



JUDICIAL COUNCIL
OF CALIFORNIA

TRIAL COURT BUDGET
ADVISORY COMMITTEE

TRIAL COURT BUDGET ADVISORY COMMITTEE

MATERIALS FOR MARCH 30, 2017

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TRIAL COURT BUDGET
ADVISORY COMMITTEE

www.courts.ca.gov/tcbac.htm
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 CONDUCTED BY ELECTRONIC MEANS
THIS MEETING IS BEING RECORDED

Date: March 30, 2017
Time: 12:00 p.m. - 1:00 p.m.
Public Call-in Number: 1-877-820-7831, Pass code: 1884843 (listen only)

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.

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

Call to Order and Roll Call

Approval of Minutes

Approve minutes of the November 10, 2016, Trial Court Budget Advisory Committee - Fiscal Planning Subcommittee meeting.

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

Written Comment

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. For this specific meeting, comments should be e-mailed to tcbac@jud.ca.gov or mailed or delivered to 2850 Gateway Oaks, Suite 300, Sacramento, CA 95833, attention: Suzanne Blihovde. Only written comments received by March 29, 2017 will be provided to advisory body members prior to the start of the meeting.

III. DISCUSSION AND POSSIBLE ACTION ITEMS (ITEMS 1-3)

Item 1

Consideration of continued receipt of Children's Waiting Room (CWR) funds to Superior Court of California, County of Monterey (Action Required)

Beginning in July 2014, the Superior Court of California, County of Monterey began receiving funds to establish and maintain a Children's Waiting Room (CWR). It was anticipated that the room would open during FY 2015-16. Due to delays, the CWR has not opened. The Superior Court of California, County of Monterey would like to continue receiving the funds.

Presenter(s)/Facilitator(s): Hon. Jonathan B. Conklin, Chair, Superior Court of California, County of Fresno; Mr. Felipe Navarro, Chief Administrative Officer, Superior Court of California, County of Monterey; Mr. Colin Simpson, Chief Financial Officer, Superior Court of California, County of Monterey; and Ms. Suzanne Blihovde, Senior Budget Analyst, Judicial Council Budget Services

Item 2

Consideration of distribution of funds for CWR to Superior Court of California, County of San Joaquin (Action Required)

The Superior Court of California, County of San Joaquin is requesting distribution of CWR funds pursuant to Government Code 70640. The requested distribution amount is \$5 per filing fee, for an estimated \$73,000 annually. The funds will be used to facilitate CWR services for the first time in San Joaquin County.

Presenter(s)/Facilitator(s): Hon. Jonathan B. Conklin, Chair, Superior Court of California, County of Fresno; Ms. Rosa Junqueiro, Court Executive Officer, Superior Court of California, County of San Joaquin; Ms. Linda Courtright, Chief Financial Officer, Superior Court of California, County of San Joaquin; Ms. De Ette Goni, Management Analyst, Superior Court of California, County of San Joaquin; and Ms. Suzanne Blihovde, Senior Budget Analyst, Judicial Council Budget Services

Item 3

Discussion on the Trial Court Trust Fund (TCTF) Funds Held on Behalf policy (Discussion Item)

Discussion on impact of continuing delays in case management projects on TCTF Funds Held on Behalf requests and a review of the current Judicial Council approved policy.

Presenter(s)/Facilitator(s): Hon. Jonathan B. Conklin, Chair, Superior Court of California, County of Fresno; Ms. Suzanne Blihovde, Senior Budget Analyst, Judicial Council Budget Services

IV. INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

None

V. ADJOURNMENT

Adjourn



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TRIAL COURT BUDGET ADVISORY COMMITTEE
FISCAL PLANNING SUBCOMMITTEE

MINUTES OF OPEN MEETING

November 10, 2016

2:00 p.m. - 2:30 p.m.

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

Sacramento, CA 95833

1-877-820-7831, Participant Code 3775936

Advisory Body Members Present: Judges: Hon. Jonathan B. Conklin (Chair), Hon. Glenda Sanders, and Hon. Winifred Younge Smith.

Executive Officers: Mr. Kevin Harrigan, Mr. Michael D. Planet, Mr. Brian Taylor, and Mr. David H. Yamasaki.

Advisory Body Members Absent:

Others Present: Mr. Colin Simpson

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 2:00 p.m. Members introduced themselves, and roll was called.

