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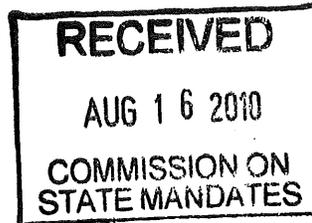
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August 13, 2010



Ms. Paula Higashi
Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, California 95814

Re: Response to Test Claim Filed by the County of Los Angeles
Sheriff Court-Security Services, 09-TC-02

Dear Ms. Higashi:

We submit the following response to the test claim filed by the County of Los Angeles regarding reimbursement for sheriff retiree health benefits.

Summary

This response is divided into two parts. The first part discusses the background of the requirement that sheriffs provide security to the superior courts and the impact that state funding of trial courts, which developed over the course of the 1980s and 1990s, had on responsibility for court security. Specifically, the counties were responsible for and funded court security for over a hundred years until the state agreed to undertake funding that responsibility as part of assuming general responsibility for trial court funding in 1998. Reimbursement of the sheriffs for retiree health benefits was never clearly specified in statute and was the subject of debate.

The second part of the response discusses the relevant legal authorities on state mandates. It takes the position that the amendment to Government Code section 69926 in SB X4 13¹ that is the subject of the County of Los Angeles' test claim does *not* constitute an unfunded state

¹ Stats. 2009, ch. 22, § 7.

mandate under article XIII B, section 6 of the California Constitution. We reach this conclusion because there is no state law that requires the County of Los Angeles to pay for sheriff retiree health benefits and because the County of Los Angeles actively supported recent legislation requiring sheriffs to provide security to the superior courts. To the extent the costs associated with sheriff retiree health benefits are not related to the current provision of services to the courts, (i.e., the money is being used to provide benefits for retirees rather than to fund future benefits for employees who currently provide court security services), they are not allowable costs to the superior courts under Government Code section 69927(a)(4).

Background: Court Security and Trial Court Funding

The requirement that the sheriffs provide security services to the superior courts dates to the 19th century. In 1883, California law required a sheriff to “[a]ttend all Courts, except Justices’ and Police Courts, held within his county, and obey their lawful orders and directions.”² At that time, trial courts, like the sheriff, were funded by their respective counties, so it was natural that a county officer would provide security for the superior courts in the same way the county provided facilities, employees, and operating funds for the superior courts.

The world has changed since 1883. Sheriffs are still required to provide bailiff and security services for superior courts, but the state is now responsible for funding the trial courts, including paying for court operations, court facilities, and court employees. Counties expect, and the law requires, that the trial courts pay counties with state-appropriated funds for court security services.

In examining whether the enactment of SB X4 13 qualifies under article XIII B, section 6, as a transfer from the state to the County of Los Angeles for financial responsibility for sheriff retiree health benefits, it is important to note how the cost of court security was initially shifted from the counties to the state.

A. Sheriffs Have Been Required by Statute to Provide Security for the Superior Courts Continuously since 1883.

As noted above, the sheriffs’ obligation to provide security for the superior courts dates from at least 1883 and the obligation to “attend” court has remained in statute in some form until the present day.³ That language is currently found in Government Code section 69921, although it is subject to certain qualifications:

² Stats. 1883, ch. 75, § 93, p. 320.

³ Sheriffs were required to “attend” the trial courts under the following successors to Stats. 1883, ch 75, § 93, p 320: (1) Stats. 1891, ch 216, § 93, p 319; (2) Stats. 1893, ch. 234, § 93, p. 372; (3) Stats. 1897, ch. 277, § 89, p. 479; (4) former Pol. Code, § 4176; (5) former Pol. Code, § 4157; (6) former Government Code section 26603.

Except as otherwise provided by law, whenever required, **the sheriff shall attend all superior court held within his or her county.** A sheriff shall attend a noncriminal, nondelinquency action, however, only if the presiding judge or his or her designee makes a determination that the attendance of the sheriff at that action is necessary for reasons of public safety. . . . The sheriff shall obey all lawful orders and directions of all courts held within his or her county.

(Bold added.) Thus, the obligation of the sheriffs to provide security for the superior courts is not new, but it has undergone modification over the years. The obligation to “attend” court has generally been understood as providing bailiff and other security services for the courts.

B. Trial Court Funding

1. The Brown-Presley Act

A significant development that impacted the sheriffs’ mandate to provide superior court security was the shift to state funding of the trial courts, known as “trial court funding.” The evolution of trial court funding occurred through legislation enacted in the mid-1980s to the late 1990s. Before 1988, counties were primarily responsible for paying for court operations.⁴ But in the 1980s the Legislature began to recognize that funding of the trial courts was most logically a function of the state; it saw that counties were increasingly unable to meet the funding requirements of the trial courts such that the quality and timeliness of justice were threatened in some counties.⁵ The state began assuming a greater portion of the burden of funding trial courts with enactment of the Brown-Presley Trial Court Funding Act (Brown-Presley Act) in 1988.⁶

Under the Brown-Presley Act, each county had the option of receiving state funding for trial court operations instead of relying solely on revenues raised within the county.⁷ As part of the Brown-Presley Act, the Legislature statutorily defined “court operations” in Government Code section 77003. The purpose of this definition was to establish the costs that a participating trial court could permissibly fund with the block grants it received from the state. The definition of “court operations” included the costs of deputy marshals and sheriffs that courts deemed necessary.⁸ In July 1988, the Judicial Council adopted rule 10.810⁹ of the California Rules of

⁴ In the 1982—1983 fiscal year, for example, the state contributed approximately 11 percent to the funding of the trial costs, with the counties bearing the rest. (Judicial Council of California, 1983 Report to the Governor and the Legislature, Part 1, Chapter 8, Trial Court Costs and Revenue, pp. 35, 41, and 43.) (Ex. 1.)

⁵ Stats. 1997, ch. 850, §§ 2(a) & 2(f).

⁶ Stats. 1988, chs. 944 & 945.

⁷ This system was first enacted into law with the Trial Court Funding Act of 1985 (Stats. 1985, ch. 1607) but was not implemented until the Brown-Presley Act was enacted and sufficient funding was appropriated in 1988.

⁸ Former Gov. Code, § 77003 as enacted in 1988. The definition of “court operations” found today in Government Code section 77003(a)(3) still includes “[t]hose marshals and sheriffs as the court deems necessary for court operations.”

⁹ The rule was originally adopted as rule 810, but it was renumbered in 2007 as rule 10.810, and it will be referred to by that number throughout this letter.

Court to implement the Brown-Presley Act; the rule provides greater detail than that found in section 77003. Function 8 of rule 10.810 outlined what court security costs could be paid for with block grant money. Note that Government Code section 77003, as enacted in 1988, and function 8 of rule 10.810, as adopted in 1988, did *not* constitute a shift of responsibility for payment of court security expenses. Rather, it was acknowledged that the county had the responsibility to pay for the court security services required by the trial courts, but that counties that opted to accept block grants could use money provided by the state to defray those expenses.¹⁰

2. The Lockyer-Isenberg Act

Nine years after passage of the Brown-Presley Act, the state assumed almost complete responsibility for funding trial court operations under the Lockyer-Isenberg Trial Court Funding Act of 1997 (Lockyer-Isenberg Act).¹¹ Section 3 of the Lockyer-Isenberg Act, which was uncodified, provides a relevant summary of the Legislature's purpose:

The Legislature declares its intent to do each of the following:

- (a) Provide state responsibility for funding of trial court operations commencing in the 1997—98 fiscal year.
- (b) Provide that county contributions to trial court operations shall be permanently capped at the same dollar amount as that county provided to court operations in the 1994—95 fiscal year with adjustments to the cap, as specified.
- (c) Provide that the State of California shall assume full responsibility for any growth in costs of trial court operations thereafter.
- (d) Continue to define “court operations” as currently established in law; provided, however, that the Legislature recognizes that there remain issues regarding which items of expenditure are properly included within the definition of court operations. Therefore, the Legislature intends to reexamine this issue during the 1997—98 fiscal year, in the hopes of reflecting any agreed upon changes in subsequent legislation.
- (e) Provide that the obligation of counties to contribute to trial court costs shall not be increased in any fashion by state budget action relating to the trial courts.

¹⁰ The use of funds from the state reflected a county's election to transfer funding responsibility to the state for the services funded by the proceeds, for the period the county accepted the funding. (Former Gov. Code, § 77206, as enacted in Stats. 1998, ch. 945.)

¹¹ Assem. Bill 233; Stats. 1997, ch. 850.

* * *

Government Code section 77201 codifies both the responsibility of the state to pay for all court operations and the obligation of larger counties to make annual maintenance of effort (MOE) payments to the state, which payments were based on each county's contribution to trial court operations in the 1994—1995 fiscal year.¹² So, for example, it was determined that the County of Los Angeles had spent \$291,872,379 on trial court operations in fiscal year 1994-1995 and was required to pay that amount to the state annually.¹³ Despite that requirement, the state has reduced the amount of that payment by over \$93 million over the last 10 years; thus, the County of Los Angeles now pays \$198,858,596 annually to the state,¹⁴ even though nothing in the calculation of the original amount had changed and the state continued to relieve the county of responsibility for any increases in trial court operations costs. To give a sense of the financial burden the state assumed from the County of Los Angeles, the budget for the 2007—2008 fiscal year for the operations of the Superior Court of Los Angeles County was over \$840 million,¹⁵ most of which is paid for with state appropriated funds.¹⁶ This amount does not include funds spent by the state on court facilities.

The Legislature expected, however, that counties would not assert unfunded mandate claims arising from the state's assumption of responsibility for trial court funding. Section 64 of the Lockyer-Isenberg Act, which also was uncodified, states:

No provision of this act shall be deemed to constitute a mandate upon a county because the state's assumption of increased funding support for the trial courts, pursuant to Section 77001 of the Government Code, effectively relieves a county of the responsibility to provide otherwise increasing funds to the trial courts to help finance their operations.

Section 64 makes a simple point: if the state is taking over financial responsibility for a county expense, then—in equity—a county cannot turn around and claim an unfunded mandate arising from that transfer of financial responsibility.

¹² Originally there was a required MOE payment from each of the 58 counties. One year after enactment of the Lockyer-Isenberg Act, however, the Legislature eliminated the payment requirement for the smallest counties (those with populations of less than 70,000) and significantly reduced the amounts for all other counties. (Former Gov. Code, § 77201(a)(1), as enacted in Stats.1998, ch. 406 (AB1590), § 3, eff. Aug. 26, 1998.)

¹³ Gov. Code, § 77201(a)(1).

¹⁴ Gov. Code, § 77201.3(a)(1).

¹⁵ Judicial Council of California, In the Name of Justice: Report of the California Courts, Judicial Branch Resources, p. 31. (Ex. 2.)

¹⁶ Letter dated December 7, 2009, from William C. Vickrey, to Senators Ducheny and Corbett and Assembly Members Evans and Feuer, attachment 1. (Ex. 3.)

C. AB 92 Maintained the Status Quo: Sheriffs Required to Provide Court Security Before Trial Court Funding Were Required to Continue Providing Court Security.

As the Legislature noted in section 3 of the Lockyer-Isenberg Act:

[T]here remain issues regarding which items of expenditure are properly included within the definition of court operations. Therefore, the Legislature intends to reexamine this issue during the 1997—98 fiscal year, in the hopes of reflecting any agreed upon changes in subsequent legislation.

One of the issues that the Legislature considered subsequently was court security. The fact that the state had relieved the counties of responsibility for funding court security apparently was not subject to question. Some sheriffs' groups believed, however, that the Lockyer-Isenberg Act was unclear as to how trial court services would be provided¹⁷ and that the courts could contract with other agencies or vendors for security services.¹⁸ To address these concerns, the California State Sheriffs' Association, the Peace Officers Research Association of California, and the Association for Los Angeles Deputy Sheriffs supported a bill¹⁹ to maintain the status quo, so that sheriffs who provided security to a court would be entitled to continue doing so. AB 92²⁰ added section 77212.5 to the Government Code, which provided:

Commencing on July 1, 1999, and thereafter, the trial courts of each county in which court security services are otherwise required by law to be provided by the sheriff's department shall enter into an agreement with the sheriff's department that was providing court security services as of July 1, 1998.

Section 77212.5 did not impose a new funding mandate upon counties; it only required those sheriffs that had previously provided security services "as otherwise provided by law"²¹ to continue doing so. According to the Senate Rules Committee Bill Analysis of AB 92, there was an agreement²² that security services would not be transferred from the

¹⁷ Assem. Analysis of AB 92 (1997—1998 Reg. Sess.), as amended Aug. 24, 1998. (Ex. 4.)

¹⁸ Dept. of Fin., Enrolled Bill Report, Bill Analysis of AB 92 (1997—1998 Reg. Sess.), Comments. (Ex. 5.)

¹⁹ Gov. Office of Planning and Research, Enrolled Bill Report on AB 92 (1997—1998 Reg. Sess.), Support and Opposition. (Ex. 6.)

²⁰ Stats. 1998, ch. 764.

²¹ In 1998, Government Code section 26603, which was first enacted in 1982, and was repealed effective January 1, 2003, provided the general authority for sheriffs to provide security in the superior courts:

Except as otherwise provided by law, whenever required, the sheriff shall attend all superior courts held within his county provided, however, that a sheriff shall attend a civil action only if the presiding judge or his designee makes a determination that the attendance of the sheriff at such action is necessary for reasons of public safety. The sheriff shall obey all lawful orders and directions of all courts held within his county.

Note that there were also county-specific statutes and that some counties used marshal services, as explained in section B of the Discussion section that follows.

²² The analysis does not report who made that agreement.

counties to another provider and that the bill “simply reflect[s] that agreement, restate[s] existing law, and codif[ies] existing practice.”²³ Thus, AB 92 reaffirmed the status quo and represents just one more step in the trial court funding process whereby the state assumed responsibility for what had been county costs.²⁴

D. SB 1396 Clarified the Scope of Court Security Costs and Provided a Process for Further Defining those Costs.

After enactment of the Lockyer-Isenberg Act, Government Code section 77003 and rule 10.810 took on a new purpose. Previously, the statute and rule had circumscribed the expenses on which a county could spend block grant money received from the state. After trial court funding, because most of the money a trial court had available was appropriated from state funds, Government Code section 77003 and rule 10.810 established a dividing line between what was a court expense and what was a county expense; it thus limited how a superior court could spend the funds received. In the context of court security, function 8 of rule 10.810 dictated what a court could permissibly pay to a county for services from the sheriff. By extension, therefore, all other “expenses” of providing court security were the responsibility of the county.

Both superior courts and sheriffs found the definition of allowable and unallowable court security costs in function 8 of rule 10.810 to be insufficient because it lacked detail, leading to significant variations statewide in what items were being reimbursed to the sheriffs.²⁵ The Judicial Council and the California State Sheriffs’ Association collaborated on sponsoring SB 1396.²⁶ The sponsors had considered amending function 8, but concluded that because rule 10.810 had been adopted prior to full state funding, it would be more efficient to replace it with legislation that reflected the reality of the post-trial court funding operational and funding environment confronted by the courts and sheriffs.²⁷

²³ Sen. Rules Comm., Analysis of AB 92 (1997—1998 Reg. Sess.), as amended Aug. 24, 1998, p. 2. (Ex. 7.)

²⁴ The County of Los Angeles asserts that the Legislature acknowledged in uncodified language in AB 92 and that Legislative Counsel opined in the digest or that bill that AB 92 imposed a state-mandated local program. (Test Claim, pp. 2—3.) In fact, the uncodified language of the statute only included boiler plate language regarding costs which would be reimbursed if the Commission determined a mandate existed. Section 2 of AB 92 provided “if the Commission on State Mandates determines this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made” (Underline added.) We note that a legislative finding that a state mandate exists is irrelevant to the Commission’s determination of whether a state mandate exists. (*County of Los Angeles v. Commission on State Mandates* (1995) 32 Cal.App.4th 805, 818. In fact, the Department of Finance opined in its analysis that the bill “would not be a reimbursable state mandated cost.” (Dept. of Finance Enrolled Bill Report, p. 1, Governor’s Chaptered Bill File for AB 92, *supra*, Fiscal Summary, underline added.) (Ex. 5.) In either case, the question of whether a statute, repealed effective January 1, 2003, constitutes an unfunded mandate is not before the Commission.

²⁵ Gov. Office of Planning and Research, Enrolled Bill Report on SB 1396 (2001—2002 Reg. Sess.), Analysis, p. 2. (Ex. 8.)

²⁶ Stats. 2002, ch. 1010.

²⁷ Gov. Office of Planning and Research, Enrolled Bill Report on SB 1396, *supra*, Analysis, p. 2. (Ex. 8.)

SB 1396, like AB 92, reaffirmed the obligations of the sheriff and court to maintain the status quo with respect to the sheriff providing security to the superior courts. It repealed Government Code section 26603—the successor to 100 years of statutes requiring the sheriff to attend the superior court (unless otherwise provided by law)—and repealed Government Code section 77215.5, which was enacted as part of AB 92. It then obligated the sheriffs who were required to provide security to superior courts to enter into contracts with the superior court. But, it also borrowed the language and substance of sections 26603 and 77215.5 and incorporated their principles into a new article of the Government Code called the Superior Court Law Enforcement Act of 2002 (SCLEA).²⁸

In addition to maintaining the status quo in terms of the permissible service providers for court security, SB 1396 addressed the lack of clarity in allowable costs in function 8 of rule 10.810. It did this in a unique way, however. The SCLEA does not simply define allowable security costs *per se*. Rather, it replaces function 8 of rule 10.810 with the “Contract Law Enforcement Template” (Template).²⁹ The SCLEA provides that the Template is to be adopted by the Judicial Council based on recommendations made by the Working Group on Court Security.³⁰ The composition of the working group is set by Government Code section 69927(a) and includes representatives from the judicial branch, the California State Association of Counties, the California State Sheriffs’ Association, and other sheriffs’ organizations.³¹ The SCLEA divides allowable costs into four categories: (1) equipment, services and supplies;³² (2) professional support staff;³³ (3) security personnel services;³⁴ and (4) vehicle use.³⁵ The definition of each of these categories is qualified by the phrase “as defined in the contract law enforcement template.” So, for example, Government Code section 69927(a)(6) begins:

“Allowable costs for security personnel services,” as defined in the contract law enforcement template means the salary and benefits of an employee, including but not limited to

This is an odd construction given that the Template did not exist at the time SB 1396 was enacted. It appears that the Legislature established the category, but gave the working group and the Judicial Council the authority to fill in the details in the Template. Thus, the Legislature provided greater direction than was previously found in rule 10.810, but also established a

²⁸ SCLEA is article 8.5, chapter 5, title 8 of the Government Code, beginning at Government Code section 69920, et seq. The language of former Government Code section 26603 is now in Government Code section 69922 and the language formerly in Government Code section 77215.5 is now in Government Code section 69926.

²⁹ Gov. Code, § 69927(a)(1).

³⁰ Gov. Code, §§ 69927, 69921(a).

³¹ *Ibid.*

³² Gov. Code, § 69927(a)(4).

³³ Gov. Code, § 69927(a)(5).

³⁴ Gov. Code, § 69927(a)(6).

³⁵ Gov. Code, § 69927(a)(7).

process (the working group's recommendations to the Judicial Council) and a more refined tool (the Template) for working out the details of allowable security costs.

