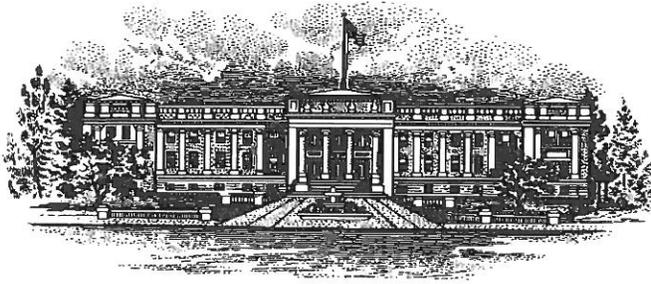
SISKIYOU COUNTY SUPERIOR COURT

By: 

Mary Frances McHugh  
Court Executive Officer

Posted 11-7-13 (website and Courthouse bulletin boards)

J:\ADMINISTRATION\NOTICES TO PUBLIC\11-7-13 WEED AND HAPPY CAMP FACILITIES CLOSURE NOTICE.DOC



## Superior Court

Of the State of California for the  
COUNTY OF YOLO  
Executive Office  
725 Court Street, Room 308  
Woodland CA 95695  
[www.yolo.courts.ca.gov](http://www.yolo.courts.ca.gov)  
(530) 406-6838

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# **PUBLIC NOTICE**

## **Pursuant to Government Code Section 68106**

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**November 7, 2013**

### **Notice of Temporary Reduction in Calendaring System for Normal Hearings and Trials**

Pursuant to Government Code Section 68106, the Superior Court of California, County of Yolo is providing notice of participation in a reduced calendaring system for normal hearings and trials from **Monday, December 23, 2013 through and including Friday, January 3, 2014.**

Department 9, located at 213 Third Street, Woodland, is designated as the primary department to hear no-time waiver criminal matters, as well as emergency civil and family law cases. Law and motion matters will be heard at 8:30 a.m. and in-custody arraignments will be heard at 1:30 pm. Additionally, on Tuesday, December 24<sup>th</sup> and December 31<sup>st</sup> in-custody arraignments will be heard at 11:00 a.m. in Department 9.

Department 5, located in the Main Courthouse at 725 Court Street, Room 114, Woodland, will hear juvenile matters.

Department 7, and is the designated backup department.

Attorneys and members of the public will have access to all clerk filing windows for filing and payment of fees and fines. Clerk windows will be open from Monday through Friday, 9:00 a.m. to 3:00 p.m., excluding holidays.

Based on Judicial Branch budget cuts Yolo Superior Court will participate in a two-week reduced calendaring program to allow staff to complete mandatory training and work on reducing the court backlogs. The court will continue to hear mandated and emergency court matters. All filing and payment windows will remain open during regular business hours.