Approval of Minutes

The advisory body reviewed and approved the minutes of the October 4, 2016

DISCUSSION AND ACTION ITEMS (ITEMS 1-3)

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

Action: Fiscal Planning Subcommittee recommends that the Judicial Council, effective December 15, 2016, allocate and designate \$732,981 in Trial Court Trust Fund fund balance to the Superior Court of Santa Barbara County from funding to be reduced from the court's allocation in fiscal year (FY) 2016-2017 as a result of the court's exceeding the 1 percent fund balance cap because of contracts that could not be encumbered in FY 2015-2016 due to delays in the implementation of its case management system. The funds would be distributed to the court in FY 2016-2017.

Item 2 – Open Discussion (Discussion Item)

Facilitator: Hon. Jonathan B. Conklin.

A D J O U R N M E N T

There being no further business, the meeting was adjourned at 2:30 p.m.

Approved by the advisory body on enter date.

(Action Item 1)

Title: Consideration of Continued receipt of Children’s Waiting Room funds for the Superior Court of California, County of Monterey

Date: 3/30/2017

Contact: Suzanne Blihovde, Senior Budget Analyst, Budget Services
916-263-1754 | suzanne.blihovde@jud.ca.gov

Issue

Effective July 1, 2014, the Superior Court of California, County of Monterey, began receiving funds to establish and maintain a Children’s Waiting Room (CWR). The court anticipated that the CWR would open during 2015-2016. Due to less than expected collections, the court has insufficient funds to open the CWR. Monterey Superior Court is requesting to continue to receive CWR funds so that its balance can build to a sufficient level to begin operations.

Background

According to Government Code section 70640, after January 1, 2006 a court may apply to the Judicial Council for a CWR distribution between \$2 and \$5, inclusive, from applicable filing fees (see Attachment B). The Judicial Council’s policy requires the Trial Court Budget Advisory Committee to adopt a recommendation related to a court’s request for the Council to consider (see Attachment A). The court’s original request for a CWR distribution and its current request for a continued CWR distribution is provided in Attachment E1 and E2 respectively.

Attachment C provides the current distribution amount and total distributions for 2013-2014, 2014-2015, 2015-2016 and 2016-2017 (for the period of July 2016 – January 2017) for the 20 courts that currently have a CWR distribution. The attachment also provides the amount the Monterey Superior Court has received since 2014-2015.

Table 1 on Attachment D provides the distribution from the First Paper General Civil Unlimited Uniform Filing Fee (GC 70611) for the Monterey Superior Court. There is no change in the distribution for this request because the court is already receiving a CWR distribution.

Recommendation

Approve the continuation of the distribution of CWR funds to the Monterey Superior Court to allow them to accumulate sufficient funding for start-up costs as well as the ongoing costs to begin operating their CWR.

(Action Item 2)

Title: Consideration of distribution of Children Waiting Room funds for the Superior Court of California, County of San Joaquin

Date: 3/30/2017

Contact: Suzanne Blihovde, Senior Budget Analyst, Budget Services
916-263-1754 | suzanne.blihovde@jud.ca.gov

Issue

The Superior Court of California, County of San Joaquin, requests a new distribution of Children’s Waiting Room (CWR) funds to open a CWR in the new Stockton Courthouse beginning in 2017-2018.

Background

According to Government Code section 70640, after January 1, 2006 a court may apply to the Judicial Council for a CWR distribution between \$2 and \$5, inclusive, from applicable filing fees (see Attachment B). The Judicial Council’s policy requires the Trial Court Budget Advisory Committee to adopt a recommendation related to a court’s request for council consideration (see Attachment A). The court’s request is provided in Attachment F.

Attachment C provides the current distribution amount and total distributions for 2013-2014, 2014-2015, 2015-2016 and 2016-2017 (for the period of July 2016 – January 2017) for the 20 courts that currently have a CWR distribution. The attachment also provides the estimated amount that the San Joaquin Superior Court would have received in those years based on a \$5 CWR distribution.

Table 2 of Attachment D provides the distribution from the First Paper General Civil Unlimited Uniform Filing Fee (GC 70611) for San Joaquin County, and the requested distribution change: a \$5 CWR distribution and a corresponding \$5 decrease to the distribution that supports all courts’ base allocation for court operations.

Recommendation

Approve a distribution of CWR funds to the San Joaquin Superior Court to facilitate the opening of the court’s CWR to provide these services for the first time in San Joaquin County.