The California State Sheriffs' Association and the Judicial Council were both sponsors of SB 1396 and submitted letters to the Governor in support, knowing that they would appoint representatives to a working group to make a recommendation on the Template and a definitive definition of allowable costs. That definition would be subject to change every time the working group deemed it appropriate to make a new recommendation to the Judicial Council.³⁶ The County of Los Angeles, likewise, submitted a letter in support of SB 1396, knowing that the bill itself did not finally determine which security personnel costs were allowable and not allowable.³⁷

E. Reimbursement of Sheriff Retiree Health Benefits under SB 1396

The lack of specificity in SB 1396 led to conflicting views on whether sheriff retiree health benefits were allowable costs. The issue first arose during training sessions conducted jointly by the California State Sheriffs' Association and the Administrative Office of the Courts (AOC). Responses to questions raised were distributed in a memorandum as part of a preliminary response, pending preparation of a draft Template by the Working Group on Court Security and adoption of the Template by the Judicial Council.³⁸ The memorandum set forth the following question and answer:

Question: Is the payment of premiums for lifetime health benefits in retirement an allowable cost?

Yes. Payment of retirement benefits, such as health insurance should be locally negotiated.

Although sheriff retiree health benefits are not specifically identified in the list of allowable costs identified in Government Code section 69927(a)(6), the working group could have determined they were allowable because the use of the words "including, but not limited to" preceding the list of allowable items indicates that the Legislature intended the list to be illustrative and not exclusive.³⁹ The first version of the Template,⁴⁰ however, did not allow payment of sheriff

³⁶ Letter dated September 12, 2002, from Eraina Ortega, Legislative Advocate, Administrative Office of the Courts to the Hon. Gray Davis (Ex. 9); Letter dated August 30, 2002, from Nick Warner, Legislative Director, California State Sheriffs' Association to the Hon. Gray Davis. (Ex. 10) The letter from the California State Sheriffs' Association specifically notes that SB 1396 authorizes a "working group on court security that may recommend modifications to the implementation of these provisions."

³⁷ Letter dated August 31, 2003, from Steve Zehner, Principal Deputy County Counsel, County of Los Angeles to the Hon. Gray Davis. (Ex. 11.)

³⁸ Memorandum dated July 10, 2003, from Michael Roddy, Regional Administrative Director, AOC, and Doug Storm, Assistant Sheriff, Orange County Sheriff's Department. (Ex. 12.)

³⁹ See *Coast Oyster Co. v. Perluss* (1963) 218 Cal.App.2d 492, 501-502 (holding that the use of the phrase "includes, but is not limited to" usually reflects a legislative intent to enlarge and not to limit).

retiree health benefits. Section I of the Template, titled “Allowable Cost Narratives,” allows for the payment of “Salary, wages and benefits” for sheriff employees. Section III of the Security Template, entitled “Addendum Narratives,” includes a table that states “this is a list of *the* allowable employer-paid labor-related employee benefits.” (Italics added.) This wording, in contrast to the use of the phrase “including but not limited to” in Government Code section 69927(a)(6), makes the list exclusive.⁴¹ *Retiree health benefits are not included in the list.* Given that the Legislature made the Template the final word on what was an allowable cost, with its adoption, retiree health benefits were not allowable costs.

Reimbursement of such expenses did not arise as an issue until 2006. Before 2006, the survey the AOC circulated to the trial courts to identify security costs did not require the category of benefits to be reimbursed to be specified individually. In 2006, however, requests for security funding from the trial courts for fiscal year 2006—2007 increased by 11 percent over the previous fiscal year. Lacking sufficient funding for such a significant increase, AOC staff requested additional information from the trial courts, including a breakdown of the benefits category to determine the cause of the increase. It became apparent that some trial courts *had* in fact paid for sheriff retiree health benefits in the past. The AOC took the position that retiree health benefit costs should be disallowed because they were not authorized by the Template.⁴²

A number of trial courts took issue with the disallowance of sheriff retiree health benefits. In particular, the Superior Court of Los Angeles County raised the issue in a January 2007 letter to the Administrative Director of the Courts.⁴³ The Administrative Director of the Courts responded in a letter noting that sheriff retiree health benefit costs are subject to approval as a specific cost pursuant to the procedures in the Government Code, i.e., the Working Group on Court Security must review that cost and make a recommendation to the Judicial Council on whether to amend the Template. The letter also noted that reimbursement was appropriate if a superior court could provide documentation that it had paid for these benefits in the past and that the cost of the benefits had been included in the calculation of the amount of a county’s maintenance of effort payment. The letter noted that the method for calculation of such costs was subject to review to ensure that they represented actual costs and could also be affected by subsequent legislation.⁴⁴

⁴⁰ A copy of the Template is attached as exhibit 13.

⁴¹ In this context the SB X4 13 amendment to Government Code section 69926 that limits allowable benefits to those specifically enumerated in Government Codes section 69927(a)(6), (“For purposes of this article, “benefits” excludes any item not expressly listed in this subdivision, including, but not limited to any costs associated with retiree health benefits.”), is not new law, but simply codifies the law as previously stated in the Template.

⁴² Report to the Judicial Council, dated October 18, 2006, pp. 6—7. (Ex. 14.)

⁴³ Letter dated January 10, 2007 from John A. Clarke, Executive Officer/Clerk, Superior Court of Los Angeles County, to William C. Vickrey, Administrative Director of the Courts. (Ex. 15)

⁴⁴ Letter dated January 30, 2007 from William C. Vickrey, Administrative Director of the Courts, to John A. Clarke, Executive Officer/Clerk, Superior Court of Los Angeles County. (Ex. 16.)

The AOC required documentation of prior payment because Government Code section 69927(a)(1), provides: “Any new court security costs permitted by this article shall not be operative unless the funding is provided by the Legislature.” Thus, even if sheriff retiree health benefits are an allowable cost under SCLEA, the AOC is not authorized to reimburse a superior court that does not demonstrate that it was paying for sheriff retiree health benefits before enactment of SB 1396, unless the Legislature authorizes additional funding for that cost item. Five superior courts submitted documentation that they had previously been paying the sheriff for the costs of retiree health benefits.⁴⁵ Based on this documentation, these five courts were reimbursed for the costs of sheriff retiree health benefits in fiscal year 2008—2009, although they had not been reimbursed in the two previous years.⁴⁶

Discussion

A. SB X4 13 Imposes No Reimbursable Mandate on the County of Los Angeles.

Article XIII B, section 6 of the California Constitution provides that “[w]hensoever the Legislature or any state agency mandates a new program or higher level of service on any local government, the State shall provide a subvention of funds to reimburse that local government for the costs of the program or increased level of service” The amendment to Government Code section 69926(b) in SB X4 13 that bars reimbursement for the cost of sheriff retiree health benefits does not constitute such a mandate. It merely clarifies what costs are allowable when a sheriff provides court security services. As there is no state law requiring the sheriff to pay retiree health benefits to its deputies, there is no reimbursable mandate.

The County of Los Angeles argues that under *Lucia Mar Unified School Dist. v. Honig* (1988) 44 Cal.3d 830, SB X4 13 constitutes a new “program” because it represents a transfer of a state cost to the counties. (Test Claim, pp. 12—13.) That portion of the holding in *Lucia Mar* was codified by initiative in 2004⁴⁷ as subdivision (c) of Article XIII B, section 6, which provides

A mandated new program or higher level of service includes a transfer by the Legislature from the State to cities, counties, cities and counties, or special districts of complete or partial financial responsibility for a required program for which the State previously had complete or partial financial responsibility.

Under either *Lucia Mar* or subdivision (c), to be reimbursable the cost transferred must nonetheless be *mandated* by the state. Here, the cost the county alleges was transferred was discretionary, not mandatory.

⁴⁵ Report to the Judicial Council, dated October 8, 2008, *Court Security Retiree Health Costs in MOEs*, p. 16. (Ex. 17.) The five are the superior courts of Contra Costa, Kern, Los Angeles, Sacramento, and Santa Clara Counties.

⁴⁶ *Ibid.*

⁴⁷ Proposition 1A, approved by the voters on November 2, 2004.

In the recent case *Department of Finance v. Commission on State Mandates* (2009) 170 Cal.App.4th 1355, the Court of Appeal examined a line of cases in which courts have determined that there is no reimbursable mandate because the additional costs were incurred by the local government agency voluntarily, not as the result of a state mandate.

- In *City of Merced v. State of California* (1984) 153 Cal.App.3d 777, the Court of Appeal held that an amendment of the eminent domain law requiring compensation for business good will is not reimbursable as an unfunded state mandate.⁴⁸ It reasoned that the city was free to choose other methods of acquiring real property and would only incur additional expense if it chose to use eminent domain powers.
- In *Dept. of Finance v. Commission on State Mandates (Kern High School Dist.)* (2003) 30 Cal.4th 727, the claimant school district asserted that new laws imposing notice requirements on certain meetings constituted a reimbursable mandate. The Supreme Court held that they did not because the districts were not legally compelled to hold the meetings in the first place and would not be under threat of penalty if they did not hold them. The school district had argued that as a practical matter it was compelled to conduct the meetings. The Supreme Court acknowledged that a “de facto” reimbursable mandate was possible, but that facts before it did not present such a mandate.
- In *San Diego School District v. Commission on State Mandates* (2004) 33 Cal.4th 859, the Supreme Court considered whether state requirements for expulsion hearings were a reimbursable mandate and concluded they were not because the costs were incurred due to federal due process requirements. But it offered dicta on the *Merced* case, suggesting that its holding should not be extended to achieve an extreme result, e.g., a mandate to provide protective clothing for firefighters should not be deemed unreimbursable solely because a city can decide how many firefighters to hire.

Based on these cases the Court of Appeal concluded that enactment of a bill that gave certain procedural and due process rights to peace officers did not constitute a reimbursable mandate as to school districts that employed peace officers.⁴⁹ The court reasoned that, although state law authorized school districts to employ peace officers, school districts were not compelled by state law to employ them. The court acknowledged that providing police protection was one of the most essential and basic functions of a city or county, and such requirements were a reimbursable mandate for those entities, but distinguished school districts because they had alternatives to retaining their own peace officers.⁵⁰

⁴⁸ Under former Revenue and Taxation Code section 2231, the predecessor to article XIII B, section 6.

⁴⁹ *Dept. of Finance, supra*, 170 Cal.App.4th at 1365—1368.

⁵⁰ *Ibid.*

In each of these cases, where the claimant had the *legal* choice not to participate in a program, the court found that any additional costs associated with that program were not a reimbursable mandate. Here the analysis is a little different, but the principle is the same. While the Los Angeles County Sheriff is compelled by Government Code section 69922 to provide security services to the Superior Court of Los Angeles County, there is no state law compelling sheriffs to pay their deputies retiree health benefits. Accordingly, the amendment to Government Code section 69926 barring reimbursement of that cost does not constitute a reimbursable mandate.

We do not want to trivialize the payment of retiree health benefits to sheriffs' deputies. It is a benefit paid to many, but not all, government employees. The County of Los Angeles may have incurred a contractual obligation to pay the benefit in its memorandum of understanding with sheriff's deputies. But for purposes of determining whether the benefit constitutes a reimbursable mandate under California law, the payment of this benefit by the County of Los Angeles is wholly voluntary, just as hiring peace officers for school districts, exercising the right of eminent domain, and holding meetings in schools, were deemed voluntary by the courts in the cases summarized above. These may be important functions of local agencies, but they are not reimbursable mandates.

Even if the cost were not voluntary, increases in cost—as opposed to increases in the level of services—do not create a reimbursable mandate. As the Supreme Court observed after summarizing several older cases:

[S]imply because a state law or order may increase the costs borne by local government in providing services, this does not necessarily establish that the law or order constitutes an increased or higher level of the resulting 'service to the public' under article XIII B, section 6, and Government Code section 17514.¹²

¹² Indeed, as the court in *City of Richmond, supra*, 64 Cal.App.4th 1190, 75 Cal.Rptr.2d 754, observed: "Increasing the cost of providing services cannot be equated with requiring an increased level of service under [article XIII B,] section 6 A higher cost to the local government for compensating its employees is not the same as a higher cost of providing [an increased level of] services to the public." (*Id.*, at p. 1196, 75 Cal.Rptr.2d 754; *accord, City of Anaheim v. State of California* (1987) 189 Cal.App.3d 1478, 1484, 235 Cal.Rptr. 101 [temporary increase in PERS benefit to retired employees, resulting in higher contribution rate by local government, does not constitute a higher level of service to the public].)⁵¹

⁵¹ *San Diego School District, supra*, 33 Cal.4th, at 877.

Here, there has been no change in the sheriffs' obligation to provide security to the superior courts, but those sheriffs' offices that choose to pay for retiree health benefits for their deputies cannot be reimbursed for that expense under the guise of providing a higher level of service.

The County of Los Angeles quotes the following paragraph from the *Lucia Mar* case for the proposition that the transfer of a state cost to the county constitutes a reimbursable mandate:

The intent of the section would plainly be violated if the state could, while retaining administrative control of programs it has supported with state tax money, simply shift the cost of the programs to local government on the theory that the shift does not violate section 6 of article XIII B because the programs are not "new." Whether the shifting of costs is accomplished by compelling local governments to pay the cost of entirely new programs created by the state, or by compelling them to accept financial responsibility in whole or in part for a program which was funded entirely by the state **before the advent of article XIII B**, the result seems equally violative of the fundamental purpose underlying section 6 of that article. We conclude, therefore, that because section 59300 shifts partial financial responsibility for the support of students in the state-operated schools from the state to school districts—**an obligation the school districts did not have at the time article XIII B was adopted**—it calls for plaintiffs to support a "new program" within the meaning of section 6.⁵²

But, as the bolded language quoted above makes quite clear, the court based its holding on the conclusion that a transfer constituted an unreimbursable mandate if, and only if, the cost had been borne by the state **before adoption of article XIII B in 1988**. As outlined in the background section of this response, however, court security was entirely the responsibility of the counties before 1988; the state did not assume responsibility for funding trial courts and their attendant security until enactment of the Lockyer-Isenberg Act, effective January 1, 1998—10 years after the adoption of article XIII B. If the expense of sheriff retiree health benefits was not transferred from the county until after article XIII B, the alleged transfer is not subject to article XIII B, section 6 and no reimbursable mandate exists under the *Lucia Mar* analysis.

In this context it is worth revisiting section 64 of the Lockyer-Isenberg Act, which states:

No provision of this act shall be deemed to constitute a mandate upon a county because the state's assumption of increased funding support for the trial courts, pursuant to Section 77001 of the Government Code, effectively relieves a county of the responsibility to provide otherwise increasing funds to the trial courts to help finance their operations.

⁵² *Lucia Mar Unified School Dist.*, *supra*, 44 Cal.3d at 36, bold added, footnotes omitted.

While the county's test claim does not arise directly from the Lockyer-Isenberg Act, it is related to that legislation, because SB 1396, which was amended by SB X4 13, is part of the development of trial court funding and the transition from county to state funding of the trial courts. Having been relieved of a financial responsibility for supporting the Superior Court of Los Angeles County that now comes close to over 800 million dollars a year (excluding facilities costs), it is unreasonable for the county now to claim an unfunded mandate over the disallowance of an alleged 5 million dollar a year expense.

B. There is No Reimbursable Mandate Because the County of Los Angeles Requested the Legislative Authority that Requires the Sheriff to Provide Court Security.

Under article XIII B, section 6, "the Legislature may, but need not, provide a subvention of funds for the following mandates: (1) Legislative mandates requested by the local agency affected. . . ." The County of Los Angeles did not request or support the enactment of SB X4 13, but, as explained in the section above, that bill does not constitute a reimbursable mandate or a transfer of a state expense to the counties. The county has a long history of requesting, independently, through its sheriff, and through organizations to which the county and sheriff are party, legislative mandates that the sheriff be required to provide security to the superior courts. This occurred when the county elected to use the sheriff to provide court security over the marshal in 1993, when the sheriff supported the enactment of AB 92 in 1998, and when the sheriff and county supported the enactment of SB 1396 in 2002.

1. In 1993, the County of Los Angeles Abolished the Marshal's Office and Required the Use of the Sheriff for Court Security Services.

Before trial court unification,⁵³ in addition to the superior court there was at least one municipal court in each county. Sheriffs were generally the primary security providers for the superior courts, while marshals provided security in municipal courts.⁵⁴ With trial court unification and a single unified superior court in each county, the need for two separate security providers diminished. Most county marshals' offices were thus abolished—essentially being consolidated with the sheriffs' offices—and sheriffs became the primary security providers in most unified courts.⁵⁵ Legislation related to this consolidation process was enacted to account for many county-specific circumstances.⁵⁶ Today, only the Superior Courts of Shasta and Trinity Counties utilize a marshal for court security.

⁵³ The Constitution was amended in 1998 to permit the municipal and superior courts in each county to unify. (Former Cal. Const., art. VI, § 5(e).) By February 8, 2001, the courts in all 58 counties had unified as superior courts.

⁵⁴ Cal. Law Revision Com., Memorandum 2001-9 (Study J-1400) Statutes Made Obsolete by Trial Court Restructuring: Sheriffs and Marshals (Jan. 16, 2001), p. 1. (Ex. 18.)

⁵⁵ Cal. Law Revision Com., Memorandum 2001-9 (Study J-1400), *supra*, pp. 1—4. (Ex. 18.)

⁵⁶ See, e.g., Gov. Code, §§ 26625–26672, 72110–72116, 73665–73666, 73757–73758, 74784.

In Los Angeles County the process of court consolidation was governed by Government Code section 26639, et seq. This statute allowed the judges of the Municipal and Superior Courts in Los Angeles to provide an advisory recommendation to the Board of Supervisors of Los Angeles County as to which agency it preferred to provide court security; it granted to the board the sole authority to make the decision.⁵⁷

In October 1993, the judges submitted their advisory vote to the board as required by section 26639. Two hundred ninety-eight judges voted to have court security services provide by the marshal; only 63 voted for the sheriff. Despite the judges' overwhelming recommendation that the marshal be selected, the board determined that the courts would receive security services from the sheriff.⁵⁸ The Superior Court of Los Angeles County and the Municipal Court Judges' Association challenged that result by filing a law suit challenging the board's decision,⁵⁹ but the Marshal's office was abolished and the Sheriff became the sole provider of security services to the trial courts in Los Angeles County.

2. In 1998, the Los Angeles County Sheriff, through the California State Sheriffs' Association, Supported AB 92.

In 1998, when some sheriffs had doubts about whether they were entitled to continue providing security services to the superior courts, or whether courts would be able to use another agency or vendor for those services to address these concerns, the California State Sheriffs' Association, the Peace Officers Research Association of California, and the Association for Los Angeles Deputy Sheriffs supported a bill to maintain the status quo, i.e., to require sheriffs to continue providing security services to those superior courts where they were already providing such services.⁶⁰ While the legislative history does not reflect any letters of support submitted by the County of Los Angeles or by the Los Angeles County Sheriff, that support can be inferred from the support of the California State Sheriffs' Association, whose membership is comprised of the sheriffs from all 58 counties, and the Association for Los Angeles Deputy Sheriffs, which is a labor organization for the Los Angeles County Sheriff's deputies.

3. In 2002, the County of Los Angeles Supported the Enactment of SB 1396.

The California State Sheriffs' Association and the Judicial Council were both sponsors of SB 1396 and submitted letters in support of the bill to the Governor.⁶¹ The County of Los Angeles,

⁵⁷ AB 1587 was sponsored by the Association for Los Angeles Deputy Sheriffs, and supported by the County of Los Angeles, the California State Sheriffs' Association, and others. It was opposed by the Los Angeles County Municipal Court Presiding Judges Association and the Municipal Court Judges Association, among others. (Gov. Office of Planning and Research, Enrolled Bill Report on AB 1587 (1993-1994 Reg. Sess.) Support and Opposition, p. 5. (Ex. 19).)

