



JUDICIAL COUNCIL  
OF CALIFORNIA

TRIAL COURT BUDGET  
ADVISORY COMMITTEE

[www.courts.ca.gov/tcbac.htm](http://www.courts.ca.gov/tcbac.htm)  
[tcbac@jud.ca.gov](mailto:tcbac@jud.ca.gov)

**TRIAL COURT BUDGET ADVISORY COMMITTEE**

**FISCAL PLANNING SUBCOMMITTEE**

**OPEN MEETING AGENDA**

Open to the Public (Cal. Rules of Court, rule 10.75(c)(1))

THIS MEETING IS BEING RECORDED

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**Date:** November 10, 2016  
**Time:** 2:00 p.m. - 2:30 p.m.  
**Location:** Veranda Room, 2860 Gateway Oaks Drive, Suite 400  
Sacramento, CA 95833  
**Public Call-In Number** 1-877-820-7831, Pass code: 3775936 (listen only)

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Meeting materials will be posted on the advisory body web page on the California Courts website at least three business days before the meeting.

Agenda items are numbered for identification purposes only and will not necessarily be considered in the indicated order.

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**I. OPEN MEETING (CAL. RULES OF COURT, RULE 10.75(C)(1))**

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**Call to Order and Roll Call**

**Approval of Minutes from the October 4, 2016 Meeting**

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**II. PUBLIC COMMENT (CAL. RULES OF COURT, RULE 10.75(K)(2))**

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**Public Comment**

The public may submit written comments for this meeting. In accordance with California Rules of Court, rule 10.75(k)(1), written comments pertaining to any agenda item of a regularly noticed open meeting can be submitted up to one complete business day before the meeting. Comments should be e-mailed to [tcbac@jud.ca.gov](mailto:tcbac@jud.ca.gov). Only written comments received by November 9, 2016 at 2:00 p.m. will be provided to advisory body members. The chairs may elect to receive and consider comments that are received late. Written comments received in a timely manner will be provided to advisory members before the start of the meeting or as soon as reasonably practicable during the meeting. Written comments are also posted to [www.courts.ca.gov/tcbac.htm](http://www.courts.ca.gov/tcbac.htm).

Members of the public requesting to speak during the public comment portion of the meeting must place the speaker's name, the name of the organization that the speaker represents if any, and the agenda item that the public comment will address, on the public comment sign-up sheet. The sign-up sheet will be available at the meeting location at least one hour prior to the meeting start time. The co-chairs will establish speaking limits at the beginning of the public comment session. While the advisory body welcomes and encourages public comment, time may not permit all persons requesting to speak to be heard at this meeting.

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**III. DISCUSSION AND POSSIBLE ACTION ITEMS (ITEMS 1-2)**

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**Item 1**

**Consideration of Trial Court Trust Fund Funds Held on Behalf of the Trial Courts Requests (Action Item)**

Consideration of whether to recommend that the Judicial Council approve Trial Court Trust Fund funds to be held on behalf of the trial courts in response to one request from one trial court.

Presenter(s)/Facilitator(s): Hon. Jonathan B. Conklin, Chair, Superior Court of California, County of Fresno; Hon. Glenda Sanders, Superior Court of California, County of Orange; Hon. Winifred Younge Smith, Superior Court of California, County of Alameda; Mr. Kevin Harrigan, Superior Court of California, County of Glenn; Mr. Michael D. Planet, Superior Court of California, County of Ventura; Mr. Brian Taylor, Superior Court of California, County of Solano; Mr. David H. Yamasaki, Superior Court of California, County of Santa Clara; and Colin Simpson, Judicial Council Budget Services

**Item 2**

**Open Discussion (Discussion Item)**

Presenter(s)/Facilitator(s): Hon. Jonathan B. Conklin

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**IV. INFORMATION ONLY ITEMS (NO ACTION REQUIRED)**

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None

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**V. ADJOURNMENT**

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Adjourn.



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**TRIAL COURT BUDGET ADVISORY COMMITTEE**

**FISCAL PLANNING SUBCOMMITTEE**

**Materials for November 10, 2016 Meeting**

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TRIAL COURT BUDGET ADVISORY COMMITTEE

FISCAL PLANNING SUBCOMMITTEE

MINUTES OF OPEN MEETING

October 4, 2016

8:00 a.m. – 9:00 a.m.

Veranda Room A and B, 2860 Gateway Oaks Drive, Suite 400  
Sacramento, CA 95833

1-877-820-7831, Pass code: 3775936 (listen only)

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- Members Present:** Judges: Hon. Jonathan B. Conklin (Chair).  
Executive Officers: Mr. Kevin Harrigan, Mr. Michael D. Planet, Mr. Brian Taylor  
and Mr. David H. Yamasaki.
- Members Absent:** Judges: Hon. Glenda Sanders and Hon. Winifred Younge Smith
- Others Present:** Superior Courts: Mr. Alan Carlson (Orange), Mr. Richard Feldstein (Napa), Ms.  
Casie Hill (Santa Barbara), Mr. Stephen Nash (Contra Costa), Mr. Darrel Parker  
(Santa Barbara), and Ms. Chris Ruhl (Mendocino).  
Judicial Council staff: Mr. Colin Simpson.