Children's Waiting Room (CWR) Distribution and Fund Balance Policy

A. Applying for a New CWR Distribution

- A court's presiding judge or executive officer must submit a request to the director of the Judicial Council Finance Office 45 days prior to the date of the council meeting at which the court is requesting consideration.
- The request must include the following information:
 - Date of the council meeting at which the court is requesting consideration.
 - Requested effective date of the distribution (July 1 or January 1). If a court wants to begin receiving distributions more than one year in advance of the planned opening date of a CWR, the request should include an explanation of the extenuating circumstance(s).
 - The scheduled opening date of the CWR(s).
 - Description of the CWR(s).
 - The date when the court intends to make expenditures related to operating its CWR(s).
 - The requested distribution amount between \$2 and \$5. Courts can request the Judicial Council Finance Office to provide an estimate of annual distributions.
- The Trial Court Budget Advisory Committee (TCBAC) will make a recommendation to the council on each court's request.
- If the council approves that distributions begin prior to the operating of a CWR but the court does not operate a CWR six months after their planned opening date, the court must apply for a continued distribution.

B. Requesting a Decreased CWR Distribution Amount

- Any court's request to decrease its existing CWR distribution is approved by the Judicial Council and the request can be implemented by Judicial Council staff, effective either January 1 or July 1.

C. Temporarily or Permanently Ceasing CWR Operations

- Courts that cease operating all CWRs must notify the director of the JC Finance Office within 60 days of the cessation date. Unless a court provides notification and submits an application to continue receiving distributions while not operating a CWR within 60 days of the cessation date, the court's CWR distributions will be stopped either January 1 or July 1, whichever is earlier, and the court will be required to return any CWR fund balance to the TCTF.
- For courts that are required to return all of their remaining CWR fund balance to the TCTF, the return of the CWR fund balance will occur on the February trial court distribution for those courts that the CWR distribution stopped on January 1, and on the August distribution for those courts that the CWR distributions stopped on July 1.
- If there is a dispute between a court and JC staff over the amount of CWR fund balance that should be returned to the TCTF, the dispute will be brought before the TCBAC and the Judicial Council if the two parties cannot come to a resolution within 90 days of the cessation date.

- An application for a continued distribution must include all the information required of courts applying for a new distribution (see section A above) as well as the amount of any CWR fund balance.
- The TCBAC will make a recommendation to the Judicial Council on each court's application.
- For courts that apply and whose application is denied by the Judicial Council, any CWR fund balance shall be returned to the TCTF.

D. Cap on CWR Fund Balance

- Courts shall monitor the CWR distribution amount per filing to ensure it is adequate to meet the CWR needs of the court without accumulating an amount in excess of the cap described below.
- Effective July 1, 2015, there shall be a cap on the amount of CWR fund balance that courts can carry forward from one fiscal year to the next. The cap shall be the amount of the highest annual distribution within the three most recent fiscal years.
- Courts that have a CWR fund balance greater than the cap (as described above) at the end of every other fiscal year (beginning with fiscal year 2016–2017) will be required to return to the TCTF the amount above the cap in the subsequent fiscal year.
- For courts that are required to return the portion of their CWR fund balance above the cap to the TCTF, the return of the CWR fund balance will occur on the August trial court distribution.
- If there is a dispute between a court and JC staff over the amount of CWR fund balance that should be returned to the TCTF, the dispute will be brought before the TCBAC and the Judicial Council if the two parties cannot come to a resolution within 90 days of the cessation date.
- The cap applies only to courts that have received at least 12 months of distributions in a fiscal year while operating a CWR.
- If a court wants a cap adjustment, it must submit a request explaining the extenuating circumstance and including its CWR expenditure plan to the director of the JC Finance Office for consideration by the TCBAC and the Judicial Council. The request must be received by the Finance Director within 60 days of the end of the fiscal year for which the adjustment is being requested.
- JC staff will report any return of CWR fund balance through the trial court distribution process to the TCBAC and the Judicial Council.
- For courts that have Judicial Council–approved adjustments to their CWR caps, annual reporting will be required 60 days after the end of each fiscal year, using a template provided by Judicial Council staff.