⁵⁸ *Board of Supervisors of the County of Los Angeles* (1995) 32 Cal.App.4th 1616, 1620.

⁵⁹ *Ibid.*

⁶⁰ Gov. Office of Planning and Research, Enrolled Bill Report on AB 92, *supra*, Support and Opposition. (Ex. 6.)

⁶¹ Letter dated September 12, 2002, from Eraina Ortega, Legislative Advocate, Administrative Office of the Courts to the Hon. Gray Davis (Ex. 9); Letter dated August 30, 2002 from Nick Warner, Legislative Director, California

likewise, submitted a letter in support of SB 1396.⁶² In expressing its support for a bill that did not finally determine which costs were allowable and which were *not* allowable, the County of Los Angeles acquiesced to just the kind of adjustment that was made regarding the disallowance of retiree health benefits. Although SB 1396 authorized the Working Group on Court Security and the Judicial Council to make such adjustments, the Legislature can certainly exercise that authority itself and limit allowable expenses by amendments to the SCLEA.⁶³ In reporting the intent of the Legislature, SB 1396 explicitly states that the purpose of the bill is to “identify allowable law enforcement security costs *after* the operative date of this article.”⁶⁴ It was never anticipated that all allowable costs had been determined by the bill itself. Having supported SB 1396 knowing that allowable costs would be determined and adjusted later by some other entity, the County of Los Angeles cannot now reasonably allege a reimbursable mandate.

The entire structure of SB 1396 includes both fixed and open-ended limitations on what a sheriff may charge for court security services. For example, Government Code section 69927(a)(4) provides an exclusive list of equipment for which a sheriff can bill a superior court. The list is fixed by statute and cannot be changed without amendment by the Legislature; if the sheriff chooses to use equipment not identified in the statutory list, it must do so at its own expense. Likewise, Government Code section 69927(a)(5) limits the costs for professional support staff to six percent of total allowable costs for smaller courts and to four percent for larger courts. But it also specifies that these limits can be changed by the Judicial Council following a recommendation by the Working Group on Court Security.

These limitations and potential adjustments were all built into SB 1396 for a simple reason: while SB 1396 affirmed the status quo that sheriffs were to continue providing security to the superior courts, the trial courts and the Legislature did not wish to write a blank check. On the contrary, SB 1396 makes references to controlling costs and achieving efficiencies. It represented a compromise between the judicial branch, the sheriffs, and the counties whereby the sheriffs would continue to provide security without imposing an unreasonable burden on state finances. The amendment in SB X4 13 that clarifies that sheriff retiree health benefits are excluded is consistent with that compromise. Having supported that compromise, the County of Los Angeles is precluded from asserting that it constitutes a reimbursable mandate in its favor.

State Sheriffs' Association (Ex. 10). The letter from the California State Sheriffs' Association specifically notes that SB 1396 authorizes a “working group on court security that may recommend modifications to the implementation of these provisions.”

⁶² Letter dated August 31, 2003, from Steve Zehner, Principal Deputy County Counsel, County of Los Angeles to the Hon. Gray Davis. (Ex. 11.)

⁶³ Indeed, as noted in footnote 41, above, the SB X4 13 amendment to Government Code section 69926 that limits reimbursement for benefits not specifically identified in Government Code section 69927(a)(6) simply codifies the approach to such benefits already in the Template adopted by the Judicial Council.

⁶⁴ Gov. Code, § 69927(a)(1), italics added.

C. The County of Los Angeles Cannot Claim Reimbursement for Expenses Associated with Retiree Health Benefits for Sheriff's Deputies Not Currently Providing Services to the Superior Court.

Although the issue would get much more attention at the parameters and guidelines stage if the Commission approves the County of Los Angeles' test claim, it is important to note at this point that to the extent the county seeks reimbursement for costs associated with sheriffs' deputies who are already retired, such reimbursement would not be authorized under SB 1396.

In the past many government entities paid for retiree health benefits on a "pay-as-you-go" basis, i.e., paying for health benefits for employees after they retire. The "pay-as-you-go system" is in contrast to the "pre-funded" system typically used for pension benefits, under which a government entity deposits money for each current employee into a fund maintained for purposes of paying future pension benefits for those employees once they retire. The contrast between "pay-as-you-go" and pre-funded systems has been highlighted by recent changes in accounting practices. This occurred when the Governmental Accounting Standards Board (GASB) issued Statement No. 45 (GASB 45), which required all government entities to start documenting in their financial statements any unfunded liabilities for post-employment benefits, including retiree health benefits, by December 15, 2008. GASB 45 does not obligate government entities to fund these liabilities; it simply requires that they be reported on financial statements.

Under SB 1396, trial courts are only authorized to pay for benefits for current employees of the sheriff. "'Allowable costs for security personnel services,' . . . means the salary and benefits of an employee . . ."⁶⁵ Thus, SB 1396 only authorizes courts to pay benefits for current employees providing court security services, not for former—i.e. retired—county employees. It is unclear from the test claim how the amounts sought were calculated. To the extent that they represent costs that are not related to the current provision of security services they are not reimbursable under SB 1396.

Respectfully submitted,



Michael I. Giden
Attorney

MIG/dag
Attachments

⁶⁵ Gov. Code, § 69927(a)(6).

Ms. Paula Higashi

August 13, 2010

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cc: William C. Vickrey, Administrative Director of the Courts
Ronald G. Overholt, Chief Deputy Director, Administrative Office of the Courts
Mary M. Roberts, General Counsel, AOC Office of the General Counsel

Ms. Paula Higashi
August 13, 2010
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DECLARATION

(California Code of Regulations, Title 2, Section 1183.02(d))

I am informed and believe and on that basis declare under penalty of perjury that the information in this response is true and complete to the best of my knowledge and that the exhibits to the response are true and correct copies of the relevant portions of public records.

8-13-10
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PROOF OF SERVICE BY MAIL

I, Francesca Smith-Archiapatti, declare that I am employed in the County of Los Angeles, over the age of 18 years, and not a party to nor interested in the within matter, and my business address is 2255 North Ontario Street, Suite 200, Burbank, California 91504.

I am readily familiar with the business practice for collection and processing of correspondence for mailing with the United States Postal Service and that correspondence would be deposited with the United States Postal Service the same day in the ordinary course of business.

On August 13, 2010, I placed a copy of the Administrative Office of the Court's Response to Test Claim Filed by the County of Los Angeles (*Sheriff Court-Security Services, 09-TC-02*) dated August 13, 2010, in an envelope which was then sealed and placed for collection and mailing on this date following ordinary business practices, and addressed to the person listed as follows:

See attached mailing list.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed in the County of Los Angeles, State of California, on August 13, 2010.



Francesca Smith-Archiapatti

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Sheriff Court-Security Services, No. 09-TC-02

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Sheriff Court-Security Services, No. 09-TC-02

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EXHIBIT LIST

- Ex. 1. Judicial Council of California, 1983 Report to the Governor and the Legislature, Part 1, Chapter 8, Trial Court Costs and Revenue
- Ex. 2. Judicial Council of California, In the Name of Justice: Report of the California Courts, Judicial Branch Resources.
- Ex. 3. Letter dated December 7, 2009, from William C. Vickrey, to Senators Ducheny and Corbett and Assembly Members Evans and Feuer.
- Ex. 4. Assem. Analysis of AB 92 (1997–1998 Reg. Sess.), as amended Aug. 24, 1998.
- Ex. 5. Department of Finance, Enrolled Bill Report, Bill Analysis of AB 92 (1997–1998 Reg. Sess.).
- Ex. 6. Governor’s Office of Planning and Research, Enrolled Bill Report on AB 92 (1997–1998 Reg. Sess.).
- Ex. 7. Senate Rules Comm. Third Reading Analysis of AB 92 (1997–1998 Reg. Sess.), as amended Aug. 24, 1998.
- Ex. 8. Governor’s Office of Planning and Research, Enrolled Bill Report on SB 1396 (2001–2002 Reg. Sess.).
- Ex. 9. Letter dated September 12, 2002, from Eraina Ortega, Legislative Advocate, Administrative Office of the Courts, to the Hon. Gray Davis.
- Ex. 10. Letter dated August 30, 2002, from Nick Warner, Legislative Director, California State Sheriffs’ Association.
- Ex. 11. Letter dated August 31, 2003, from Steve Zehner, Principal Deputy County Counsel, County of Los Angeles to the Hon. Gray Davis.
- Ex. 12. Memorandum dated July 10, 2003, from Michael Roddy, Regional Administrative Director, Administrative Office of the Courts, and Doug Storm, Assistant Sheriff, Orange County Sheriff’s Department.
- Ex. 13. Contract Law Enforcement Template.
- Ex. 14. Report to the Judicial Council, dated October 18, 2006.

EXHIBIT LIST

- Ex. 15. Letter dated January 10, 2007, from John A. Clarke, Executive Officer/Clerk, Superior Court of Los Angeles County, to William C. Vickrey, Administrative Director of the Courts.
- Ex. 16. Letter dated January 30, 2007, from William C. Vickrey, Administrative Director of the Courts, to John A. Clarke, Executive Officer/Clerk, Superior Court of Los Angeles County.
- Ex. 17. Report to the Judicial Council, dated October 8, 2008.
- Ex. 18. California Law Revision Commission, Memorandum 2001-9 (Study J-1400) Statutes Made Obsolete by Trial Court Restructuring: Sheriffs and Marshals (Jan. 16, 2001).
- Ex. 19. Governor's Office of Planning and Research, Enrolled Bill Report on AB 1587 (1993-1994 Reg. Sess.)

EXHIBIT 1

1983·ANNUAL·REPORT



*PART I: 1983 Judicial Council Report to the
Governor and the Legislature*

*PART II: Annual Report of the Administrative
Office of the California Courts*

JUDICIAL·COUNCIL OF·CALIFORNIA

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Chapter 8

TRIAL COURT COSTS AND REVENUES

This report estimates California trial court costs and revenues for fiscal year 1982-83. The information was compiled by the Administrative Office of the Courts to estimate the fiscal impact of court-related legislative proposals.

The report defines court costs, explains the six major expense categories, and discusses the develop-

ment of original cost estimates and how they will be updated. Also, the results of a three-county verification of the 1982-83 estimates are summarized, followed by a brief description of trial court revenues. Included in the appendix is a Court Financing Summary that details state assistance to trial courts and the cost of state judicial operations.

I. DEFINITION OF COURT COSTS

Trial court costs, as defined here, include costs designated in county budgets for superior, municipal and justice courts and the county clerk and bailiffing functions. Countywide indirect costs attributable to these budget activities have been calculated and applied. Indirect costs include county government functions, such as a personnel or purchasing office; these costs are attributed to the courts by local prorated estimates. Also included within the total cost is the state's contribution to the trial courts in the form of superior court judges' salaries, block grants, and

judges' retirement. Therefore, these costs represent the total operational costs of the trial courts. The only category of costs not included are capital outlay expenditures for such purposes as site acquisition and construction of new court facilities.

The trial courts are only one part of justice system costs at the county level. Other activities that interact with the courts but are not included in court costs are public defender, district attorney and probation services.

II. COST PER JUDICIAL POSITION

The cost data are arranged so that total trial court costs are apportioned among total judicial positions for superior and municipal courts. Total judicial positions includes judges, referees, and commissioners. Therefore, each judicial position represents an equal share of total trial court costs. The cost per judicial position includes not only the salary and benefits for the judicial position itself, but also a proportionate share of all costs of nonjudicial positions, services and supplies and countywide indirect costs attributable to the courts. Finally, the cost of a bailiff and a court reporter position are added to the above to provide the total costs assignable to each judicial position.

The division of trial court costs into annual costs per judicial position allows for a further breakdown into costs per judicial case-related minute, hour and day. This is possible because of data accumulated by

Judicial Council weighted caseload studies, such as the minutes per year and days per year that are available for case-related work for the average judicial position. This type of detail is useful when estimating the additional court costs that may be required by a legislative proposal that would add minutes or hours of time to a judicial proceeding or impose a new judicial duty.

Justice court costs are not presented in the same detail as superior and municipal court costs because they account for only a small portion of the workload of the trial courts. Also, nearly all justice court judges are part-time and a cost per judicial position would not be applicable. Therefore, justice court costs are presented as a lump sum amount, approximately equivalent to their share of the lower court workload.

III. COST COMPONENTS

In 1974 budget expenditure data were collected from 15 municipal courts and 14 superior courts.¹ These 29 courts were the same courts that were the basis of the 1974 judicial and nonjudicial staffing studies conducted by the Judicial Council. The expendi-

ture data were segregated into six cost categories: judicial salaries and benefits; nonjudicial salaries and benefits; services and supplies; indirect costs; and costs for court reporters and bailiffs. A brief description of these court cost components follows.

¹The procedures followed in gathering the original trial court cost data are explained in detail in the 1975 Judicial Council publication, *Guidelines for Determining the Impact of Legislation on the Courts*.

A. Judicial Salaries and Benefits

Judicial salaries are the annual statutory salaries for municipal and superior court judges as of the latest authorized adjustment. The state share of superior court judges' salaries is included, currently ranging from \$53,767 to \$57,767, depending on the size of the county.

Salaries for full-time court commissioners and referees are calculated at 25 percent below the salary of a judge in municipal courts and 15 percent below the salary of a judge in superior courts. Compensation figures for this quasi-judicial personnel are included in this category because these court officers are available to handle matters otherwise requiring an equivalent number of judges.

The cost of benefits for judges, such as health and welfare benefits, is calculated at 11 percent of salary, which includes 8 percent for retirement and 3 percent for health insurance premiums. Benefits for commissioners and referees are the same rate as for non-judicial employees.

B. Nonjudicial Salaries and Benefits

Nonjudicial personnel includes all positions that provide support to the judicial function. In superior courts it includes court-related positions in the county clerk's budget as well as those positions budgeted directly for the superior court. A partial list of support personnel includes court administrators, jury commissioners, secretaries, stenographers, courtroom clerks, calendar clerks, data processing and microfilming personnel, deputy clerks, clerk typists, accountants, cashiers and counter clerks.

The positions of court reporter and bailiff are listed as separate costs so they remain identifiable from other nonjudicial position costs. Costs of these positions are discussed later.

Nonjudicial personnel costs were originally gathered from each of the survey courts. These amounts were then extrapolated to a statewide municipal court and superior court total. This total was then divided by total judicial positions in municipal and superior courts to arrive at a nonjudicial personnel cost per judicial position.

Benefits for nonjudicial personnel were calculated at 18.5 percent for municipal courts and 18.8 percent for superior courts as reported in the Judicial Council 1974 Nonjudicial Staffing Study.

C. Services and Supplies

The "services and supplies" category of trial court expenditures includes traditional operating expenses, such as office supplies, printing, postage, telephone, and travel. Other costs unique to court operations include jury expenses, expert witness fees and professional services of court-appointed counsel and doctors. "Services and supplies" for most counties typically include direct charges for some central service costs such as data processing, vehicle use, and occasionally building rent, including costs for secu-

urity and maintenance. Other countywide central service costs are considered indirect costs and are discussed as a separate cost component below.

In 1974 total cost of services and supplies was gathered from each of the 29 survey courts, extrapolated to a statewide total and divided by the number of judicial positions. This procedure was followed for both the superior and municipal courts.

Also included within the cost component of services and supplies are expenditures for office equipment and furnishings. These costs are categorized as "fixed assets" in most county budgets and are identified separately from services and supplies. However, because these amounts are a minor part of total annual expenditures and tend to fluctuate from year to year, this report includes these costs within the larger category of services and supplies. As noted previously, however, major capital outlay expenditures for such purposes as courthouse construction and site acquisition are not included in these trial court costs.

D. Indirect Costs

This expenditure category allows for a share of centralized county services used by the courts to be included in the total operational costs of the courts. Although counties direct charge some countywide central service costs, as noted above, the majority of these costs are incorporated into a countywide cost allocation plan and charged to the courts as indirect costs.

The countywide central service plans, as applied to the courts, may include such costs as purchasing, stores, personnel, auditing, disbursements, payroll, budget preparation and execution, messenger service, grant coordination, office machine maintenance, communications, parking lot maintenance, records retention, liability and bonding insurance, and rent, security and maintenance of court facilities.

It must be noted, however, that there are significant variations among counties as to which items are considered indirect costs and which items are considered direct charges and thus appear as budgeted expenditures. The 1974 survey sample was sufficiently large to arrive at a representative distribution of these costs.

An indirect cost rate is developed by obtaining the latest actual indirect annual costs charged to the courts, including the county clerk function and any other court-related budget units by the county auditor. The actual indirect cost amounts related to all municipal and superior courts are totaled and the percentage or rate of total court expenditures is determined.

Generally, this overhead rate is derived by using salaries and wages as the base. However, for ease of calculation, an equivalent rate based on total court expenditures has been developed. The rate, based on 1974 data, is 21.99 percent for municipal courts and 18.38 percent for superior courts.

Other countywide central indirect costs and are the largest component below. Services and supplies was gathered from survey courts, extrapolated and divided by the number of courts. The procedure was followed for municipal courts. The cost component of services and supplies for office equipment, these costs are categorized as county budgets and are identified as services and supplies. However, these are a minor part of total and tend to fluctuate from year to year. These costs within the services and supplies. As noted, major capital outlay expenditures such as courthouse construction are not included in these trial

E. Court Reporters

The annual cost of a court reporter in superior courts is based on average salaries and benefits of full-time reporters in the original superior courts surveyed. Costs are based on a ratio of one full-time court reporter for each judicial position in the superior court.

In municipal courts, court reporters are often paid on a per diem basis. Prevailing per diem rates were obtained from the survey courts and an equivalent annual salary was computed. Supplemental studies conducted by the Judicial Council were used to determine the average time devoted to the reporting of proceedings in the municipal courts. These studies indicated that court reporters were involved in approximately 40 percent of the daily activities of municipal courts.

Category allows for a share of services used by the courts to be allocated to the courts. To charge some countywide costs to the courts, the majority of these costs within the services and supplies. As noted, major capital outlay expenditures such as courthouse construction are not included in these trial

al service plans, as applied to such costs as purchasing, printing, disbursements, payroll, execution, messenger services, office machine maintenance, telephone maintenance, records management, and insurance, and rent, and cost of court facilities.

However, that there are significant uncertainties as to which items are included and which items are excluded. Thus appear as budgeted expenditures. The survey sample was sufficiently representative distribution of

developed by obtaining the annual costs charged to the county clerk function and any other units by the county auditor. Cost amounts related to all courts are totaled and the total court expenditures is de-

termined. The rate is derived by using the base. However, for ease of comparison, the rate based on total court expenditures. The rate, based on the amount for municipal courts and superior courts.

The benefit rate for court reporters was calculated the same as for other nonjudicial employees.

F. Bailiffs

Bailiffing costs are computed by a ratio of one bailiff for each judicial position for both superior and municipal courts. It is recognized that coverage for vacations, illnesses and other time off would require an increase in this ratio. However, some courts are operating without bailiffs in attendance at all sessions or they utilize "court attendants" at a lesser salary. Consideration of these factors justifies maintaining the ratio of one bailiff per judge for cost purposes.

Average salaries and benefits for bailiffs were based on a review of salary ordinances and telephone inquiries of survey courts.

IV. ANNUAL COST ADJUSTMENTS

Trial court cost estimates were first calculated for the 1974-75 fiscal year. For the years 1975-76, 1976-77 and 1977-78 each category of expenditures—except judicial positions—was adjusted by the full cost-of-living percentage increase as represented in the California Consumer Price Index published by the Department of Industrial Relations. Judicial positions were increased by the amount of the actual statutory increase for those salaries.