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OPEN MEETING

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**Call to Order and Roll Call**

The chair called the meeting to order at 8:00 a.m., and took roll call.

**Approval of Minutes**

The subcommittee reviewed and approved the minutes of the July 7, 2016 Trial Court Budget Advisory Committee (TCBAC) Fiscal Planning Subcommittee meeting.

**Public Comment**

None received.

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DISCUSSION AND ACTION ITEMS (ITEMS 1-3)

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**Item 1**

**Consideration of Trial Court Trust Fund Funds Held on Behalf of the Trial Courts Requests  
(Action Item)**

The subcommittee unanimously approved one recommendation for the Judicial Council, effective October 28, 2016, to allocate and designate \$23,699 in Trial Court Trust Fund fund balance to the Superior Court of Mendocino County and \$243,860 to the Superior Court of Napa County from funding to be reduced from the courts' allocations in fiscal year 2016–2017 as a result of the courts' exceeding the 1 percent fund balance cap because of contracts that exceeded their three-year term. The funds would be distributed to the courts in FY 2016–2017.

**Item 2**

**Consideration of Children's Waiting Room Fund Balance Cap Adjustment Requests  
(Action Item)**

The subcommittee approved two recommendations to the Trial Court Budget Advisory Committee listed below with votes provided in parentheses next to each recommendation:

1. Increase the amount of the FY 2016–2017 cap on the Children's Waiting Room fund balance the courts can carry forward from one fiscal year to the next by \$67,946 for the Superior Court of Contra Costa County, \$552,329 for the Superior Court of Orange County, and \$455,732 for the Superior Court of Santa Barbara County (Unanimous).
2. Review, and clarify if necessary, the *Children's Waiting Room (CWR) Distribution and Fund Balance Policy* regarding CWR cap adjustment requests covering more than one fiscal year. (Unanimous).

**Item 3**

**Open Discussion (Discussion Item)**

No action taken.

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**A D J O U R N M E N T**

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There being no further business, the meeting was adjourned at 8:40 a.m.

Approved by the subcommittee on.

**Summary of Requests for TCTF Funds to be Held on Behalf of the Court**

<u>#</u>	<u>Court</u>	<u>Amount</u>	<u>Time Period</u>	<u>Category</u>	<u>Quick Summary</u>
1	Santa Barbara	732,981	2016-17	Project extending beyond 3-year term	Delayed implementation of Tyler Case Management System
	<b>Total</b>	<b>732,981</b>			

## ***Judicial–Council Approved Process, Criteria, and Required Information for Trial Court Trust Fund Fund Balance Held on Behalf of the Courts***

### **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 copy machine 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 Administrative Director by the court’s presiding judge or court executive officer.
  - c. The Administrative Director will forward the request to the Judicial Council director of Finance.
  - d. Finance budget 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 a formal review body consisting of members from the Trial Court Budget Advisory Committee (TCBAC); the TCBAC subgroup 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 Finance office budget staff will issue a final report on behalf of the TCBAC subgroup for the council.
  - e. The final report to the TCBAC review subgroup and the Judicial Council will be provided to the requesting court before the report is made publicly available on the California Courts website.
  - f. The court may send a representative to the TCBAC review subgroup 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 Administrative Director 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.

### **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.

## **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*)

## APPLICATION FOR TCTF FUNDS HELD ON BEHALF OF THE COURT

Please check the type of request:

**NEW REQUEST** *(Complete Section I, III, and IV only.)*

**AMENDED REQUEST** *(Complete Sections I through IV.)*



### SECTION I: GENERAL INFORMATION

**SUPERIOR COURT:**

Santa Barbara

**PERSON AUTHORIZING REQUEST** *(Presiding Judge or Court Executive Officer):*

**Darrel E. Parker, Court Executive Office**

**CONTACT PERSON AND CONTACT INFO:**

Casie Hill, CFO, 805-882-4682

**DATE OF SUBMISSION:**

8/19/2016

**TIME PERIOD COVERED BY THE REQUEST, INCLUDING CONTRIBUTION AND EXPENDITURE:**

12 Months

**REQUESTED AMOUNT:**

**\$732,981**

**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 has entered into a multi-year contract with Tyler Inc. for the implementation of the Odyssey Case Management System. While working with the vendor it has become evident that the product is not functioning at a level acceptable to our Court. This revelation has led to an unanticipated delay. We are working in good faith to bring the product and configuration to the most productive level. We continue to work toward an expeditious implementation but have entered into another fiscal year. The Santa Barbara Superior Court has not expended all of the budgeted funds in the fiscal year in which we expected them to be exhausted. As milestones in performance of the vendor are scheduled farther out so are the commensurate payments. The Court has also slowed the acquisition of additional computers, monitors, scanners and other equipment which will be necessary to complete the installation. Additional personnel efforts are also necessary to complete the implementation, and come with their own costs. Therefore, the Court must carry funds forward to meet the anticipated expenses which have been pushed farther out than originally scheduled. In summary, we would like to use these carried over funds towards the completion of our case management project towards the following: final vendor deliverables \$193,670, continuation of old case management maintenance expense for partial year of \$145,833, technology equipment \$200,000, and extra-help and overtime \$329,932. These delayed expenses exceed the use of the requested amount so we will use operations funds to cover the difference. This application is being submitted to seek authorization to carry those monies into the next fiscal year.