E. Courts that have Received a Distribution but Never Operated a CWR

- Courts that received distributions between January 1, 2006 and June 30, 2014 but did not operate a CWR during that time period must either apply for a continued distribution by September 26, 2015 or have their distributions stopped on January 1, 2016 and return to the TCTF any CWR fund balance.
- For courts that are required to return all of their remaining CWR fund balance to the TCTF, the return will occur on the October 2015 trial court distribution.

- If there is a dispute between a court and JC staff over the amount of CWR fund balance that should be returned to the TCTF, the dispute will be brought before the TCBAC and the Judicial Council if the two parties cannot come to a resolution within 90 days of the cessation date.

Government Code 70640

(a) It is the policy of the state that each court shall endeavor to provide a children's waiting room in each courthouse for children whose parents or guardians are attending a court hearing as a litigant, witness, or for other court purposes as determined by the court. To defray that expense, monthly allocations for children's waiting rooms shall be added to the monthly apportionment under subdivision (a) of Section 68085 for each court where a children's waiting room has been established or where the court has elected to establish that service.

(b) The amount allocated to each court under this section shall be equal to the following: for each first paper filing fee as provided under Section 70611, 70612, 70613, 70614, or 70670, and each first paper or petition filing fee in a probate matter as provided under Section 70650, 70651, 70652, 70653, 70654, 70655, 70656, or 70658, the same amount as was required to be collected as of December 31, 2005, to the Children's Waiting Room Fund under former Section 26826.3 in the county in which the court is located when a fee was collected for the filing of a first paper in a civil action under former Section 26820.4.

(c) Notwithstanding any other provision of law, the court may make expenditures from these allocations in payment of any cost, excluding capital outlay, related to the establishment and maintenance of the children's waiting room, including personnel, heat, light, telephone, security, rental of space, furnishings, toys, books, or any other item in connection with the operation of a children's waiting room.

(d) If, as of January 1, 2006, there is a Children's Waiting Room Fund in the county treasury established under former Section 26826.3, the county immediately shall transfer the moneys in that fund to the court's operations fund as a restricted fund. By February 15, 2006, the county shall provide an accounting of the fund to the Administrative Office of the Courts.

(e) After January 1, 2006, the court may apply to the Judicial Council for an adjustment of the amount distributed to the fund for each uniform filing fee. A court that wishes to establish a children's waiting room, and does not yet have a distribution under this section, may apply to the Judicial Council for a distribution. Applications under this subdivision shall be made according to trial court financial policies and procedures authorized by the Judicial Council under subdivision (a) of Section 77206. Adjustments and new distributions shall be effective January 1 or July 1 of any year beginning January 1, 2006.

(f) The distribution to a court under this section per each filing fee shall be not less than two dollars (\$2) and not more than five dollars (\$5).

(Amended by Stats. 2007, Ch. 130, Sec. 135. Effective January 1, 2008.)

Children's Waiting Room
Distribution Amount and Total Distribution

Attachment C

	Court	Distribution Amount	FY 2013-14 Total Distribution	FY 2014-15 Total Distribution	FY 2015-16 Total Distribution	FY 2016-17 July 2016-Jan 2017
	A	B	C	D	E	F
1	Alameda	\$5	\$ 174,397	\$ 165,434	\$ 162,487	\$ 94,306
2	Butte	\$5	\$ -	\$ 21,312	\$ 19,372	\$ 13,930
3	Contra Costa	\$5	\$ 126,632	\$ 106,292	\$ 104,333	\$ 64,300
4	El Dorado		\$ 18,305	\$ -	\$ -	\$ -
5	Fresno	\$5	\$ 108,094	\$ 98,711	\$ 98,469	\$ 59,323
6	Los Angeles	\$5	\$ 936,724	\$ 829,265	\$ 830,421	\$ 542,850
7	Merced		\$ 22,732	\$ 20,851	\$ 1,718	\$ -
8	Monterey	\$5	\$ -	\$ 35,124	\$ 32,856	\$ 19,329
9	Orange	\$5	\$ 423,422	\$ 376,107	\$ 369,617	\$ 225,213
10	Riverside	\$5	\$ 290,080	\$ 254,609	\$ 253,815	\$ 154,606
11	Sacramento	\$5	\$ 279,388	\$ 241,942	\$ 504,807	\$ 228,145
12	San Bernardino	\$5	\$ -	\$ -	\$ -	\$ 146,876
13	San Diego	\$5	\$ 383,285	\$ 350,801	\$ 336,581	\$ 210,927
14	San Francisco	\$5	\$ 112,455	\$ 106,721	\$ 115,160	\$ 69,067
15	San Joaquin		\$ -	\$ -	\$ -	\$ -
16	San Luis Obispo	\$5	\$ 26,818	\$ 24,872	\$ 23,484	\$ 14,289
17	San Mateo	\$5	\$ 77,520	\$ 66,316	\$ 64,791	\$ 39,250
18	Santa Barbara	\$5	\$ 43,866	\$ 39,718	\$ 39,686	\$ 24,040
19	Santa Clara	\$5	\$ 177,027	\$ 154,615	\$ 147,497	\$ 83,731
20	Solano	\$5	\$ 55,986	\$ 47,757	\$ 46,724	\$ 27,589
21	Sonoma	\$5	\$ 52,810	\$ 48,528	\$ 45,987	\$ 26,092
22	Stanislaus	\$2	\$ 60,059	\$ 27,382	\$ 19,924	\$ 12,041
23	Ventura	\$5	\$ 91,686	\$ 83,721	\$ 84,342	\$ 50,369
24	Total		\$ 3,461,288	\$ 3,100,078	\$ 3,302,071	\$ 2,106,273