After the passage of Proposition 13 in June 1978, the Governor created the Commission on Government Reform (Post Commission). The commission's task force, charged with studying the court system, gathered trial court costs for 1976-77, and estimated a 15 percent increase for 1977-78 and a 10 percent increase for 1978-79. The Post Commission cost estimates were admittedly "ballpark figures" but still represented current estimates published by an official state body. Therefore, the AOC staff reconciled

its trial court cost data with Post Commission figures whenever possible as a check on the data's validity.

The reconciled amounts were adjusted for fiscal year 1979-80 and thereafter by an annual increase of 7.5 percent except for judicial salaries which have been increased by the actual statutory amounts. The 7.5 percent general increase was supported by recent trends in expenditures of selected trial courts as reported in the Controller's *Annual Report of Financial Transactions Concerning Counties*. In 1982-83 other factors were evaluated before selecting a 7.5 percent increase, including the Department of Finance's California cost-of-living estimate of 8.3 percent; a projected increase in the Governor's 1982-83 general fund budget for state operations of 5.8 percent and a projected increase in the general fund local assistance budget of 4.3 percent. These factors together supported a 7.5 percent estimated increase for 1982-83 in court operation expenses.

V. THREE-COUNTY BUDGET COMPARISON

To determine whether the estimated 1982-83 trial court costs were reasonable, based on the 1974 methodology, recent court costs were surveyed in three counties and the results were extrapolated to statewide totals. This comparison provided an independent check on the estimates. The survey counties selected were Alameda, Los Angeles and Sacramento. Current budgets from these counties were obtained and carefully reviewed. Supplemental data were obtained from county budget, personnel and auditor offices.

There were 31 municipal courts in the three survey counties with 248 authorized judicial positions comprising 44.5 percent of the total judicial positions in all municipal courts. The sum total of the approved 1981-82 municipal court budgets in these counties plus amounts for state judicial retirement contributions, bailiffing costs, and indirect costs was

\$97.9 million. When extrapolated statewide, the total becomes \$219.9 million. An adjustment of 7.5 percent for 1982-83 increases the estimate to \$236.4 million. This compares to the AOC estimate of \$219.6 million, a difference of about 7.6 percent.

The superior courts in the three survey counties had 322 authorized judicial positions comprising 45.2 percent of the total superior court judicial positions in the state for 1981-82. The approved 1981-82 budgets in these three counties for superior courts and county clerks plus the state share of judicial salaries and retirement, plus bailiffing costs and indirect costs, totaled \$127.5 million. This amounts to \$282.4 million when extrapolated statewide. The 1982-83 adjustment of 7.5 percent brought this total to \$303.5 million statewide. This compares to \$291.2 million in the original AOC estimate, a difference of about 4.2 percent.

VI. FUTURE ANNUAL COST ADJUSTMENTS

The three-county comparison indicates that the original 1982-83 estimates of total trial court costs are reasonable. However, to assure that the annual totals remain valid and to allow for more careful analysis of the various cost components within the total, this

type of comparison could be conducted annually on a somewhat larger sample of perhaps five or six representative counties would add to the verification's validity. This type of analysis provides continued assurance of the reasonableness of the estimates.

VII. TRIAL COURT REVENUES

The final page of the appendix to this report contains 1982-83 estimates of trial court revenues. The estimates are based on 1979-80 actual amounts. The 1979-80 "actuals" are from two sources. The revenue for counties and cities is from the State Controller's *Annual Report of Financial Transactions*. Revenues for the state are from the *Governor's Budget* as reported in various penalty assessment funds and the Judges' Retirement Fund. A minor amount in fines is

received by the state as miscellaneous revenue and an estimate is included for this item.

The revenues are projected from 1978-79 to 1982-83 using annual estimates of state general fund revenue increases as a guideline. The percentage increases for the three intervening years are estimated as follows: 1980-81, 6 percent; 1981-82, 10.3 percent; 1982-83, 9.8 percent.

APPENDIX

1982-83

SUMMARY OF TOTAL ESTIMATED TRIAL COURT COSTS °

	<i>Estimated Average Annual Cost Per Judicial Position</i>	<i>Judicial Positions</i>	<i>Estimated Total Trial Court Costs</i>
Superior Courts			
Judicial Position (\$63,267+11%)	\$70,226		
Nonjudicial Personnel	114,558		
Services and Supplies	<u>100,546</u>		
Subtotal	\$285,330		
Indirect Costs (18.38%)	<u>52,444</u>		
Total Costs Excluding Court Reporters and Bailiff	\$337,774		
Total Costs Including Court Reporter and Bailiff	\$402,917	725 jud. pos. (627 judges)	\$291,184,800 ^b
Municipal Courts			
Judicial Position (\$57,776+11%)	\$64,131		
Nonjudicial Personnel	140,203		
Services and Supplies	<u>74,242</u>		
Subtotal	\$278,576		
Indirect Costs (21.99%)	<u>61,259</u>		
Total Costs Excluding Court Reporter and Bailiff	\$339,835		
Total Costs Including Court Reporter and Bailiff	\$389,157	567 jud. pos. (495 judges)	\$219,612,051 ^c
Justice Courts		98 pt jud. pos.	<u>\$15,480,000</u>
Total All Trial Courts			<u>\$526,276,851^d</u>

^a Adjusted 7.5% for 1982-83 except for judges' salaries which are shown at the January 1, 1982 level.
^b Total adjusted for "other judicial" salaries calculated at 15% less than salary of judge.
^c Total adjusted for "other judicial" salaries calculated at 25% less than salary of judge.
^d Included in this amount is the state's contribution to the trial courts. See page A-4 of this appendix for detail of state's share of costs.

1982-83

SUPERIOR COURTS TOTAL ESTIMATED COSTS PER JUDICIAL POSITION

<i>Cost Category</i>	<i>Estimated Average Annual Cost Per Judicial Position</i>	<i>Average Cost Per Case- Related Minute^a</i>	<i>Average Cost Per Case- Related Hour^a</i>	<i>Average Cost Per Case- Related Day^a</i>
Judicial Position (1-1-82 \$63,267 + 11%)	\$70,226	\$0.9673	\$58.04	\$325
Nonjudicial Personnel	\$114,558	\$1.5779	\$94.67	\$531
Services & Supplies	\$100,546	\$1.5779	\$83.09	\$465
Subtotal	\$285,330	\$3.9301	\$235.80	\$1,321
Indirect Costs (18.38%)	\$52,444	\$0.7224	\$43.34	\$243
Total Cost Apportioned to Each Judicial Position (court reporter and bailiff <i>excluded</i>)	\$337,774	\$4.6525	\$279.14	\$1,564
Total Cost Apportioned to Each Judicial Position (court reporter and bailiff <i>included</i>)	\$402,917	\$5.5498	\$332.99	\$1,865

^a An estimated 216 days per year or 72,600 minutes per year (74,000 Los Angeles) is available for court-related activity for each judicial position in the superior courts.

1982-83

MUNICIPAL COURTS TOTAL ESTIMATED COSTS PER JUDICIAL POSITION

<i>Cost Category</i>	<i>Estimated Average Annual Cost Per Judicial Position</i>	<i>Average Cost Per Case- Related Minute^a</i>	<i>Average Cost Per Case- Related Hour^a</i>	<i>Average Cost Per Case- Related Day^a</i>
Judicial Position (1-1-82 \$57,776 + 11%)	\$64,131	\$0.8846	\$53.00	\$297
Nonjudicial Personnel	\$140,203	\$1.9338	\$116.03	\$649
Services & Supplies	\$74,242	\$1.0240	\$61.44	\$344
Subtotal	\$278,576	\$3.8424	\$230.54	\$1,290
Indirect Costs (21.99%)	\$61,259	\$0.8450	\$50.70	\$284
Total Cost Apportioned to Each Judicial Position (court reporter and bailiff <i>excluded</i>)	\$339,835	\$4.6874	\$281.24	\$1,574
Total Cost Apportioned to Each Judicial Position (court reporter and bailiff <i>included</i>)	\$389,157	\$5.3677	\$322.06	\$1,802

^a An estimated 216 days per year or 72,500 minutes per year (78,000 Los Angeles) is available for court-related activity for each judicial position in the municipal courts.

**1982-83
PROPOSED STATE JUDICIAL BUDGET
(Million \$)**

Average Cost Per Case- Related Day*			
	Supreme Court.....		\$5.1
	Courts of Appeal		21.7
	Judicial Council		11.4
\$325	Commission on Judicial Performance		0.3
	Judges Retirement Fund (Appellate Courts)		<u>0.9</u>
\$531	Total State Operations		\$39.4
\$465	Legislative Mandates		\$2.6
\$1,321	Superior Court Judges' Salary		35.8
	Superior Court Block Grants		9.1
\$243	Judges' Retirement Fund		
	Municipal Courts, estimated.....	\$5.4	
	Superior Courts, estimated	<u>7.5</u>	<u>12.9</u>
\$1,564	Total Local Assistance		<u>60.4</u>
\$1,865	Total 1982-83 State Judicial Budget		<u>\$99.8</u>

*These items, totaling \$60.4 million, are the state's contribution to the funding of the trial courts. This amount is included within the total estimated trial costs for 1982-83 as displayed on page A-1 of this appendix.

POSITION

Average
Cost Per
Case-
Related
Day*

\$297

\$649

\$344

\$1,290

\$284

\$1,574

\$1,802

position in the municipal

**TRIAL COURT REVENUES
ACTUAL 1979-80
ESTIMATED 1982-83***

	<i>1979-80 Actual</i>	<i>1982-83 Estimated</i>
<i>TO COUNTIES^a</i>		
Fines, Forfeitures, Penalties		
Vehicle Code Fines	\$77,544,769	\$99,548,845
Other Court Fines	30,477,353	39,125,595
Forfeitures and Penalties	10,571,642	13,571,448
Charges for Current Services		
Civil Process Services	8,027,262	10,305,074
Court Fees and Costs	38,323,332	49,197,947
TOTAL	<u>\$164,944,358</u>	<u>\$211,748,909</u>
<i>TO CITIES^a</i>		
Fines and Penalties		
Vehicle Code Fines	\$78,037,635	\$100,181,566 ^d
Other Fines	34,339,690	44,083,907
Other Penalties	211,303	271,134
TOTAL	<u>\$112,588,628</u>	<u>\$144,536,607</u>
<i>TO STATE OF CALIFORNIA^b</i>		
Assessments on Fines	\$50,318,168	\$67,023,000 ^e
Court Fees (Judges Retirement Fund)	3,194,341	3,795,000
Court Fines (estimates of state share of specific violations of Bus. and Prof. Code and Health and Safety Code)	2,131,114	2,735,838
TOTAL	<u>\$55,643,623</u>	<u>\$73,553,838</u>
<i>SUMMARY</i>		
To Counties	\$164,944,358	\$211,748,909
To Cities	112,588,628	144,536,607
To State	55,643,623	73,553,838
TOTAL	<u>\$333,176,609</u>	<u>\$429,839,354</u>

^a Source: State Controller's Reports—Financial Transactions Concerning Counties and Cities. (Adjustment made to reflect San Francisco County under "Counties" instead of "Cities.")

^b Governor's Budget and Judicial Council estimates.

^c 50% Vehicle Code Fines restricted as to use per Vehicle Code § 42201.

^d All Vehicle Code Fines restricted as to use per Vehicle Code § 42200.

^e Fine assessments are designated by statute for specific purposes. The 1982-83 distribution and amounts are as follows: Peace Officers Standards and Training (POST) \$19,744,000; Driver Training \$24,500,000; Fish and Game Preservation \$310,000; Victims of Crime \$18,352,000; and Corrections and Probation Training \$4,117,000.

* Revenue increased 6% for 1980-81, 10.3% for 1981-82 and 9.8% for 1982-83 based on estimates of increase in State General Fund revenues for these three years.

1982-83
COURT FINANCING SUMMARY

1982-83
estimated

\$99,548,845^o
39,125,595
13,571,448

10,305,074
49,197,947
\$11,748,909

\$100,181,566^d
44,083,907
271,134
\$144,536,607

\$67,023,000^e

3,795,000
2,735,838
\$73,553,838

\$11,748,909
\$44,536,607
73,553,838
\$129,839,354

San Diego County under

Standards and Training
Institutions and Probation

Expenses for these three

<i>Total Court Costs by Funding Source (State and Local)</i>		
State Judicial Operations ^a	\$39.4 million	6.8%
State Assistance to Trial Courts ^b	60.4	10.7
Total State Costs	\$99.8 million	17.5%
County Costs (Trial Courts)	465.9	82.5
Total Court Costs (est.)	\$565.7 million	100.0%

<i>Total Court Costs as Percent of Total Budget Expenditures</i>		
State's Share of Total Court Costs as Percent of Total State General Fund Budget ^c		0.4%
Total Court Costs as Percent of Total State General Fund Budget ^d		2.4%
Total Court Costs as Percent of Total Estimated State and Local Budget Expenditures ^e		1.5%

<i>Trial Court Costs by Level of Court</i>		
Superior Courts	\$291.2 million	55.3%
Municipal Courts	219.6	41.7
Justice Courts	15.5	3.0
Total Trial Court Costs (est.)	\$526.3 million	100.0%

<i>Trial Court Costs by Funding Source (State and Local)</i>		
Superior Courts		
County Costs	\$236.2 million	81.1%
State Assistance ^f	55.0	18.9
Total Superior Court Costs (est.)	\$291.2 million	100.0%
Municipal Courts		
County Costs	\$214.2 million	97.5%
State Assistance ^g	5.4	2.5
Total Municipal Court Costs (est.)	\$219.6 million	100.0%
Justice Courts		
County Costs	\$15.5 million	100.0%
State Assistance	—	—
Total Justice Court Costs (est.)	\$15.5 million	100.0%
Total All Trial Courts County Costs	\$465.9 million	88.5%

State Assistance	60.4	11.5%
Total Trial Court Costs (est.)	\$526.3 million	100.0%

<i>Costs Per Additional Superior Court Judgeship</i>	
County Costs	\$274,728
State Assistance ^b	128,189
Cost Per Judgeship (est.)	\$402,917

<i>Costs Per Additional Municipal Court Judgeship</i>	
County Costs	\$379,211
State Assistance ^h	9,946
Cost Per Judgeship (est.)	\$389,157

<i>Trial Court Revenue By Type</i>	
Fines, Forfeitures and Penalties	\$299.5 million
Assessments on Fines ..	67.0
Civil Filing Fees and Costs	53.0
Civil Process Services ..	10.3
Total Revenue (est.)	\$429.8 million

<i>Distribution of Trial Court Revenue</i>	
To Counties	\$211.7 million
To Cities	144.5
To State	73.6
Total Revenue (est.)	\$429.8 million

^a State judicial operations includes the Supreme Court, Courts of Appeal, Judicial Council, and Commission on Judicial Performance.

^b State assistance to the trial courts includes contributions to the Judge Retirement Fund, a major portion of superior court judges' salaries, a \$60,000 annual block grant towards the support cost for each new superior court judgeship created since January 1973, and reimbursements for legislative mandates.

^c State's share of total court costs is \$99.8 mill. State general fund budget \$23.2 bill. Thus, \$99.8 mill./\$23.2 bill. = 0.4%

^d Total court expenditures are \$565.7 mill. State general fund budget \$23.2 bill. Thus \$565.7 mill./\$23.2 bill. = 2.4%

^e The Controller's Office reports the following local government expenditures:

1979-80 county expenditures exclusive of enterprise and bond funds	\$8.14 billion
1979-80 city expenditures exclusive of enterprise and bond funds	6.34
1979-80 special district expenditures non-enterprise activities only	1.53
1979-80 school district expenditures	11.38
Total local expenditures	\$27.39 billion
Application of 7.5% per year average increase for 80-81, 81-82, and 82-83	\$34.03 billion
Add state budget less local assistance	4.86
Total state and local expenditures	\$38.89 billion
Thus, \$565.7 million/\$38.9 billion =	1.5%

^f State assistance to superior courts includes:

(1) Contribution to judges' salary	\$35.8 million
(2) Block grants (\$60,000)	9.1
(3) Judges' Retirement Fund (8% of salary plus additional appropriation to meet liabilities)	7.5
(4) Legislative Mandates	2.6
	\$55.0 million

^g State assistance to municipal courts is limited to Judges' Retirement Fund contribution of 8% of salary plus an additional appropriation to meet liabilities. Total contribution is \$5.4 million for 1982-83.

^h The calculation of state assistance for each *new* superior court *judgeship* is as follows:

- (1) 8% of salary to Judges' Retirement Fund (\$63,267 @ 8% = \$5,061) plus a pro rata share of the budget act appropriation made each year to meet liabilities of the fund (\$5,775) for a total of \$10,836.

(2) State pays salary except for fixed county share of \$9,500 for counties over 250,000 population, \$7,500 for counties between 40,001-249,999 population, and \$5,500 for counties 40,000 population or under. The calculation here is based on the larger sized county. Thus, the current annual salary of \$63,267 less \$9,500 = \$53,767 as the state share.

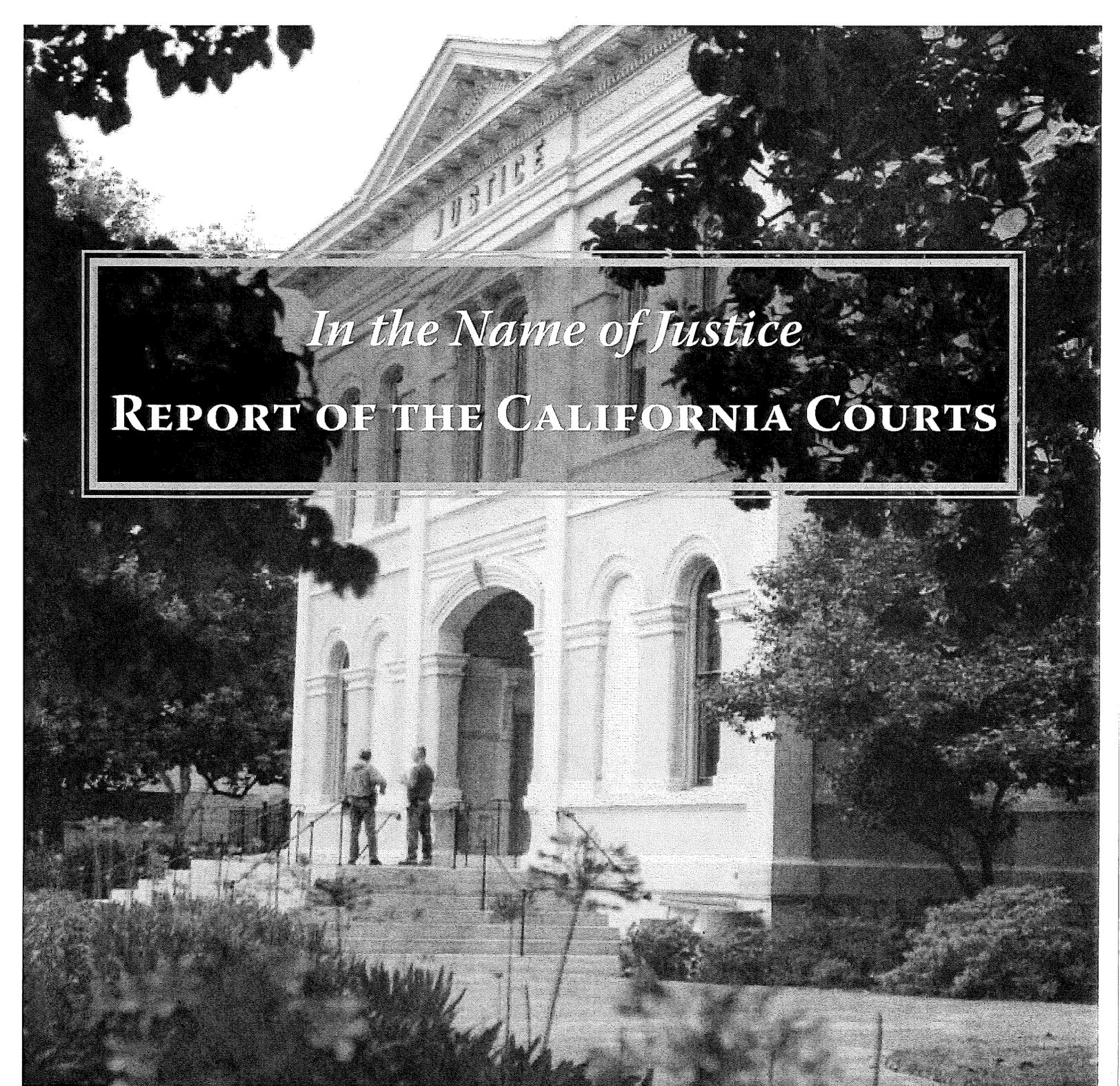
(3) Annual block grant of \$60,000 for support costs.