### 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.**

We have fully expensed the encumbrances we allocated to the vendor and our FY 2015/16 budget had the expenditures budgeted to implement the new case management system. Unfortunately, due to unforeseen delays, we were not able to implement in FY2015/16. This request is for the Santa Barbara Superior Court to have the opportunity to use the excess funds that were intended for this implementation, but use the funds in FY2016/17.

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

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

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

Odyssey, the new case management system, has already added efficiency to our civil, family law and probate operations by virtually eliminating paper files. Case files are now electronically delivered to the courtrooms. Since the files are all scanned and exist in the database of the document management system, there are no lost files. This has saved hours of staff time from searching for physical files in judge's chambers, clerk's offices and research attorney offices. With the introduction of e-filing, the Court has reduced the need for attorneys and other litigants to file physical paperwork at the Clerk's Office. E-filing is web-based and available from the attorney or litigant's desktop. When most parties are electronically filing, the Court will also be able to dramatically reduce the number of staff hours dedicated to scanning documents. Granting this request will allow us to expand similar services in the criminal, traffic and juvenile operations. Additionally, continuing our work on the next phase will permit litigants, lawyers, the public and the media to gain electronic access to records on line, as allowed and appropriate. When we complete electronic access to records in the coming year, we expect to make two full-time positions available for functions other than making copies of documents and mailing or faxing them to requesting parties.

**If a cost efficiency, please provide cost comparison (table template provided).**

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

A denial of this request would be devastating to our organization. We have invested years of time, effort and equipment into this next phase of the case management system implementation. We lack the resources to continue without the carryover of these funds. The next phase includes electronic payments, which is needed to replace our outdated system. Further, this implementation will allow us to move off of our current interactive voice response system and interactive web response system, which is inadequate, to a more contemporary architecture and system of response. A denial of this request would compel us to maintain two separate case management systems. We are banking on saving money once we are completely weaned off our current criminal, traffic and juvenile case management system, Sustain Justice Edition. Denying this request would force us to remain using both Sustain and Odyssey. Once we cease use of the Sustain system we will save \$250,000 annually in support expenses. Remaining on both systems will be cost prohibitive. The move to a paperless system with electronic filing is a move into the future. Denying this request would anchor us squarely in the past, wedding us to outdated labor intensive processes. Our Court is a "donor" court under the Workload Allocation Funding Methodology. We have seen a 25% reduction in staffing and no ability to provide negotiated salary increases. The only way to address the press of labor's issues is to reduce our reliance on expensive positions. Our investment in Odyssey has already begun to yield results. We must continue this project in order to gain further efficiencies and free up resources to meet the stated demands. Finally, we have a contractual obligation with this vendor, Tyler, Inc. While both parties have continued in good faith, we may be subject to litigation if we are unable to meet our financial commitment to this vendor.

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

Granting permission to use the carried-over funds permits the Court to provide electronic access to court records. This enhancement will provide greater access to court records over the internet through the vendor's portal. Without the use of these monies, litigants, lawyers, the media and the public will continue to be compelled to drive to the courthouse to obtain copies of documents, none of which are electronically available. Many of these documents are required by divorcing couples who need final copies of their judgments to enroll children in school, seek medical treatment, retire or re-marry, and often the documents are needed in short order. Vandenberg Air Force base is within our jurisdiction and litigants from this community move frequently. Gaining access to documents electronically expands access to justice. Denying the use of these funds would close the door to electronic access.

Due to funding and staff reductions, our court closes the door to the clerk's office and shuts off the phones in the early afternoon allowing staff work time away from interruption. Providing electronic access affords 24-hour access to important information and critical documents. We are now pursuing a further reduction in telephone hours in order make limited staff available to complete critical tasks uninterrupted. Denying electronic access to information at the same time we are looking to reduce public service hours exacerbates the access problem for all involved.

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

The only alternative available to the Court is to maintain two different case management systems. This is cost prohibitive as the maintenance cost for the Tyler Odyssey system is \$199,000 annually and the cost of the current Sustain system is \$250,000 annually. If the Court is unable to complete the next phase of implementation and move off of the Sustain platform we will be compelled to pay two maintenance fees or go without support.

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

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

Attached

**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**

Attached

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

Attached

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

N/A