	Court	Distribution Amount	FY 2013-14 Total Distribution	FY 2014-15 Total Distribution	FY 2015-16 Total Distribution	FY 2016-17 July 2016-Jan 2017
25	Monterey - Actual	\$5	\$ -	\$ 35,124	\$ 32,856	\$ 19,329
26	San Joaquin - Estimated ¹	\$5	\$ 79,105	\$ 73,885	\$ 72,856	\$ 45,629

¹ Total distribution that would have occurred from a \$5 CWR distribution

Table 1:
Distribution from First Paper General Civil Unlimited Uniform
Filing Fee (GC 70611) in Monterey County

Distribution	State vs. Local	Current	Requested
Trial Court Trust Fund Base Allocation	State	\$315.70	\$315.70
Children's Waiting Room	State	\$5.00	\$5.00
Automated Recored-Keeping and Micrographics	State	\$3.00	\$3.00
Judges' Retirement Fund	State	\$2.50	\$2.50
State Court Facilities Construction Fund	State	\$35.00	\$35.00
Immediate & Critical Needs Account	State	\$30.00	\$30.00
Local Courthouse Construction Surcharges		\$0.00	\$0.00
Equal Access Fund	Local	\$4.80	\$4.80
Dispute Resolution	Local	\$8.00	\$8.00
Law Library	Local	\$31.00	\$31.00
Fee Amount		\$435.00	\$435.00

Table 2:
Distribution from First Paper General Civil Unlimited Uniform
Filing Fee (GC 70611) in San Joaquin County

Distribution	State vs. Local	Current	Requested
Trial Court Trust Fund Base Allocation	State	\$322.70	\$317.70
Children's Waiting Room	State	\$0.00	\$5.00
Automated Recored-Keeping and Micrographics	State	\$3.00	\$3.00
Judges' Retirement Fund	State	\$2.50	\$2.50
State Court Facilities Construction Fund	State	\$35.00	\$35.00
Immediate & Critical Needs Account	State	\$30.00	\$30.00
Local Courthouse Construction Surcharges		\$0.00	\$0.00
Equal Access Fund	Local	\$4.80	\$4.80
Dispute Resolution	Local	\$8.00	\$8.00
Law Library	Local	\$29.00	\$29.00
Fee Amount		\$435.00	\$435.00



SUPERIOR COURT OF CALIFORNIA COUNTY OF MONTEREY

240 Church Street • Salinas, California • 93901 • (831) 775-5400
www.monterey.courts.ca.gov

June 10, 2014

Hon. Tani G. Cantil-Sakauye
Chief Justice of California
Members of California Judicial Council
455 Golden Gate Avenue
San Francisco, California, 94102-3688

Re: Children's Waiting Room Distribution

Dear Chief Justice Cantil-Sakauye and Members:

We respectfully request for your consideration at the June 27, 2014 Judicial Council meeting that the Superior Court of California, County of Monterey be provided a Children's Waiting Room (CWR) distribution pursuant to Government Code section 70640. Listed below are additional information items related to our amended request:

- Requested effective date of distribution: July 1, 2014
- Scheduled opening date of CWR: Fiscal 15-16
- Description of the CWR: The CWR will be located in the Monterey Courthouse. It is anticipated that we will utilize the distribution for contracted services along with furnishings, toys, and books.
- Anticipated date of CWR expenditures: Fiscal 15-16
- Requested distribution amount: \$5 per filing fee. It is estimated that annual CWR restricted fund revenues will be \$55,000 annually.

