

PARAMETERS AND GUIDELINES
Chapter 1335, Statutes of 1986
Trial Court Delay Reduction Act

I. SUMMARY OF MANDATE

Chapter 1335, Statutes of 1986 added Sections 68605, 68606, 68608, 68609 and 68612 to the Government Code. These sections require superior courts in nine counties designated by the Judicial Council to establish an exemplary delay reduction program commencing operation on January 1, 1988, and continuing for a three-year period. As a result of the statute, the nine counties in which the designated superior courts are located have incurred increased costs for the development and operation of a trial delay reduction program.

II. COMMISSION ON STATE MANDATES DECISION

On February 25, 1988, the Commission found that Chapter 1335, Statutes of 1986, Government Code Sections 68605, 68606, 68608, 68609 and 68612, imposed a new program on the nine designated counties.

III. ELIGIBLE CLAIMANTS

The following counties were selected for participation in the pilot program and are eligible for reimbursement of increased costs :

Alameda	Los Angeles	Sacramento
Contra Costa	Orange	San Diego
Kern	Riverside	San Francisco

IV. PERIOD OF CLAIM

Chapter 1335, Statutes of 1986 became effective January 1, 1987. Section 17557 of the Government Code states that a test claim must be submitted on or before November 30 following a given fiscal year to establish eligibility for reimbursement for that fiscal year. The test claim for this mandate was filed by Sacramento County on September 30, 1987.

Pursuant to Chapter 459, Statutes of 1990, costs related to delay reduction program court operations incurred after January 1, 1989, are not reimbursable for counties participating in the Trial Court Funding Program. Therefore, only those costs related to delay reduction program court operations incurred on or after January 1, 1987, and until January 1, 1989, are eligible for reimbursement, since those counties that participated in this program opted into the Trial Court Funding Program.

Actual costs for one fiscal year shall be included in each claim. Estimated costs for the subsequent year may be included on the same claim, if applicable. Pursuant to Section 17561(d)(3) of the Government Code (GC), all claims for reimbursement of costs shall be submitted within 120 days of notification by the State Controller of enactment of the claims bill.

If the total costs for a given fiscal year do not exceed \$200, no reimbursement shall be allowed, except as otherwise allowed by GC Section 17564.

V. REIMBURSABLE COSTS

Counties will be reimbursed for salaries and wages, services and supplies, contract services, training, travel, fixed assets and equipment costs incurred **specifically** for the development and operation of a delay reduction program. Reimbursable **activities** include the following:

- A. Conferring with the local bar, program judges, and other affected agencies and groups regarding the design and operation of the program;
- B. Formulating policies, procedures and standards, and amending local rules;
- C. Developing automated systems for case tracking, generation of notices and calendars, and other program activities;
- D. Disseminating information about the program through educational forums, printed materials, videotapes, etc.;
- E. Reviewing existing case files to determine which cases are still active, noticing litigants whose cases appear to be inactive, conducting a dismissal docket, and microfilming or destroying inactive or disposed cases;
- F. Reviewing and filing program documents, maintaining case-related information on a manual or automated system, noticing and conducting program-related hearings, administering settlement programs, and collecting and analyzing statistics;
- G. Specialized training of full-time program staff as well as management and technical staff responsible for particular aspects of the program,

VI. CLAIM PREPARATION

Each claim for reimbursement pursuant to this mandate must be timely filed and set forth a listing of each item for which reimbursement is claimed under this mandate.

Claim detail should include the following:

A. Salaries and Benefits

Employee costs should be supported by the following: employee name, position (job title), productive hourly rate, hours worked, salary and benefit amounts, and a description of the tasks performed as they relate to this mandate.

B. Service and Supplies

Identify any direct costs for materials that have been consumed or expended specifically for this mandate.

c. Contract Services

List costs incurred for contract services and/or legal counsel for the development and operation of the mandated program. Contracting costs are reimbursable to the extent that the function performed requires special skills or knowledge that is not readily available from county or court staff. Use of contract services must be justified by the claimant.

D. Training

Include the costs of training of personnel. Such costs include, but are not limited to, salaries and benefits, transportation, registration fees, per diem and related costs incurred because of this mandate. Specialized training must be justified by the claimant.

E. Travel

Travel expenses such as mileage or airfare, room and board, and per diem are reimbursable when incurred for the purposes of this mandate.

F. Fixed Assets

List the cost of fixed assets that have been acquired specifically for the purposes of this mandate. If a fixed asset is acquired for the delay reduction program but is utilized in some way not directly related to the program, only the pro-rata portion of the asset which is used for purposes of the program is reimbursable.

G. Allowable Overhead Costs

Counties have the option of using 10% of direct labor as indirect costs or preparing a departmental Indirect Cost Rate Proposal. If the **county** elects to prepare an Indirect

Cost Rate Proposal, the Proposal must be prepared in accordance with Office of Management and Budget Circular A-87 (QMB A-87).

VII. SUPPORTING DATA

For auditing purposes, all costs claimed must be traceable to source documents and/or worksheets that show evidence of and the validity of such costs. These documents must be kept on file by the agency submitting the claim for a period of no less than three years from the date of the final payment of the claim pursuant to this mandate, and made available at the request of the State Controller or his agent.

VIII. OFFSETTING SAVINGS AND OTHER REIMBURSEMENT

Any offsetting savings the claimants experience as a direct result of this statute must be deducted from the costs claimed. In addition, reimbursement for this mandate received from any source, e.g., federal, state, etc., shall be identified and deducted from this claim.

IX. REQUIRED CERTIFICATION

The following certification must accompany the claim:

I DO HEREBY CERTIFY under penalty of perjury:

THAT the foregoing is true and correct;

THAT Sections 1090 to 1096, inclusive, of the Government Code and other applicable provisions of the law have been complied with; and

THAT I am the person authorized by the local agency to file claims for funds with the State of California.

SIGNATURE OF AUTHORIZED REPRESENTATIVE

DATE

TITLE

TELEPHONE NUMBER