



Judicial Council of California . Administrative Office of the Courts

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on July 25, 2013

Title	Agenda Item Type
Judicial Branch Administration: Audit Report for Judicial Council Acceptance	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
None	July 25, 2013
Recommended by	Date of Report
Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch	July 9, 2013
Hon. Richard D. Huffman, Chair	Contact
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Administrative Office of the Courts
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Executive Summary

The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch (A&E) and the Administrative Office of the Courts (AOC) recommend that the Judicial Council accept the audit report entitled *Audit of the Superior Court of California, County of Santa Barbara*. This acceptance complies with the policy approved by the Judicial Council on August 27, 2010, which specifies Judicial Council acceptance of audit reports as the last step to finalization of the reports before their placement on the California Courts public website to facilitate public access. Acceptance and publication of these reports will enhance accountability and provide the courts with information to minimize financial, compliance, and operational risk.

Recommendation

The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch and the Administrative Office of the Courts recommend that the Judicial Council, effective July 28, 2013, accept the following “pending” audit report:

1. Audit report dated November 2012 entitled: *Audit of the Superior Court of California, County of Santa Barbara.*

This acceptance will result in the removal of the “pending” watermark, and the audit report will then be placed on the California Courts public website.

Previous Council Action

The Judicial Council at its August 27, 2010, business meeting approved the following two recommendations, which established a new process for review and acceptance of audit reports:

1. Audit reports will be submitted through the Executive and Planning Committee to the Judicial Council. Audit reports will not be considered “final audit reports” until formally accepted by the council.
2. All final audit reports will be placed on the California Courts public website to facilitate public access. This procedure will apply to all audit reports accepted by the Judicial Council after approval of this recommendation.

Rationale for Recommendation

Council acceptance of audit reports submitted by A&E through the Executive and Planning Committee is consistent with the council’s policy for such matters (described under “Previous Council Action”) and with its responsibility under Government Code section 77009(h), which states that “[t]he Judicial Council or its representatives may perform audits, reviews, and investigations of superior court operations and records wherever they may be located.”

Comments, Alternatives Considered, and Policy Implications

A&E Committee comments

The A&E Committee reviewed the report and the issues discussed within the audit report with particular attention focused on the issues contained in the Management Summary. The concerns included the repeat issues noted, particularly in the area of accounts payable practices. The three primary areas of discussion and current actions that the Court has taken to address the issues after recent discussions with it are listed below.

1. **Distribution of collections.** The court did not distribute certain collections as prescribed by statutes and guidelines and this is a repeat from the prior audit. Of particular concern was that the Vehicle Code section 40508.6(a) \$10 administrative fee for subsequent convictions was assessed in seven of nine applicable cases reviewed even though no prior convictions existed.

Current court actions to address the issue. The Court has initiated programming and operational actions to ensure that the fee is not assessed on the first conviction.

2. **Procurement practices.** In reviewing selected procurement and purchase card transactions it was noted that the court did not have on file written purchase authorizations, such as an approved purchase requisition or other written purchase authorization, for eight procurement transactions and six purchase card transactions. Of particular concern was that for one of the 15 purchase card transactions reviewed the court purchased items for a holiday party for court staff. The amount spent was approximately \$1,400 for food, gifts, and supplies. The purchase of holiday party items utilizing court funds is a questionable use of public funds and is unallowable per Article 16, Section 6, of the California Constitution.

Current court actions to address the issue. The Court has been reimbursed in full for the prizes/gifts that were purchased using Court funds and which were not covered by donations from Court management and judicial officers.

3. **Allowability per California rules of court for payments for juror parking spaces.** Although the auditors requested a copy, the court did not provide the requested Memorandum of Understanding (MOU) or other agreement with the county for juror parking spaces. As a result, they could not determine whether services charged by the county are covered under an MOU or other agreement, whether accounts payable staff matched and agreed the county invoice to the terms of an MOU or other agreement prior to payment, and whether costs charged by the county agree to costs identified in an MOU or other agreement. Nevertheless, expenses paid by the court for juror parking spaces are unallowable per California Rules of Court, Rule 10.810(d), Function 2.

Current court actions to address the issue. The Court is in the process of submitted a Court-Funded Facilities Request to the AOC for approval under the policy approved by the Judicial Council at its June 28, 2013 meeting.

Comments and policy implications

The process established for finalizing an audit report, a process that has been thoroughly discussed with judicial branch leadership, involves extensive reviews and discussions with the entity being audited. It also allows, at any point in the process, for the entity (trial courts generally) to request an additional review of the draft audit report by the Chief of Staff before the audit report is placed in a pending status and presented to A&E for review and discussion. At that point, additional comments from A&E could result in further discussions with the entity being audited before the committee recommends submission of the report to the council for acceptance.

A&E in its review of audit reports generally has comments and questions that, in some cases, require additional analysis or discussion with the trial courts whose audit reports are presented to

it. Internal Audit Services will ensure that any analysis, comments and questions are addressed with the results provided to A&E.

Additionally, the Judicial Council, in December 2009, adopted rule 10.500 of the California Rules of Court, effective January 1, 2010, which provides for public access to nondeliberative or nonadjudicative court records. Final audit reports are among the judicial administrative records that are subject to public access unless an exemption from disclosure is applicable. The exemptions under rule 10.500(f) include records whose disclosure would compromise the security of a judicial branch entity or the safety of judicial branch personnel. As a result, confidential or sensitive information that would compromise the security of the court or the safety of judicial branch personnel is omitted from audit reports. In accordance with auditing standards, disclosure of the omissions is included in the applicable reports.

Alternatives

No alternatives were considered because the recommendation is consistent with approved council policy and with the provisions of Government Code section 77009(h).

Implementation Requirements, Costs, and Operational Impacts

The proposed recommendation imposes no specific implementation requirements or costs, other than the requirement to disclose the attached audit reports through online publication.

Relevant Strategic Plan Goals and Operational Plan Objectives

The recommendation contained in this report pertains to the activities of IAS and the role it plays in the judicial branch as an independent appraisal entity. IAS's role as an evaluator is important for both the strategic plan and the operational plan of the judicial branch. Specifically, IAS plays an important role as evaluator under Goal II, Independence and Accountability—in particular Goal II.B.4—by helping to “[e]stablish fiscal and operational accountability standards for the judicial branch to ensure the achievement of and adherence to these standards.” Additionally, IAS has an important role in fulfilling several of the objectives of the operational plan related to Goal II because its work pertains to the requirement that the branch “maintain the highest standards of accountability for its use of public resources and adherence to its statutory and constitutional mandates.” Part of the role and responsibility of IAS also relates to Objective II.B.4 because the audit reports it produces help to “[m]easure and regularly report branch performance.”

Attachments

There are no attachments to this report. The following audit report will be placed on the California Courts public website (<http://www.courts.ca.gov/12050.htm>) after the Judicial Council has accepted it:

1. Audit report dated November 2012 entitled: *Audit of the Superior Court of California, County of Santa Barbara.*