(4) Pro rata share of legislative mandates @ \$3,586.

In summary, total assistance per *new* superior court *judgeship* as calculated here includes \$10,836 retirement, plus \$53,767 salary, plus \$60,000 annual block grant, plus \$3,586 legislative mandates for a total of \$128,189 per *judgeship*.

ⁱ The calculation of state assistance for each *new* municipal court *judgeship* consists of contributions to the Judges' Retirement Fund of 8% of salary (\$57,776 @ 8% = \$4,622) plus a pro rata share of the budget act appropriation made each year to meet liabilities of the Fund (\$5,324) for a total of \$9,946 per *judgeship*.

EXHIBIT 2



In the Name of Justice

REPORT OF THE CALIFORNIA COURTS

JANUARY 1, 2007–JUNE 30, 2008



JUDICIAL COUNCIL
OF CALIFORNIA

Exhibit 2

In the Name of Justice
REPORT OF THE CALIFORNIA COURTS



January 1, 2007–June 30, 2008



JUDICIAL COUNCIL
OF CALIFORNIA

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In the Name of Justice: Report of the California Courts: January 1, 2007–June 30, 2008, summarizes the achievements of the California judicial branch in the latter half of the 2006–2007 fiscal year and the entire 2007–2008 fiscal year. A companion online publication, the *Court Statistics Report*, provides detailed 10-year statistical caseload and trend data on a wide variety of court business as well as caseload data for each superior court, the Courts of Appeal, and the Supreme Court.

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Revised June 1, 2009

Cover: The historic Napa County Courthouse, completed in 1879, is on the National Register of Historic Places. It is still in use.

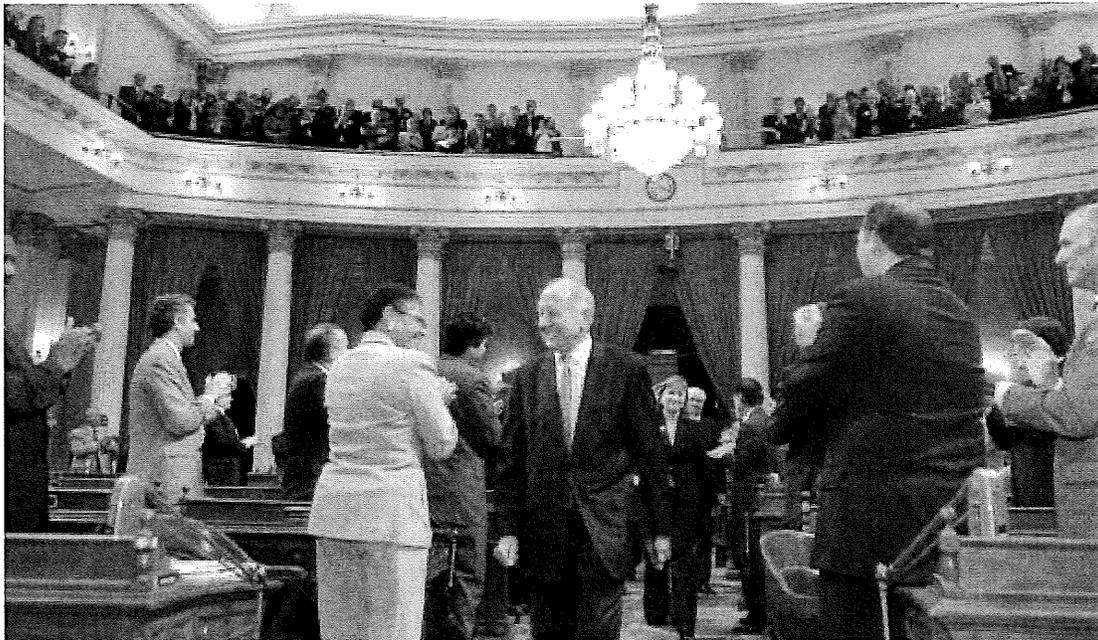
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JUDICIAL COUNCIL OF CALIFORNIA

January 1, 2007–June 30, 2008, Report

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Chief Justice Ronald M. George arrives for the State of the Judiciary address to the Legislature, March 25, 2008.

JUDICIAL BRANCH RESOURCES

On August 24, 2007, the Governor signed the Budget Act of 2007. Overall, this represented a very positive budget for the judicial branch that marked another key step forward in ensuring stable and predictable funding through the application of the state appropriations limit (SAL) adjustment to the trial courts. In addition to fully funding the SAL allocation, this budget increased the discretionary funding provided to the trial courts by over 50 percent, as compared to fiscal year 2006–2007. Between 2005 and 2007, the SAL allocation provided more than \$370 million in ongoing funding to support increased operational costs, changes in employee compensation and benefits, and enhanced services to the public. Important funding was provided to secure new entrance security stations and

enhance self-help programs. This budget also continued the significant investment in court infrastructure with over \$1 billion committed for new trial court facilities.

While this budget conveyed positive news for the courts—the final, approved State Budget contained over \$233.8 million in new General Fund monies for the judicial branch, including nearly \$194.5 million for the trial courts—the judicial branch was not left totally unscathed. As part of the agreement reached by the Legislature and the Governor, over \$700 million in funding was reduced by the Governor, including some items affecting the courts. As part of the Governor’s veto package, more than \$17 million in funding for the implementation of the Omnibus Conservatorship and Guardianship Reform Act of 2006 was eliminated. This was

HOW WAS THE JUDICIAL BRANCH FUNDED IN FISCAL YEAR 2007–2008?

In millions of dollars, from all sources

STATEWIDE JUDICIAL PROGRAMS

Supreme Court	\$45
Courts of Appeal	201
Judicial Council / AOC	131
Judicial Branch Facility Program	70
Habeas Corpus Resource Center	14
Total—Statewide Judicial Programs	\$461

TRIAL COURTS

General Fund	\$1,826
Trial Court Trust Fund	1,213
Trial Court Improvement Fund	115
Modernization Fund	39
Federal Trust Fund	2
Reimbursements	53
Total—Trial Courts	\$3,248
Judicial Branch Total	\$3,709
Total State Budget	\$145,543

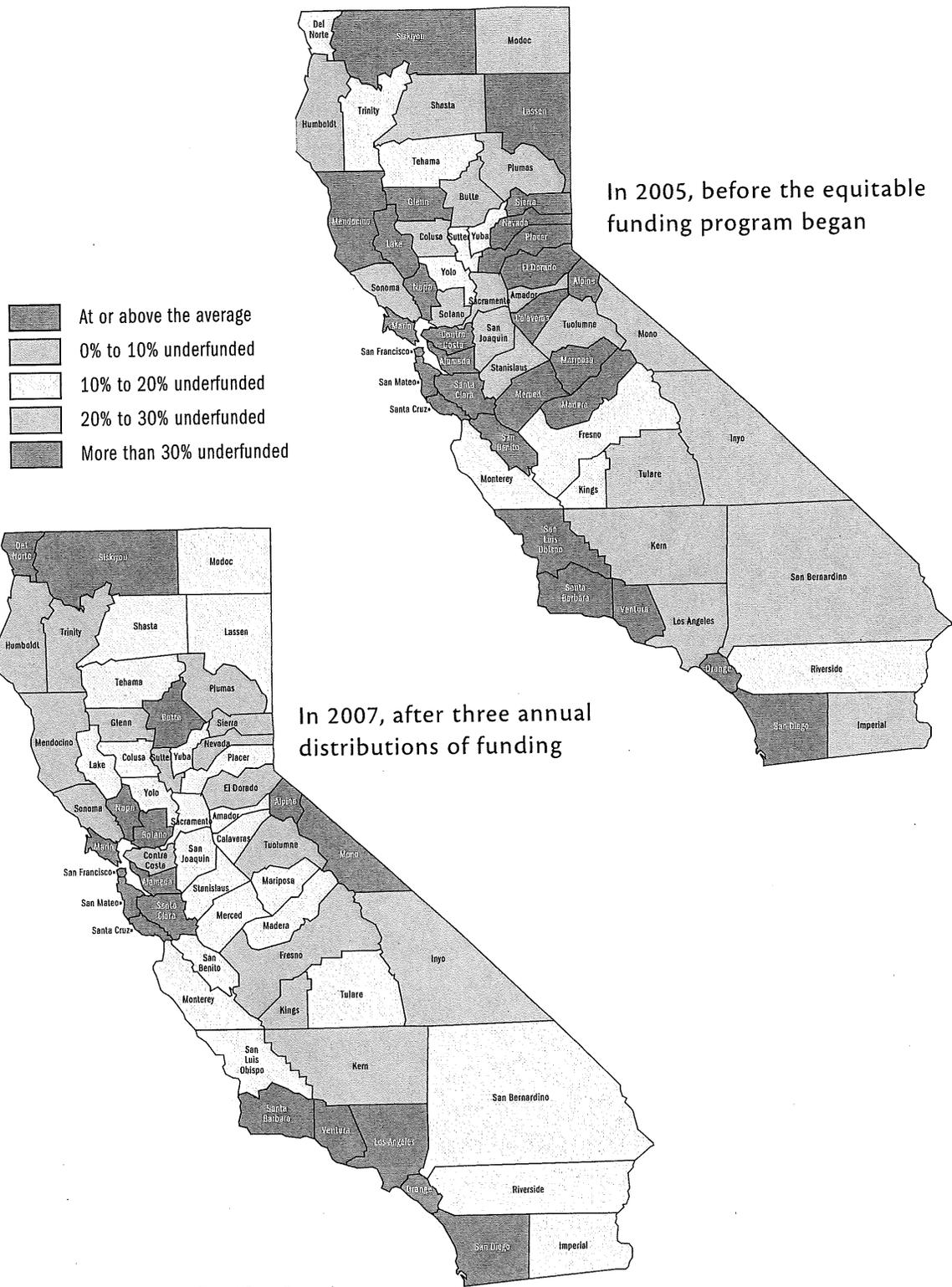
Figures represent comparison of budgets, not actual expenditures.
Data from FY 2008–2009 Proposed Governor's Budget.

the second consecutive year that this funding had been reduced, despite the statutory mandate in place to implement the requirements of the act.

Fiscal year 2007–2008 also was the third consecutive year of designated funding for historically underfunded courts. During this period, the Judicial Council allocated approximately \$32 million to create more equitable funding across the courts. When this program began in 2005, a total of 18 trial courts were considered severely underfunded (with budgets 20 percent or more below their projected resource need). After three years of dedicated funding, only 2 courts met this criteria (see page 27). This achievement is another example of the success of state funding.

As 2008 dawned over the state court system, fissures began showing in the state and national economies, foreshadowing difficult times ahead. With the state likely to experience dramatic declines in tax revenue tied to the financial and housing market crises that are exercising a double whammy on state government revenue sources, the courts will be particularly susceptible to interruptions in funding. Several key statewide infrastructure projects involving court facilities and technology systems are under way. Critical needs, including much-needed new judgeships, as well as dedicated funding for court security and appointed counsel in dependency cases, will remain of paramount interest to the branch during the fiscal hardship ahead.

ASSISTANCE FOR UNDERFUNDED COURTS



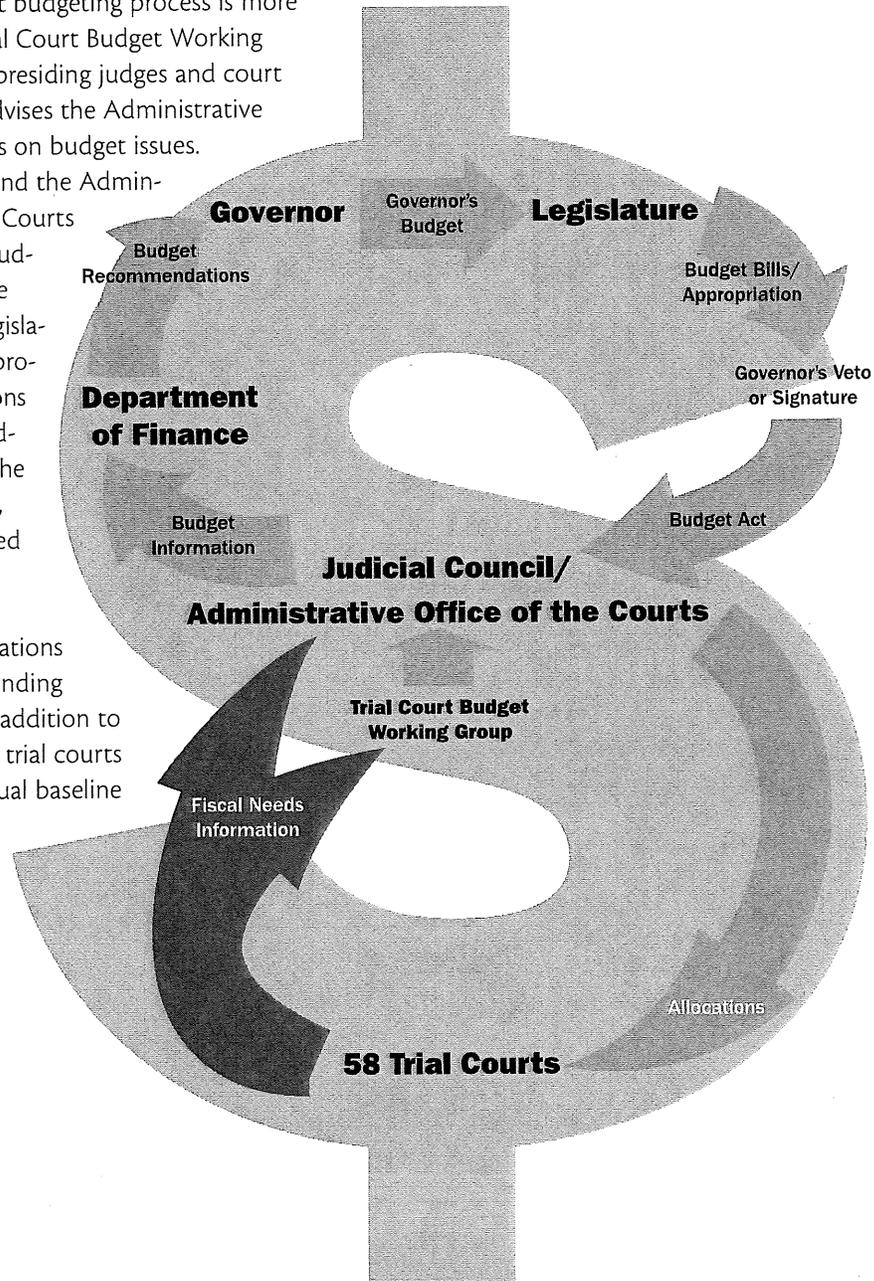
Maps by Kevin O'Connell, AOC Office of Court Research

THE TRIAL COURT BUDGETING PROCESS

Before the arrival of state funding in 1998, funding for trial courts was unpredictable and subject to a county's fiscal health. Court budgets were patched together from county and state contributions. Budget cuts affected municipal and superior courts differently. Municipal courts brought in revenue with filing fees, fines, forfeitures, and other charges, and they could offset the cuts somewhat with their own revenues. The superior courts never had that flexibility.

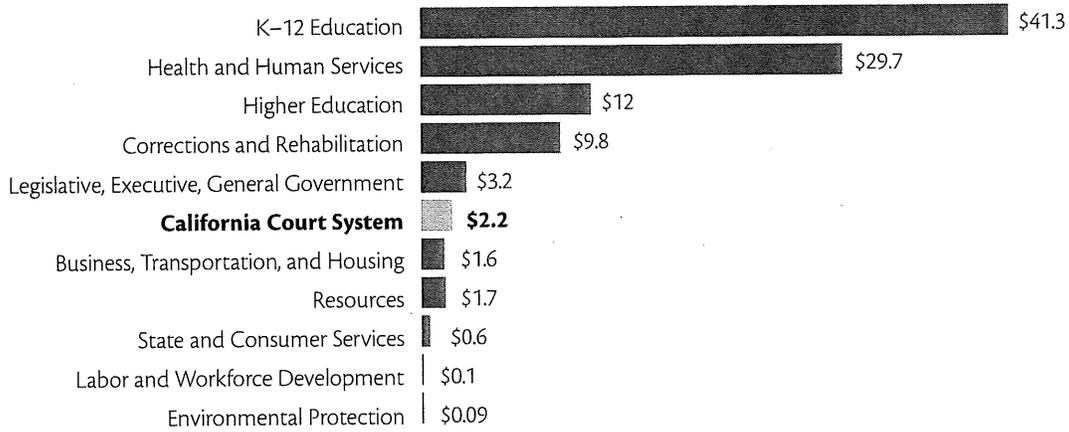
The current trial court budgeting process is more collaborative. The Trial Court Budget Working Group—made up of presiding judges and court executive officers—advises the Administrative Director of the Courts on budget issues.

The Judicial Council and the Administrative Office of the Courts deliver the branch's budget information to the Governor and the Legislature. The Legislature produces an appropriations bill that contains funding for the courts. If the Governor approves it, funding is appropriated to the council, which in turn provides final approval on the allocations and distributes the funding to the trial courts. In addition to any new funding, the trial courts have received an annual baseline funding for their ongoing operating costs since 2005.



HOW DID SPENDING FOR CALIFORNIA'S COURT SYSTEM COMPARE WITH OTHER BUDGET CATEGORIES?

Dollars in billions*

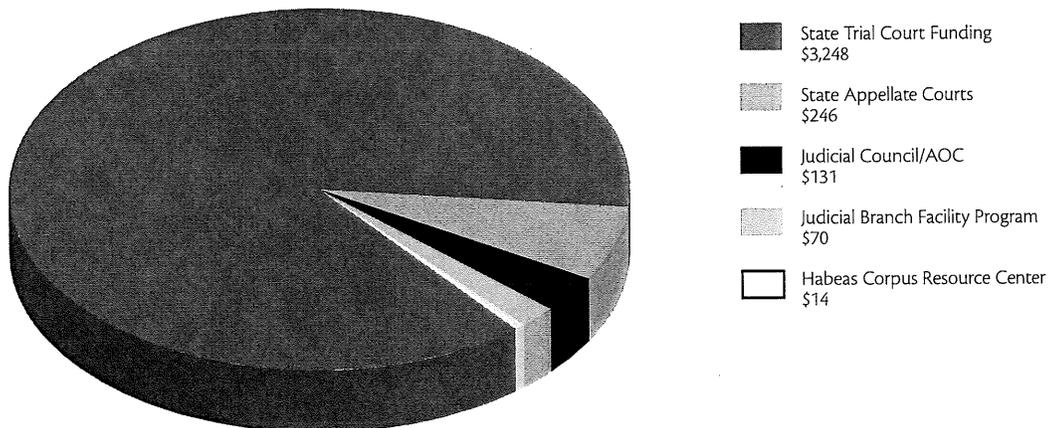


*General Fund expenditures

Data from Department of Finance, State Budget Highlights 2007-2008.