This distribution, if approved, will help facilitate CWR services which will be offered for the first time in Monterey County.

Sincerely,

Teresa A. Risi
Court Executive Officer

Background:

Superior Court of California, County of Monterey is submitting an amended request to provide more detailed information as requested. The Court plans to open a Children's Waiting Room in the Monterey Courthouse where Family Law, Domestic Violence, Probate, and other Civil matters are heard, and Self-Help Services are provided. Currently, there are roughly 50 children in the Monterey Courthouse weekly who must wait in crowded halls while their parents are receiving services. The Court anticipates that the need for CWR services will grow because we plan to double our Judicial Officers assigned to Family Law matters.

The Court anticipates \$50,000 (fifty thousand dollars) on initial startup costs for furniture, toys and books. Additionally, the Court anticipates annual operating expenditures of \$83,000 (eighty-three thousand dollars) to provide full time contracted child care services in the Monterey Courthouse facility.

December 27, 2016

**Zlatko Theodorovic
Director and Chief Financial Officer
Budget Services/Administrative Division
Judicial Council of California
2850 Gateway Oaks Drive, Suite 300
Sacramento, CA 95833-4353**

Re: Request to Continue Receiving Children's Waiting Room Distribution

Effective July 2014, Superior Court of California, County of Monterey began receiving funding to establish and maintain a Children's Waiting Room facility (CWR) per GC 70640. Our original request to begin receiving these funds indicated our expectation that the CWR would open during fiscal year 2015/16. Due to reasons indicated below, we are not yet able to open our CWR and no expenditures have been incurred relating to the opening of a CWR; however the need remains and we are writing to request continuation of receiving these funds as critical to opening a CWR for our court.

As indicated in our initial request, it is necessary for our court to accumulate sufficient funds to cover initial start-up costs of \$50,000 as well as help secure a 3 year contract to staff the CWR estimated at \$83,000 in annual ongoing costs. Our court estimated \$55,000 in annual CWR revenues and expected that our initial costs would be funded by revenues accumulated for that purpose. Unfortunately, actual revenues collected since July 1, 2014 has been well below our initial estimate resulting in a balance insufficient open our CWR. Specifically, our court has received \$79,710.97 to date, averaging just \$34,111 annually. Accordingly, we will require further funding in order to open our CWR and continuing to receive CWR funding is essential for that purpose due to ongoing budgetary constraints relating to our TCTF allocation. We continue to explore options for staffing the CWR that can better leverage the revenues to the actual anticipated expenses. We received information from other Courts regarding how they staff their

CWRs along with on-going costs. We will explore partnerships with the County and/or other means in order to provide this service to the citizens of Monterey County.

Additionally, our initial request indicated our CWR would be opened at our Monterey Courthouse location where Family Law, Domestic Violence, Probate, and other civil matters are heard. This CWR is expected to relocate to our planned South County Courthouse facility once available. Due to facility and logistical constraints at our Monterey Courthouse which is managed by the County, we need additional time to work through the space and facility issues at that location. Further, as our South County Courthouse project is currently on the indefinitely delayed list, continuing to receive CWR funding for the purpose of opening a CWR is imperative to integrating a planned opening in conjunction with our South County Courthouse when that project resumes.

Our ability to fund the opening of a much needed CWR for our court is contingent on approval of our request to continue receiving CWR funding and your consideration is greatly appreciated.

Sincerely,



Teresa A. Risi
Court Executive Officer

cc: Hon. Mark E. Hood, Presiding Judge
Hon. Lydia M. Villarreal, Assistant Presiding Judge



Superior Court of California, County of San Joaquin

222 E. Weber Avenue, Room 303

P.O. Box 201022

Stockton, CA 95201

Telephone: (209) 992-5695

March 14, 2017

Rosa Junqueiro
Court Executive Officer

Hon. Tani G. Cantil-Sakauye, Chief Justice of California and
Members of the Judicial Council
455 Golden Gate Avenue
San Francisco, California 94102-3688

Re: Children's Waiting Room Distribution

Dear Chief Justice Cantil-Sakauye and Judicial Council Members:

On behalf of the Superior Court of California, County of San Joaquin (Court), I respectfully request your consideration at the May 19, 2017 Judicial Council meeting that our court be provided a Children's Waiting Room (CWR) distribution pursuant to Government Code section 70640. Listed below are additional information items related to our request:

- Requested Effective Date of Distribution: July 1, 2017
- Scheduled Opening Date of the CWR: Fiscal Year 17/18 (*Our new Stockton Courthouse Facility will open on Monday, July 31, 2017*).
- Description of the CWR: The CWR will be located on the first floor of our new Stockton Courthouse Facility. The CWR is a room specifically designed for such services. The Court will utilize the funding for the purchase of furnishings, toys and books as well as for contracted services.
- Anticipated Date of CWR Expenditures: Fiscal Year 17/18.
- Requested Distribution Amount: \$5 per filing fee. It is estimated that the annual CWR restricted fund revenues will be approximately \$73,000 annually.

The distribution, if approved, will help facilitate CWR services which will be offered for the first time in San Joaquin County. There isn't a better way of highlighting these newly offered services than in connection with an opening of a new courthouse.

Sincerely,

Rosa Junqueiro
Court Executive Officer

RJ/kl

C: José L. Alva, Presiding Judge, San Joaquin Superior Court
Robin Appel, Chair, Court Facilities Committee, San Joaquin Superior Court
Linda Courtright, Chief Financial Officer, San Joaquin Superior Court
Zlatko Theodorovic, Director of Finance, Judicial Council of California

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)*

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(Agenda Item 3)

Title: Discussion on the Trial Court Trust Fund Funds Held on Behalf Policy
Date: 3/30/2017
Contact: Suzanne Blihovde, Senior Budget Analyst, Judicial Council Budget Services
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Issue

The Judicial Council approved process to request Trial Court Trust Fund (TCTF) funds to be held on behalf of the trial courts has been in place almost one year. Several of the trial courts that have council-approved TCTF funds held on behalf have experienced additional interruptions in spending the funds due to contractor delays. This item provides an opportunity to discuss how the process is working so far and if changes to the policy should be considered for the next Fiscal Planning Subcommittee meeting on April 13, 2017.

Background

At the Judicial Council's April 15, 2016 business meeting, the council approved the Trial Court Budget Advisory Committee (TCBAC) recommended process, criteria, and required information for trial courts to request TCTF reduced allocations (see Attachment 3), related to the 1% fund balance cap, be retained in the TCTF as restricted fund balance for the benefit of those courts.

Categories or activities for which funds can be requested to be held include, but are not limited to: projects that extend beyond the original planned three-year process such as delayed deployment of information systems; technology improvements or infrastructure such as a new case management system; facilities maintenance or repair allowed under rule 10.810 of the California Rule of Court; court efficiencies such as online and smart forms for court users; and other court infrastructure projects such as vehicle replacement or copy machine replacement.

Discussion

Between June 2016 and December 2016, the Judicial Council has approved requests from 14 courts for funds to be held on their behalf totaling \$8.3 million. Of these approved requests, 13 involved the delayed implementation of case management systems. Judicial Council staff have received eight new requests and two amended requests for consideration of the Fiscal Planning Subcommittee to recommend to the Judicial Council at its May 2017 meeting.

1. The policy currently requires courts to identify by fiscal year when the funds being held will be utilized. If there is a delay in spending the funds in the fiscal years identified, an amended request must be submitted and approved by the Judicial Council. Currently two courts have submitted amended requests because of further delays in the implementation of their case management systems. At least one other court is anticipated to submit an

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amended request for the same reason. Should amended requests due to contractor delays that do not change the total funding being held, but only the fiscal year in which the funds are spent, have to go to the council for approval?

2. The majority of funds held on behalf approved to date identified that the funds would be spent in 2016-2017. Consequently, the funds to be held were actually allocated back to the courts in the January 2017 distribution (distribution #9). As mentioned above, two of these courts are now requesting amendments because they will not be spending all of the identified funds in this fiscal year. Judicial Council staff will need to 'true-up' funds held on behalf allocations with actual expenses prior to year-end. Staff anticipate needing the expenditure information related to funds held on behalf expenditures by May 15th.
3. Current policy requires the courts to submit their requests directly to the Administrative Director of the Judicial Council. Is a technical change needed in the policy that would allow the courts to make these request to the Director of Budget Services, who would then report the requests to the Administrative Director?