WHAT WAS THE BREAKDOWN OF FISCAL YEAR 2007-2008 FUNDING FOR CALIFORNIA'S COURT SYSTEM?

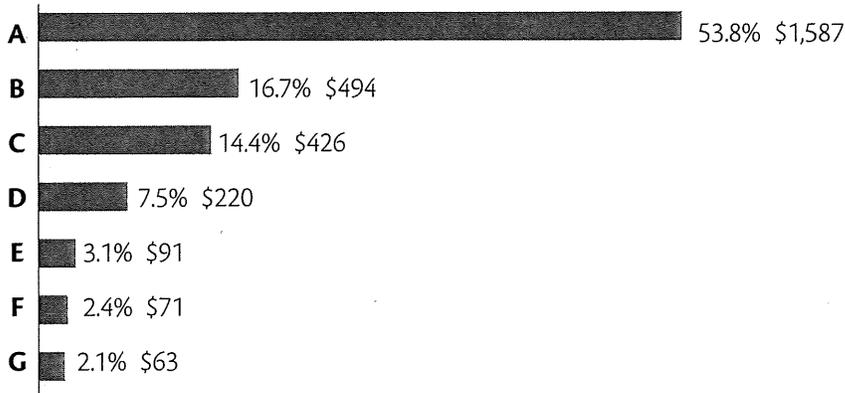
Dollars in millions



Data from FY 2008-2009 Proposed Governor's Budget.

HOW WAS THE TRIAL COURTS' BUDGET SPENT IN FISCAL YEAR 2007-2008?

*Includes Trial Court Trust Fund (TCTF) and non-TCTF expenditures. Dollars in millions**



A: Salaries and Benefits

B: Security (contract and staff—includes estimated salary and benefit expenditures for court attendants and marshals)

C: Other (includes miscellaneous expenses such as rent, janitorial services, phone and telecommunications, printing and postage, equipment, travel and training, legal subscriptions and memberships, and fees for consultative and professional services)

D: Court Reporters (contract and staff—includes estimated salary and benefit expenditures for court reporter employees)

E: Court Interpreters (contract and staff—includes estimated salary and benefit expenditures for staff interpreters, coordinators, and program staff)

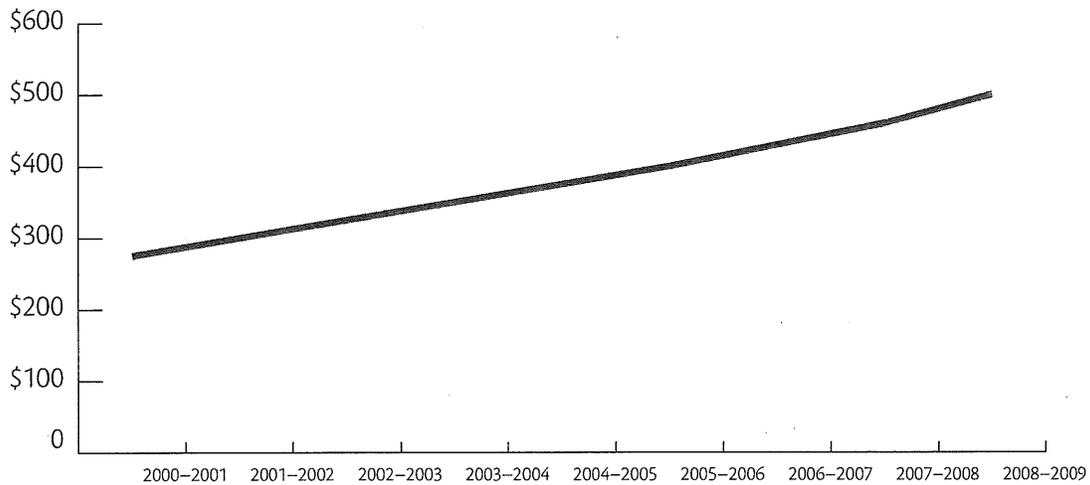
F: Electronic Data Processing

G: County Charges

*Dollar amounts rounded to the nearest million.

HOW MUCH WAS SPENT ON COURT SECURITY?

Dollars in millions



Data for FY 2000-2001 through FY 2007-2008 from Quarterly Financial Statements (fourth quarter) of the trial courts. Data for FY 2008-2009 from court security budget approved by the Judicial Council.

STAFFING* AND EXPENDITURES** BY TRIAL COURT SYSTEM

This table reflects the allocation of resources and utilization of funding for fiscal year 2007–2008.

*FY 2007–2008 Total Authorized FTEs (as of July 1, 2007); data includes permanent and temporary nonjudicial employees, both Trial Court Trust Fund (TCTF) and non-TCTF court employees. The subordinate judicial officer (SJO) category includes commissioners and referees, as reported by the trial courts.

**Combined Trial Court Trust Fund and non-TCTF expenditures. Data from FY 2007–2008 Quarterly Financial Statements (fourth quarter); includes Trial Court Improvement Fund and Judicial Administration Efficiency and Modernization Fund expenditures.

COURT	POPULATION	JUDGESHIPS [†]	SJOs	AUTHORIZED FTEs (W/OUT SJOs)	EXPENDITURES
Alameda	1,543,000	69	16.0	901	\$134,685,912
Alpine	1,222	2	0.3	5	679,648
Amador	37,943	2	0.3	34	3,520,824
Butte	220,407	12	2.0	137	15,044,852
Calaveras	46,127	2	0.3	31	3,397,649
Colusa	21,910	2	0.3	16	1,798,985
Contra Costa	1,051,674	38	9.0	438	72,203,381
Del Norte	29,419	3	0.8	31	2,947,632
El Dorado	179,722	6	3.0	96	12,172,008
Fresno	931,098	44	9.0	547	71,532,946
Glenn	29,195	2	0.3	33	3,586,853
Humboldt	132,821	7	1.0	100	10,244,435
Imperial	176,158	9	2.4	132	13,226,370
Inyo	18,152	2	0.3	21	2,866,105
Kern	817,517	38	8.0	498	56,649,025
Kings	154,434	8	1.5	90	10,945,466
Lake	64,059	4	0.8	42	5,372,002
Lassen	35,757	2	0.3	38	3,868,952
Los Angeles	10,363,850	436	150.3	5,441	841,399,448
Madera	150,887	10	0.3	108	9,815,428
Marin	257,406	10	4.5	172	23,574,640

COURT	POPULATION	JUDGESHIPS [†]	SJOs	AUTHORIZED FTEs (W/OUT SJOs)	EXPENDITURES
Mariposa	18,406	2	0.3	15	\$1,531,722
Mendocino	90,163	8	0.4	82	8,829,930
Merced	255,250	10	4.0	144	16,533,480
Modoc	9,702	2	0.3	12	1,446,969
Mono	13,759	2	0.3	16	1,959,309
Monterey	428,549	20	2.0	224	24,877,393
Napa	136,704	6	2.0	88	12,335,287
Nevada	99,186	6	1.6	68	8,201,804
Orange	3,121,251	112	33.0	1,933	259,121,634
Placer	333,401	12	4.5	177	25,931,502
Plumas	20,917	2	0.3	18	2,933,474
Riverside	2,088,322	64	19.0	1,116	145,561,819
Sacramento	1,424,415	64	14.5	880	124,418,926
San Benito	57,784	2	0.5	30	3,481,777
San Bernardino	2,055,766	78	13.0	1,064	125,926,501
San Diego	3,146,274	130	24.0	1,783	235,413,465
San Francisco	824,525	51	14.0	571	95,075,923
San Joaquin	685,660	32	4.5	340	44,573,315
San Luis Obispo	269,337	12	3.0	156	20,703,415
San Mateo	739,469	26	7.0	384	53,659,200
Santa Barbara	428,655	19	5.0	290	34,059,439
Santa Clara	1,837,075	79	10.0	904	140,006,739
Santa Cruz	266,519	10	3.5	153	21,436,893
Shasta	182,236	11	2.0	167	16,445,982
Sierra	3,380	2	0.3	6	935,246
Siskiyou	45,971	4	1.0	55	5,790,074
Solano	426,757	19	5.0	255	32,667,118
Sonoma	484,470	19	5.0	221	34,588,761
Stanislaus	525,903	22	4.0	256	29,270,976
Sutter	95,878	5	0.3	67	6,476,717

COURT	POPULATION	JUDGESHIPS [†]	SJOs	AUTHORIZED FTEs (W/OUT SJOs)	EXPENDITURES
Tehama	62,419	4	0.3	44	\$4,737,247
Trinity	13,966	2	0.3	18	1,565,654
Tulare	435,254	20	5.0	271	29,206,779
Tuolumne	56,799	4	0.8	45	5,481,108
Ventura	831,587	29	4.0	406	55,732,699
Yolo	199,066	11	2.4	113	14,856,325
Yuba	71,929	5	0.3	54	6,030,175
Statewide	38,049,462	1,614	408	21,331	\$2,951,337,335

Data Sources:

Population data from State of California, Department of Finance, E-1 City/County Population Estimates With Annual Percent Change, January 1, 2007 and 2008.

Authorized judgeships and SJOs from Judicial Council, *2009 Court Statistics Report* (FY 2007–2008). Total for SJOs may be rounded.

Authorized FTEs from AOC Schedule 7A, *Salary and Position Worksheet* for FY 2007–2008.

[†] Includes 50 FY 2007–2008 new judgeships deferred until July 2010.

The Courts

SUPREME COURT

- 1 Chief Justice, 6 associate justices
- Hears oral arguments in San Francisco, Los Angeles, and Sacramento
- Has discretionary authority to review decisions of the Courts of Appeal and direct responsibility for automatic appeals after death penalty judgments
- 8,988 filings; 113 dispositions by written opinion²

COURTS OF APPEAL

- 105 justices
- 6 districts, 19 divisions, 9 court locations
- Review the majority of appealable orders or judgments from the superior courts
- 24,934 filings; 10,560 dispositions by written opinion²

SUPERIOR COURTS

- 1,614 authorized judgeships and 408 authorized commissioners and referees³
- 58 courts, one in each county, with 1 to 55 locations
- Have trial jurisdiction over all felony cases, all general civil cases, juvenile and family law cases, and other case types
- 9,458,064 filings; 7,886,912 dispositions²

CALIFORNIA JUDICIAL BRANCH

- Largest court system in the nation, serving 37.7 million¹ people—12.5 percent of the U.S. population
- 451 court locations
- 2,022 authorized judicial positions³
- 21,331 authorized court employees
- Estimated 4.5 million Californians represent themselves
- Approximately \$3.76 billion—2.6 percent of the State Budget—allocated for the judicial branch in FY 2008–2009

Branch Administration

JUDICIAL COUNCIL OF CALIFORNIA Administrative Office of the Courts

- The Judicial Council is the constitutionally created 27-member policymaking body of the California courts.
- The Judicial Council guides fiscal policy and adopts court rules and procedures.
- The Administrative Office of the Courts is the staff agency to the council.

Branch Agencies

COMMISSION ON JUDICIAL APPOINTMENTS

- Confirms gubernatorial appointments to the Supreme Court and appellate courts

COMMISSION ON JUDICIAL PERFORMANCE

- Protects the public by enforcing the standards of the Judicial Council. Investigates complaints of judicial misconduct and incapacity and disciplines judges

HABEAS CORPUS RESOURCE CENTER

- Handles state and federal habeas corpus proceedings; provides training and resources for private attorneys who take these cases

State Bar of California

- Serves the Supreme Court in the admissions and discipline of attorneys and provides administrative support related to attorneys

1. 2007 California Department of Finance estimate

2. Judicial Council, 2008 *Court Statistics Report* (FY 2006–2007)

3. Judicial Council, 2009 *Court Statistics Report* (FY 2007–2008); includes 50 FY 2007–2008 new judgeships deferred until July 2010

EXHIBIT 3



Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

FINANCE DIVISION

455 Golden Gate Avenue • San Francisco, California 94102-3688
Telephone 415-865-7960 • Fax 415-865-4325 • TDD 415-865-4272

RONALD M. GEORGE
Chief Justice of California
Chair of the Judicial Council

WILLIAM C. VICKREY
Administrative Director of the Courts

RONALD G. OVERHOLT
Chief Deputy Director

STEPHEN NASH
Director, Finance Division

December 7, 2009

Hon. Denise Ducheny
California State Senate
Chair, Committee on Budget and Fiscal Review
State Capitol, Room 5035
Sacramento, California 95814

Hon. Ellen Corbett
California State Senate
Chair, Committee on Judiciary
State Capitol, Room 5108
Sacramento, California 95814

Hon. Noreen Evans
California State Assembly
Chair, Committee on Budget
State Capitol, Room 6026
Sacramento, California 95814

Hon. Michael Feuer
California State Assembly
Chair, Committee on Judiciary
State Capitol, Room 2114
Sacramento, California 95814

RE: Report of Allocations and Reimbursements to the Trial Courts for Fiscal Year 2008–2009

December 7, 2009

Page 2

Dear Senators Ducheny and Corbett and Assembly Members Evans and Feuer:

In conformance with the provisions of Government Code section 77202.5(a), the Administrative Office of the Courts (AOC) respectfully submits the attached report on allocations and reimbursements provided to the trial courts during fiscal year (FY) 2008–2009, and on the Judicial Council's policy governing trial court reserves.

The FY 2008–2009 allocations and reimbursements are through November 10, 2009 and were made from the following funds:

- Trial Court Trust Fund
- Trial Court Improvement Fund
- Judicial Administration Efficiency and Modernization Fund
- General Fund

The council's policy on trial court fund balances is attached (see Attachment 6).

If you have any questions related to this report, please contact Stephen Nash at (415) 865-7584.

Sincerely,



William C. Vickrey
Administrative Director of the Courts

WCV/KP

Attachments:

Attachment 1 – FY 2008–2009 Allocation and Reimbursement to Trial Courts Report – Trial Court Trust Fund

Attachment 2 – FY 2008–2009 Allocation and Reimbursement to Trial Courts Report – Trial Court Improvement Fund

Attachment 3 – FY 2008–2009 Trial Allocation and Reimbursement to Trial Courts Report – Judicial Administration Efficiency and Modernization Fund

Attachment 4 – FY 2008–2009 Allocation and Reimbursement to Trial Courts Report – General Fund

Attachment 5 – Description of Allocations and Reimbursements

Attachment 6 – Fund Balance Policy

cc: Ronald G. Overholt, AOC Chief Deputy Director
Brian Brown, Consultant, Senate Committee on Budget and Fiscal Review
Matt Osterli, Consultant, Senate Republican Caucus
Joe Stephenshaw, Consultant, Assembly Committee on Budget
Allan Cooper, Consultant, Assembly Republican Caucus
Drew Soderborg, Fiscal and Policy Analyst, Legislative Analyst's Office
Jennifer Osborn, Principal Program Budget Analyst, Department of Finance

FY 2008-2009 Trial Court Allocations and Reimbursements

Court Name	Base Budget	Statewide Unbudgeted Reduction of \$92.24 Million	Statewide \$16 Million Reduction to Office Revenue Shortfall	Retirement - Rate and Plan Changes	Relief for Appointed Counsel/EO Positions	Security	Security for New and Training Facilities	Staffing and Operating Expenses-New and Transferring Facilities	Inflation and Workforce Adjustment	New Entrance and Staffing	Screening Station Replacement	Court Interpreters Program	Annual Salary Reimbursement for Authorized Judges Program	Court-Appointed Counsel	Jury	Elder Abuse	Self-Help Centers	Mold Self Help	Family Law Information Center	Civil Case Contribution	Civil Assessments	Automated Record Keeping and Micrographics	Children's Waiting Room	Fee Revenues Returned to Courts
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X
Alameda Superior Court	115,450,465	(4,698,889)	(1,290,977)	(1,290,977)	(1,290,977)	410,716	(1,290,977)	(1,290,977)	(1,290,977)	105,140	11,895	3,188,489	644,751	3,094,182	3,094,182	33,300	101,959	1,973,720	1,973,720	1,973,720	156,538	260,764	420,315	
Alpine Superior Court	655,522	(26,841)	(7,330)	(8,377)	(8,377)	1,867	(8,377)	(8,377)	(8,377)	1,867	11,895	3,188,489	644,751	3,094,182	3,094,182	33,300	101,959	1,973,720	1,973,720	1,973,720	156,538	260,764	420,315	
Butte Superior Court	1,166,034	(43,403)	(13,403)	(13,403)	(13,403)	1,867	(13,403)	(13,403)	(13,403)	1,867	11,895	3,188,489	644,751	3,094,182	3,094,182	33,300	101,959	1,973,720	1,973,720	1,973,720	156,538	260,764	420,315	
Colusa Superior Court	1,166,034	(43,403)	(13,403)	(13,403)	(13,403)	1,867	(13,403)	(13,403)	(13,403)	1,867	11,895	3,188,489	644,751	3,094,182	3,094,182	33,300	101,959	1,973,720	1,973,720	1,973,720	156,538	260,764	420,315	
Contra Costa Superior Court	1,854,028	(75,461)	(20,753)	(20,753)	(20,753)	1,867	(20,753)	(20,753)	(20,753)	1,867	11,895	3,188,489	644,751	3,094,182	3,094,182	33,300	101,959	1,973,720	1,973,720	1,973,720	156,538	260,764	420,315	
Del Norte Superior Court	9,858,447	(326,011)	(14,644)	(14,644)	(14,644)	1,867	(14,644)	(14,644)	(14,644)	1,867	11,895	3,188,489	644,751	3,094,182	3,094,182	33,300	101,959	1,973,720	1,973,720	1,973,720	156,538	260,764	420,315	
El Dorado Superior Court	9,858,447	(326,011)	(14,644)	(14,644)	(14,644)	1,867	(14,644)	(14,644)	(14,644)	1,867	11,895	3,188,489	644,751	3,094,182	3,094,182	33,300	101,959	1,973,720	1,973,720	1,973,720	156,538	260,764	420,315	
Fresno Superior Court	51,690,469	(2,185,276)	(600,372)	(600,372)	(600,372)	1,867	(600,372)	(600,372)	(600,372)	1,867	11,895	3,188,489	644,751	3,094,182	3,094,182	33,300	101,959	1,973,720	1,973,720	1,973,720	156,538	260,764	420,315	
Glenn Superior Court	2,509,734	(192,150)	(48,664)	(48,664)	(48,664)	1,867	(48,664)	(48,664)	(48,664)	1,867	11,895	3,188,489	644,751	3,094,182	3,094,182	33,300	101,959	1,973,720	1,973,720	1,973,720	156,538	260,764	420,315	
Humboldt Superior Court	2,509,734	(192,150)	(48,664)	(48,664)	(48,664)	1,867	(48,664)	(48,664)	(48,664)	1,867	11,895	3,188,489	644,751	3,094,182	3,094,182	33,300	101,959	1,973,720	1,973,720	1,973,720	156,538	260,764	420,315	
Inyo Superior Court	433,830,305	(16,065)	(4,326)	(4,326)	(4,326)	1,867	(4,326)	(4,326)	(4,326)	1,867	11,895	3,188,489	644,751	3,094,182	3,094,182	33,300	101,959	1,973,720	1,973,720	1,973,720	156,538	260,764	420,315	
Kern Superior Court	7,800,440	(316,675)	(87,020)	(87,020)	(87,020)	1,867	(87,020)	(87,020)	(87,020)	1,867	11,895	3,188,489	644,751	3,094,182	3,094,182	33,300	101,959	1,973,720	1,973,720	1,973,720	156,538	260,764	420,315	
Kings Superior Court	4,359,182	(177,425)	(48,745)	(48,745)	(48,745)	1,867	(48,745)	(48,745)	(48,745)	1,867	11,895	3,188,489	644,751	3,094,182	3,094,182	33,300	101,959	1,973,720	1,973,720	1,973,720	156,538	260,764	420,315	
Los Angeles Superior Court	8,878,487	(117,167)	(33,190)	(33,190)	(33,190)	1,867	(33,190)	(33,190)	(33,190)	1,867	11,895	3,188,489	644,751	3,094,182	3,094,182	33,300	101,959	1,973,720	1,973,720	1,973,720	156,538	260,764	420,315	
Los Angeles Superior Court	8,878,487	(117,167)	(33,190)	(33,190)	(33,190)	1,867	(33,190)	(33,190)	(33,190)	1,867	11,895	3,188,489	644,751	3,094,182	3,094,182	33,300	101,959	1,973,720	1,973,720	1,973,720	156,538	260,764	420,315	
Mariposa Superior Court	8,077,774	(328,263)	(90,321)	(90,321)	(90,321)	1,867	(90,321)	(90,321)	(90,321)	1,867	11,895	3,188,489	644,751	3,094,182	3,094,182	33,300	101,959	1,973,720	1,973,720	1,973,720	156,538	260,764	420,315	
Madera Superior Court	1,581,008	(251,600)	(69,848)	(69,848)	(69,848)	1,867	(69,848)	(69,848)	(69,848)	1,867	11,895	3,188,489	644,751	3,094,182	3,094,182	33,300	101,959	1,973,720	1,973,720	1,973,720	156,538	260,764	420,315	
Mendocino Superior Court	6,694,561	(249,000)	(74,859)	(74,859)	(74,859)	1,867	(74,859)	(74,859)	(74,859)	1,867	11,895	3,188,489	644,751	3,094,182	3,094,182	33,300	101,959	1,973,720	1,973,720	1,973,720	156,538	260,764	420,315	
Merced Superior Court	13,626,962	(554,008)	(152,370)	(152,370)	(152,370)	1,867	(152,370)	(152,370)	(152,370)	1,867	11,895	3,188,489	644,751	3,094,182	3,094,182	33,300	101,959	1,973,720	1,973,720	1,973,720	156,538	260,764	420,315	
Modoc Superior Court	1,890,476	(76,945)	(21,199)	(21,199)	(21,199)	1,867	(21,199)	(21,199)	(21,199)	1,867	11,895	3,188,489	644,751	3,094,182	3,094,182	33,300	101,959	1,973,720	1,973,720	1,973,720	156,538	260,764	420,315	
Monterey Superior Court	21,180,877	(862,091)	(256,847)	(256,847)	(256,847)	1,867	(256,847)	(256,847)	(256,847)	1,867	11,895	3,188,489	644,751	3,094,182	3,094,182	33,300	101,959	1,973,720	1,973,720	1,973,720	156,538	260,764	420,315	
Napa Superior Court	5,683,144	(394,113)	(108,277)	(108,277)	(108,277)	1,867	(108,277)	(108,277)	(108,277)	1,867	11,895	3,188,489	644,751	3,094,182	3,094,182	33,300	101,959	1,973,720	1,973,720	1,973,720	156,538	260,764	420,315	
Nevada Superior Court	6,181,008	(251,600)	(69,848)	(69,848)	(69,848)	1,867	(69,848)	(69,848)	(69,848)	1,867	11,895	3,188,489	644,751	3,094,182	3,094,182	33,300	101,959	1,973,720	1,973,720	1,973,720	156,538	260,764	420,315	
Orange Superior Court	19,126,115	(726,000)	(212,333)	(212,333)	(212,333)	1,867	(212,333)	(212,333)	(212,333)	1,867	11,895	3,188,489	644,751	3,094,182	3,094,182	33,300	101,959	1,973,720	1,973,720	1,973,720	156,538	260,764	420,315	
Plumas Superior Court	1,970,121	(80,187)	(22,030)	(22,030)	(22,030)	1,867	(22,030)	(22,030)	(22,030)	1,867	11,895	3,188,489	644,751	3,094,182	3,094,182	33,300	101,959	1,973,720	1,973,720	1,973,720	156,538	260,764	420,315	
Riverside Superior Court	91,927,953	(3,741,394)	(1,027,947)	(1,027,947)	(1,027,947)	1,867	(1,027,947)	(1,027,947)	(1,027,947)	1,867	11,895	3,188,489	644,751	3,094,182	3,094,182	33,300	101,959	1,973,720	1,973,720	1,973,720	156,538	260,764	420,315	
Sacramento Superior Court	91,927,953	(3,741,394)	(1,027,947)	(1,027,947)	(1,027,947)	1,867	(1,027,947)	(1,027,947)	(1,027,947)	1,867	11,895	3,188,489	644,751	3,094,182	3,094,182	33,300	101,959	1,973,720	1,973,720	1,973,720	156,538	260,764	420,315	
San Benito Superior Court	3,373,220	(137,295)	(39,832)	(39,832)	(39,832)	1,867	(39,832)	(39,832)	(39,832)	1,867	11,895	3,188,489	644,751	3,094,182	3,094,182	33,300	101,959	1,973,720	1,973,720	1,973,720	156,538	260,764	420,315	
San Bernardino Superior Court	106,941,680	(4,352,679)	(1,195,832)	(1,195,832)	(1,195,832)	1,867	(1,195,832)	(1,195,832)	(1,195,832)	1,867	11,895	3,188,489	644,751	3,094,182	3,094,182	33,300	101,959	1,973,720	1,973,720	1,973,720	156,538	260,764	420,315	
San Diego Superior Court	189,753,558	(7,723,251)	(2,121,842)	(2,121,842)	(2,121,842)	1,867	(2,121,842)	(2,121,842)	(2,121,842)	1,867	11,895	3,188,489	644,751	3,094,182	3,094,182	33,300	101,959	1,973,720	1,973,720	1,973,720	156,538	260,764	420,315	
San Francisco Superior Court	75,821,011	(2,841,054)	(828,370)	(828,370)	(828,370)	1,867	(828,370)	(828,370)	(828,370)	1,867	11,895	3,188,489	644,751	3,094,182	3,094,182	33,300	101,959	1,973,720	1,973,720	1,973,720	156,538	260,764	420,315	
San Joaquin Superior Court	17,624,575	(717,344)	(197,080)	(197,080)	(197,080)	1,867	(197,080)	(197,080)	(197,080)	1,867	11,895	3,188,489	644,751	3,094,182	3,094,182	33,300	101,959	1,973,720	1,973,720	1,973,720	156,538	260,764	420,315	
San Mateo Superior Court	45,864,838	(1,865,620)	(512,650)	(512,650)	(512,650)	1,867	(512,650)	(512,650)	(512,650)	1,867	11,895	3,188,489	644,751	3,094,182	3,094,182	33,300	101,959	1,973,720	1,973,720	1,973,720	156,538	260,764	420,315	
Santa Barbara Superior Court	26,697,487	(1,086,520)	(314,866)	(314,866)	(314,866)	1,867	(314,866)	(314,866)	(314,866)	1,867	11,895	3,188,489	644,751	3,094,182	3,094,182	33,300	101,959	1,973,720	1,973,720	1,973,720	156,538	260,764	420,315	
Santa Clara Superior Court	17,243,232	(671,061)	(181,025)	(181,025)	(181,025)	1,867	(181,025)	(181,025)	(181,025)	1,867	11,895	3,188,489	644,751	3,094,182	3,094,182	33,300	101,959	1,973,720	1,973,720	1,973,720	156,538	260,764	420,315	
San Luis Obispo Superior Court	11,608,100	(423,142)	(117,803)	(117,803)	(117,803)	1,867	(117,803)	(117,803)	(117,803)	1,867	11,895	3,188,489	644,751	3,094,182	3,094,182	33,300	101,959	1,973,720	1,973,720	1,973,720	156,538	260,764	420,315	
Shasta Superior Court	705,300	(28,747)	(7,898)	(7,898)	(7,898)	1,867	(7,898)	(7,898)	(7,898)	1,867	11,895	3,188,489	644,7											

FY 2008-2009 Trial Court Allocations and Reimbursements

Court Name	Replacement of 2% Automation Fund		SB 56 New Judiciary Facilities	County Omitted FY 08/09 Costs	Forensic Evaluations	Supplemental Funding- Sentence Adversity Initiatives		Asset Replacement	Percent of 68085/50 and (b) Fees Retained by Court in FY 2008-09 and Prior Fiscal Years	Total - Court Operations Allocations
	Y	Z				AA	AB			
Alameda Superior Court	424,792	-	-	-	-	-	324,826	-	-	122,428,001
Alpine Superior Court	2,034	-	-	-	-	-	2,425	-	-	653,102
Butte Superior Court	50,978	-	-	3,777	-	-	17,102	-	-	1,870,222
Calaveras Superior Court	18,652	-	-	6,447	-	-	47,433	-	-	131,012,226
Colusa Superior Court	15,708	-	-	2,223	-	-	93,460	-	-	2,913,845
Contra Costa Superior Court	218,186	-	-	-	-	-	4,853	-	-	2,043,163
Del Norte Superior Court	11,208	-	-	-	-	-	155,653	-	-	63,949,711
El Dorado Superior Court	54,374	-	-	-	-	-	35,706	-	-	10,689,534
Fresno Superior Court	181,080	342,336	-	-	-	-	178,333	-	-	64,989,845
Glenn Superior Court	19,254	-	-	10,401	-	-	3,793	-	-	287,665
Humboldt Superior Court	65,458	-	-	44,864	-	-	37,440	-	-	1,498,863
Inyo Superior Court	30,402	-	-	-	-	-	2,973	-	-	1,163,281
Kern Superior Court	277,328	-	-	500	-	-	162,586	-	-	49,516,619
Kings Superior Court	57,026	-	-	-	-	-	29,466	-	-	8,595,053
Lake Superior Court	20,328	-	-	49,572	-	-	147,970	-	-	4,915,674
Lassen Superior Court	20,156	-	-	19,288	-	-	8,666	-	-	3,118,337
Los Angeles Superior Court	3,144,330	-	-	1,173,698	-	-	2,192,666	-	-	723,197,885
Madera Superior Court	52,922	184,408	-	-	-	-	27,386	-	-	2,092,304
Mariposa Superior Court	11,804	-	-	-	-	-	1,400	-	-	1,479,607
Merced Superior Court	30,068	-	-	24,004	-	-	5,546	-	-	1,479,607
Merced Superior Court	53,652	-	-	54,113	-	-	37,093	-	-	16,482,281
Mono Superior Court	6,134	-	-	-	-	-	4,506	-	-	1,322,876
Mono Superior Court	12,446	-	-	-	-	-	5,893	-	-	1,925,414
Monterey Superior Court	183,464	65,715	-	-	-	-	71,760	-	-	25,472,789
Nevada Superior Court	30,530	-	-	-	-	-	20,963	-	-	1,082,228
Nevada Superior Court	92,882	-	-	36,572	-	-	33,973	-	-	1,922,228
Placer Superior Court	72,378	-	-	89,225	-	-	49,573	-	-	19,748,413
Plumas Superior Court	9,206	-	-	-	-	-	34,463	-	-	2,139,733
Riverside Superior Court	532,226	-	-	-	-	-	294,666	-	-	113,005,419
Sacramento Superior Court	340,254	-	-	360,270	-	-	280,453	-	-	107,199,651
San Benito Superior Court	14,700	-	-	-	-	-	8,666	-	-	3,656,584
San Bernardino Superior Court	45,474	-	-	398,802	-	-	326,906	-	-	128,009,991
San Diego Superior Court	27,522	-	-	84,049	-	-	31,730	-	-	8,319,117
San Francisco Superior Court	1,000	-	-	-	-	-	1,000	-	-	1,000,000
San Joaquin Superior Court	201,528	264,252	-	549,230	-	-	109,346	-	-	41,765,084
San Luis Obispo Superior Court	130,020	-	-	-	-	-	561,160	-	-	19,541,403
San Mateo Superior Court	329,518	-	-	-	-	-	137,626	-	-	48,356,330
Santa Barbara Superior Court	162,858	-	-	80,994	-	-	98,800	-	-	30,246,705
Santa Clara Superior Court	113,210	-	-	-	-	-	62,967	-	-	130,956,846
Santa Cruz Superior Court	44,394	74,872	-	92,431	-	-	51,653	-	-	15,543,914
Shasta Superior Court	31,600	-	-	2,175	-	-	23,186	-	-	1,000,000
Siskiyou Superior Court	119,664	-	-	5,213	-	-	89,093	-	-	5,476,947
Sonoma Superior Court	119,004	-	-	47,592	-	-	74,186	-	-	28,970,685
Stanislaus Superior Court	88,718	186,168	-	-	-	-	74,533	-	-	33,433,427
Stutter Superior Court	37,382	-	-	24,713	-	-	16,640	-	-	23,014,589
Tehama Superior Court	28,100	-	-	28,490	-	-	16,293	-	-	5,895,371
Trinity Superior Court	7,688	-	-	-	-	-	4,833	-	-	4,497,125
Tulare Superior Court	20,222	-	-	2,830	-	-	1,880	-	-	1,580,002
Tulare Superior Court	24,232	-	-	8,430	-	-	1,880	-	-	2,492,937
Ventura Superior Court	263,904	-	-	32,075	-	-	131,040	-	-	18,388,166
Yuba Superior Court	15,788	-	-	24,359	-	-	11,235	-	-	46,298,167
Yuba Superior Court	15,788	-	-	24,359	-	-	11,235	-	-	13,284,506
Total:	10,907,464	1,117,751	80,994	4,047,625	598,468	7,397,151	6,712,437	-	-	2,592,766,287

FY 2008-2009 Allocations/Reimbursements to Trial Courts - Trial Court Improvement Fund									
Court Name	Trial Court Security Grants	Domestic Violence-Family Law Interpreter Program	Self Help Centers	Emergency Funding	20% of Excess 50/50 Split Revenue	Conservatorship and Guardianship	Fund Total		
	A	B	C	D	E	F	G		
Alameda Superior Court	-	19,380	203,150	-	36,187	376,029	634,746		
Alpine Superior Court	22,641	-	0	-	-	141	22,782		
Amador Superior Court	1,498	111	5,129	-	4,276	16,694	27,708		
Butte Superior Court	8,623	36,747	29,216	-	11,107	140,369	226,062		
Calaveras Superior Court	-	-	6,123	-	794	8,726	15,643		
Colusa Superior Court	-	-	2,894	-	902	1,400	5,196		
Contra Costa Superior Court	61,153	31,539	69,823	-	47,920	220,277	430,712		
Del Norte Superior Court	3,502	-	462	-	80	10,522	14,566		
El Dorado Superior Court	-	10,126	23,701	-	-	59,305	93,132		
Fresno Superior Court	13,300	5,261	120,994	-	11,415	158,290	309,260		
Glenn Superior Court	-	14,104	3,854	420,456	9,511	10,891	458,816		
Humboldt Superior Court	3,719	-	17,826	-	19,032	37,012	77,589		
Imperial Superior Court	36,002	22,599	19,645	-	24,961	8,695	111,902		
Inyo Superior Court	-	1,500	2,490	-	-	15,233	19,223		
Kern Superior Court	-	28,641	104,900	-	20,366	99,154	253,061		
Kings Superior Court	-	4,600	19,870	-	10,728	6,897	42,095		
Lake Superior Court	1,352	-	8,515	-	-	10,710	20,577		
Lassen Superior Court	-	-	4,768	-	-	13,394	18,162		
Los Angeles Superior Court	-	556,309	1,281,268	-	-	2,573,340	4,410,917		
Madera Superior Court	125,354	34,020	7,069	-	1,490	26,330	194,263		
Marin Superior Court	-	1,493	34,076	-	22,090	78,541	136,200		
Mariposa Superior Court	-	-	2,450	-	5,028	11,128	18,606		
Mendocino Superior Court	-	3,972	11,195	-	18,957	22,564	56,688		
Merced Superior Court	269,718	11,870	14,015	-	14,482	21,958	332,042		
Modoc Superior Court	7,500	-	1,248	-	-	5,140	13,888		
Mono Superior Court	-	-	0	-	3,998	8,550	12,548		
Monterey Superior Court	-	25,384	57,145	-	29,346	106,786	218,661		
Napa Superior Court	-	6,782	18,084	-	-	40,190	65,056		
Nevada Superior Court	127,040	1,156	13,460	-	9,100	23,348	174,104		
Orange Superior Court	151,542	85,759	372,641	-	-	495,377	1,105,319		
Placer Superior Court	-	6,030	39,096	1,205,367	9,634	69,749	1,329,876		
Plumas Superior Court	-	-	0	-	-	11,596	11,596		
Riverside Superior Court	-	121,947	176,697	-	76,557	295,711	670,912		
Sacramento Superior Court	112,556	23,780	147,936	-	-	325,342	609,614		
San Benito Superior Court	-	-	7,751	-	-	3,460	11,211		
San Bernardino Superior Court	-	28,588	267,920	-	117,200	212,418	626,126		
San Diego Superior Court	-	125,664	345,465	-	-	853,754	1,324,883		
San Francisco Superior Court	-	87,043	107,430	-	-	303,727	498,200		

Exhibit 3

San Joaquin Superior Court	18,452	1,811	40,632	-	513	134,048	195,456
San Luis Obispo Superior Court	-	4,797	35,408	-	2,273	51,466	93,944
San Mateo Superior Court	33,595	15,903	96,762	-	9,728	346,904	502,892
Santa Barbara Superior Court	-	3,500	56,712	-	-	76,298	136,510
Santa Clara Superior Court	-	106,367	238,520	-	-	434,291	779,178
Santa Cruz Superior Court	-	19,092	35,288	-	-	54,552	108,932
Shasta Superior Court	314,912	23,453	24,411	-	-	84,800	447,575
Sierra Superior Court	10,252	1,560	258	-	128	2,815	15,013
Siskiyou Superior Court	-	-	6,207	-	-	17,113	23,320
Solano Superior Court	88,252	8,050	56,878	-	12,206	106,470	271,856
Sonoma Superior Court	144,357	17,750	64,556	-	-	143,598	370,261
Stanislaus Superior Court	89,978	13,561	67,639	-	43,518	86,639	301,335
Sutter Superior Court	-	11,216	12,300	-	12,176	57,311	93,003
Tehama Superior Court	-	-	8,276	-	10,895	14,424	33,595
Trinity Superior Court	40,000	-	1,886	-	2,425	1,659	45,970
Tulare Superior Court	10,813	21,500	56,577	-	25,512	18,604	133,006
Tuolumne Superior Court	-	1,130	7,832	-	-	11,882	20,844
Ventura Superior Court	-	13,329	109,941	-	-	111,660	234,930
Yolo Superior Court	3,669	9,811	25,603	-	-	34,609	73,693
Yuba Superior Court	38,178	2,881	9,392	-	15,322	28,109	93,882
Total	1,737,956	1,570,114	4,503,384	1,625,823	639,857	8,500,000	18,577,134

FY 2008-2009 Allocations/Reimbursements to Trial Courts - Judicial Administration Efficiency and Modernization Fund Attachment 3

Court Name	Alternative Dispute Resolution Centers	Complex Civil Litigation Program	Technical Assistance to Courts	Fund Total
	A	B	C	D
Alameda Superior Court	-	255,400	6,450	261,850
Butte Superior Court	-	-	-	0
Contra Costa Superior Court	-	384,846	-	384,846
Inyo Superior Court	-	-	-	0
Kern Superior Court	-	-	-	0
Lake Superior Court	-	-	-	0
Los Angeles Superior Court	25,000	1,117,000	-	1,142,000
Mariposa Superior Court	-	-	2,275	2,275
Monterey Superior Court	-	-	3,000	3,000
Nevada Superior Court	-	-	-	0
Orange Superior Court	-	420,960	-	420,960
Riverside Superior Court	-	-	8,670	8,670
San Bernardino Superior Court	7,500	-	-	7,500
San Diego Superior Court	20,000	-	-	20,000
San Francisco Superior Court	25,000	-	8,900	33,900
San Luis Obispo Superior Court	7,500	-	-	7,500
Santa Barbara Superior Court	-	-	-	0
Santa Clara Superior Court	-	1,221,369	1,550	1,222,919
Solano Superior Court	-	-	-	-
Sonoma Superior Court	-	-	-	-
Stanislaus Superior Court	-	-	-	0
Tulare Superior Court	-	-	8,900	8,900
Tuolumne Superior Court	-	-	-	0
Ventura Superior Court	17,000	-	7,500	24,500
Yolo Superior Court	-	-	4,000	4,000
Total	102,000	3,399,574	51,245	3,552,819

FY 2008-2009 Allocations/Reimbursements to Trial Courts - General Fund										
Court Name	AB 1058	Drug-Collaborative Courts-Substance Abuse	California DUI Court Expansion (Office of Traffic Safety)	Effective Court Practice For Abused Elders	California Justice Corps	Service of Process	Homicide Trials	Prisoners' Hearings	Fund Total	
	A	B	C	D	E	F	G	H	I	
Alameda Superior Court	1,878,472	30,000	-	-	145,670	38,580	-	-	2,092,722	
Amador Superior Court	157,258	17,421	-	-	-	570	-	6,079	181,328	
Butte Superior Court	488,460	43,840	72,000	-	-	150	-	-	604,450	
Calaveras Superior Court	275,142	17,930	-	-	-	3,570	-	-	296,642	
Colusa Superior Court	101,340	-	-	-	-	-	-	-	101,340	
Contra Costa Superior Court	1,670,250	39,000	-	56	-	15,350	-	-	1,724,655	
Del Norte Superior Court	101,543	12,000	-	-	-	3,390	-	-	116,933	
El Dorado Superior Court	414,188	11,063	154,513	-	-	2,430	-	-	582,194	
Fresno Superior Court	2,509,893	12,984	-	-	-	11,306	-	6,816	2,600,999	
Glenn Superior Court	257,305	26,928	-	-	-	1,740	-	-	285,972	
Humboldt Superior Court	235,443	16,000	-	-	-	5,100	-	-	256,543	
Imperial Superior Court	260,313	-	-	-	-	7,134	-	27,154	294,601	
Inyo Superior Court	149,949	13,966	-	-	-	2,310	-	-	166,226	
Kern Superior Court	1,323,732	22,000	-	-	-	29,610	-	57,435	1,432,777	
Kings Superior Court	463,957	0	-	-	-	1,410	-	36,751	502,119	
Lake Superior Court	240,203	6,021	-	-	-	10,440	-	-	256,664	
Lassen Superior Court	234,257	10,225	-	-	-	4,200	-	34,651	283,333	
Los Angeles Superior Court	8,532,179	20,000	-	-	224,406	493,906	-	16,790	9,287,281	
Madera Superior Court	370,533	26,000	-	-	-	6,870	-	34,035	437,438	
Marin Superior Court	300,679	16,000	-	-	-	684	-	2,313	319,676	
Mariposa Superior Court	118,037	-	-	-	-	90	-	-	118,127	
Mendocino Superior Court	294,128	20,000	-	-	-	240	-	-	314,368	
Merced Superior Court	859,388	0	-	-	-	1,140	-	-	860,528	
Modoc Superior Court	73,973	11,941	-	-	-	1,500	-	-	87,415	
Mono Superior Court	82,760	-	-	-	-	90	-	-	82,850	
Monterey Superior Court	608,418	22,000	-	-	-	508	-	40,737	671,663	
Napa Superior Court	321,023	14,401	-	-	-	8,876	-	-	344,300	
Nevada Superior Court	569,081	23,894	-	-	-	2,938	-	-	595,913	
Orange Superior Court	3,229,556	2,477	274,544	-	-	81,300	11,595	-	3,599,472	
Placer Superior Court	594,670	29,000	-	-	-	870	-	-	624,540	
Plumas Superior Court	153,282	18,318	-	-	-	3,360	-	-	174,960	
Riverside Superior Court	2,113,113	32,000	-	-	-	78,340	-	42,640	2,266,093	
Sacramento Superior Court	1,522,168	0	-	-	-	49,356	-	68,033	1,639,557	
San Benito Superior Court	254,703	-	-	-	-	-	-	-	254,703	
San Bernardino Superior Court	3,636,141	44,995	-	-	-	49,676	-	12,787	3,743,599	
San Diego Superior Court	3,061,452	45,000	-	-	-	278,430	-	2,614	3,387,496	
San Francisco Superior Court	1,332,434	0	-	-	-	3,348	-	-	1,335,782	

San Joaquin Superior Court	1,166,400	18,369	-	-	-	27,986	-	27,770	1,240,525
San Luis Obispo Superior Court	377,117	19,385	-	-	-	7,260	-	87,552	491,313
San Mateo Superior Court	697,671	20,000	-	-	-	20,548	-	-	738,219
Santa Barbara Superior Court	829,011	44,000	-	-	-	9,900	-	-	882,911
Santa Clara Superior Court	2,639,063	35,000	-	-	-	45,148	-	-	2,719,211
Santa Cruz Superior Court	285,047	29,000	-	-	-	11,898	-	-	325,945
Shasta Superior Court	729,392	20,542	284,065	-	-	10,020	-	-	1,044,019
Sierra Superior Court	-	12,000	-	-	-	60	-	-	12,060
Siskiyou Superior Court	404,699	19,975	-	-	-	4,650	-	-	429,324
Solano Superior Court	788,076	14,589	-	-	-	33,254	-	27,291	863,211
Sonoma Superior Court	825,230	43,542	319,278	-	-	13,648	-	-	1,201,698
Stanislaus Superior Court	1,038,728	18,571	-	-	-	20,488	-	-	1,077,787
Sutter Superior Court	330,129	-	-	-	-	240	-	-	330,369
Tehama Superior Court	149,488	-	-	-	-	478	-	-	149,966
Trinity Superior Court	32,478	11,387	-	-	-	60	-	-	43,925
Tulare Superior Court	885,811	10,841	-	-	-	14,370	-	-	911,022
Tuolumne Superior Court	301,598	16,371	-	-	-	1,104	-	2,016	321,089
Ventura Superior Court	992,737	20,000	-	4,926	-	31,590	-	-	1,049,253
Yolo Superior Court	348,977	13,155	-	-	-	720	-	-	362,853
Yuba Superior Court	332,801	5,456	-	-	-	210	-	-	338,467
Total	52,003,876	977,589	1,104,400	4,982	370,076	1,452,444	11,595	533,464	56,458,425

Statement of Intended Purpose for Each Allocation or Reimbursement

Trial Court Trust Fund

Column	Allocation/Reimbursement	Purpose
A	Base Budget	This ongoing base allocation approved by the Judicial Council was provided for trial court operations. It reflects annual funding adjustments since the beginning of state trial court funding, including those related to the State Appropriations Limit and Budget Change Proposals.
B	Statewide-Unallocated Reduction of \$92.24 million	This one-time unallocated reduction to trial court funding was based on each court's pro-rated share of the beginning FY 2008-2009 statewide base allocation. The council exempted four courts from being allocated a portion of the reduction.
C	Statewide \$26 Million Reduction to Offset Revenue Shortfall	This \$26 million allocation reduction was to offset the portion of the \$31 million General Fund reduction to the Trial Court Trust Fund not offset by county undesignated fee Maintenance of Effort payments (\$5 million).
D	Retirement Rate and Plan Changes	This allocation was for court employee retirement cost changes.
E	Reduction for Appointed Converted SJO Positions	This allocation reduction, pro-rated from the date that the judge takes the oath of office, was for the cost of judges' salary and average calculated benefits for subordinate judicial positions that were converted to judgeships. Monies reduced from the courts' allocation augment the Program 45.25 (Compensation of Superior Court Judges) appropriation.
F	Security	This allocation was for security-related costs: security cost changes, costs in excess of security standards funding, and security retiree health costs historically included in the maintenance of effort (MOE) payments to the State.
G	Security for New and Transferring Facilities	This allocation was for one-time and ongoing security expenses related to new or transferring facilities.
H	Staffing and Operating Expenses for New and Transferring Facilities	This allocation was for ongoing staffing and operating expenses related to new or transferring facilities.
I	Inflation and Workforce Adjustment	This allocation, determined by applying the adjusted CPI change factor of 2.826 percent to each court's FY 2008-2009 beginning base budget excluding security, was for staff compensation, operating expenses, program expansion and other court costs.
J	New Entrance Screening Stations	This allocation was for screening stations that were approved as part of the 97 new entrance screening stations in the Budget Act of 2006 (Stats. 2006, ch. 47).
K	Screening Station Replacement	This allocation was for reimbursement of entrance screening station replacement costs.
L	Court Interpreters Program (CIP)	This allocation was for reimbursement of eligible CIP expenditures, including staff and contract interpreters.
M	Annual Salary Reimbursement for Authorized Judges Program	This allocation is to reimburse the courts/counties for part of the salary that is not paid by the State Controller's Office.
N	Court-Appointed Counsel	This allocation was for reimbursement of court-appointed dependency counsel expenditures.
O	Jury	This allocation was for reimbursement of eligible juror costs.
P	Elder Abuse	This allocation was for reimbursement of costs related to protective orders involving elder or dependent adult abuse.
Q	Self-Help Centers	This allocation was for reimbursement of expenses charged in accordance with each court's MOU for self-help center funding.
R	Model Self Help	This allocation was for pilot self-help centers ("Centers") which would provide various forms of assistance, such as basic legal and procedural information, help with filling out forms, including Spanish language services, and referrals to other community resources, to self-represented litigants. This project is aimed at determining the effectiveness of court-based self-help programs and providing information to the legislature on future funding needs.

S	Family Law Information Center	This allocation was for costs related to projects in the Superior Courts of Los Angeles, Sutter and Fresno counties that assist over 45,000 low-income, self-represented litigants with forms, information, and resources in family law matters.
T	Civil Case Coordination	This allocation was for the cost of handling coordinated cases in one court system.
U	Civil Assessment	This allocation was for civil assessment revenues collected that exceeded the amount of the court's county civil assessment buyout.
V	Automated Record-keeping and Micrographics	This allocation was for automation of record-keeping and micrographics.
W	Children's Waiting Room	This allocation, based on civil first paper filing fees, was for costs of operating a children's waiting room (except capital outlay).
X	Fee Revenues Returned to Courts	This allocation was to return to courts various local court fees charged by courts based on the cost of providing a service or product and then remitted to the Trial Court Trust Fund.
Y	Replacement of 2% Automation Fund	This allocation replaced funding previously provided from the 2% automation revenues deposited into the Trial Court Improvement Fund.
Z	SB 56 New Judgeship Facilities	This allocation was for the cost of lease payments as well as other facility operational costs incurred for the new judgeships and staff authorized by SB 56(Stats. 2006, ch. 390).
AA	County Omitted FY 1996-97 Costs	This allocation was an adjustment for ongoing janitorial expenses incorrectly omitted by one county in the statement of its court's FY 1996-1997 operating expenses used to determine the county's Maintenance of Effort obligation.
AB	Forensic Evaluations	This allocation was for ongoing expenses related to forensic evaluations.
AC	Supplemental Funding - Statewide Administrative Infrastructure Initiatives	This allocation was provided as a means of relief from one-time and ongoing costs associated with statewide administrative infrastructure initiatives.
AD	Asset Replacement	This allocation was for technology asset replacement (e.g., personal computers and printers).
AE	Buyout of 68085.5(a) and (f) Fees Retained by Court in FY 2003-04 (Prior Fiscal Years)	This allocation was for providing courts an ongoing allocation for GC 68085.5 (a) and (f) fees, excluding civil assessment, based on the level a court retained in FY 2003-2004.

Trial Court Improvement Fund

Column	Allocation/Reimbursement	Purpose
A	Trial Court Security Grants	This allocation was for courts to complete various projects, such as installation of video surveillance and/or access systems, weapons screening equipment, security enhancements, and to develop and deliver the mechanism and training necessary for the courts to complete their own Continuity of Operations Plan (COOP).
B	Domestic Violence- Family Law Interpreter Program	This allocation was for courts to provide interpreter services in court hearings, family court services, mediation proceedings, and family law facilitator sessions.
C	Self Help Centers	This allocation was to establish or expand self-help assistance in the areas of family law, domestic violence, and other civil matters, to every county in the State of California.
D	Emergency Funding	This allocation to two courts was for cash flow needs and deficiency funding to meet unanticipated critical financial obligations and needs.
E	20% of Excess 50-50 Split Revenue Distribution	This allocation, in accordance with GC 77205(a) and California Rules of Court 10.105, was to distribute 20 percent of the 50-50 excess split revenue that exceeded the base revenue amount deposited in FY 2002-2003.

F	Conservatorship and Guardianship Distribution	This allocation was a one-time distribution to the trial courts for enhancing the services that are currently being implemented by trial courts pursuant to the requirements of the Omnibus Conservatorship and Guardianship Reform Act of 2006.
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Judicial Administration Efficiency and Modernization Fund

Column	Allocation/Reimbursement	Purpose
A	Alternative Dispute Resolution Centers	This allocation was for mediation and settlement programs for civil cases.
B	Complex Civil Litigation Program	This allocation was for the reimbursement of costs related to running complex civil litigation departments.
C	Technical Assistance to Courts	This allocation was for small grants and technical assistance to support the courts' efforts in providing training for their management and court employees.

General Fund

Column	Allocation/Reimbursement	Purpose
A	AB 1058	This allocation was to provide funds for legislatively mandated child support commissioner and family law facilitator services in the courts.
B	Drug-Collaborative Courts-Substance Abuse	This allocation was for grants awarded to 80 court projects located in 50 counties to be used to support drug and other collaborative justice court programs.
C	California DUI Court Expansion (Office of Traffic Safety)	This allocation from the National Highway Traffic Safety Administration through the California Office of Traffic Safety was distributed to 5 California courts for the purpose of startup and operating collaborative justice model DUI courts.
D	Effective Court Practice for Abused Elders	This allocation, in the form of grants, was disseminated to two mentor courts to support effective court procedures when processing cases involving elder abuse.
E	California Justice Corps	This allocation was to administer the Justice Corps program in partnership with Los Angeles Superior Court and Alameda Superior Court where students serve as assistants in self-help legal access centers.
F	Service of Process	This allocation was to reimburse courts for the cost of service of stalking and harassment restraining orders and injunctions for which they were billed by the Sheriff's department per Government Code section 6103.2(b)(4).
G	Homicide Trials	This allocation was to reimburse courts for extraordinary costs of homicide trials as specified in Government Code section 15202.
H	Prisoners' Hearings	This allocation was to reimburse trial courts for necessary and reasonable costs connected with state prisons, California Youth Authority institutions, prisoners, and wards, including costs for the preparation of a trial or pretrial hearing, and the actual trial or hearing, consistent with Penal Code Sections 4750-4755 and 6005.

FUND BALANCE POLICY

BACKGROUND

In the Supplemental Report of the 2006 Budget Act, the Legislature specified that the Judicial Council report on court reserves and provide its policy governing trial court reserves. On October 20, 2006, the Judicial Council approved a fund balance policy for trial courts. Financial accounting and reporting standards and guidelines have been established by the Financial Accounting Standards Board (FASB) and the Governmental Accounting Standards Board (GASB). The Trial Court Financial Policy and Procedures Manual, in compliance with these standards and guidelines, specifies that the trial courts are responsible for the employment of "sound business, financial and accounting practices" to conduct their operations.

In addition, Government Code section 77203 specifies that the Judicial Council has the authority to authorize trial courts to carry over unexpended funds from one year to the next. Consistent with this provision, this policy provides courts with specific directions for identifying fund balance resources necessary to address statutory and contractual obligations on an accurate and consistent basis as well as maintaining a minimum level of operating and emergency funds. In addition, this policy provides the necessary structure to ensure funds are available to maintain service levels for various situations that confront the trial courts including a late state budget.

PURPOSE

Governmental agencies/entities report the difference between their assets and obligations as fund balance, which is divided into restricted and unrestricted categories. The function of the restricted fund balance is to isolate the portion of fund balance that represents resources required to address statutory and contractual obligations.

The purpose of this policy is to establish uniform standards for the reporting of fund balance by trial courts and to maintain accountability over the public resources used to finance trial court operations.

POLICY

As publicly funded entities, and in accordance with good public policy, trial courts must ensure that the funds allocated and received from the state and other sources are used efficiently and accounted for properly and consistently. The trial courts shall account for and report fund balance in accordance with established standards, utilizing approved categories. Additionally, a fund balance can never be negative.

Fund Balance Categories

When allocating fund balance to the categories and subcategories, allocations are to follow the following prioritization:

1. Statutory fund balance.
2. Contractual commitments to be paid in the next fiscal year.

3. The minimum calculated operating and emergency fund balance.
4. Other Judicial Council mandates to be paid in the next fiscal year.
5. Contractual commitments to be paid in subsequent fiscal years.
6. Other Judicial Council mandates to be paid in subsequent fiscal years.
7. Other designated subcategories and/or the undesignated subcategory.

If there is insufficient fund balance to cover any or all of the first four priorities, the shortfall should be explained in detail in attached footnotes. Also, there are additional reporting requirements when the amount allocated to the operating and emergency fund balance is below the minimum required.

Restricted Fund Balance. This fund balance category is not available for purposes other than statutory or contractual purposes.

Statutory. A restricted fund balance that consists of unspent, received revenues whose use is statutorily restricted.

Contractual. A restricted fund balance set aside for executed contractual commitments beyond the current fiscal year (e.g., multi-year contracts).

Unrestricted Fund Balance. This is a fund balance that is comprised of funds that are neither contractually nor statutorily restricted but may, by policy, require minimum amounts be maintained or identified.

Designated. The portion of unrestricted fund balance that is subject to tentative management plans. For each specific plan, courts must select a specific designated sub-category that is listed and provide a detailed description of the planned use of the fund balance. Specific plans that fall under the same designated sub-category must be listed separately.

Undesignated. The portion of fund balance that is neither restricted nor designated.

Designated Fund Balances

For designated fund balances that are based on estimates, particularly the operating and emergency (above the minimum required), leave obligations, and retirement fund balance designated subcategories, explanations of the methodology used to compute or determine the designated amount must be provided. Designations or planned uses include but are not limited to:

1. **Operating and Emergency**

Each court shall maintain a minimum operating and emergency fund balance at all times as determined by the following calculation based upon that fiscal year's total unrestricted general fund expenditures (excluding special revenue, debt service, permanent, proprietary, and fiduciary funds), less any material one-time expenditures (e.g., large one-time contracts).

Annual General Fund Expenditures

5 percent of the first \$10,000,000

4 percent of the next \$40,000,000

3 percent of expenditures over \$50,000,000

If a court determines that it is unable to identify the minimum operating and emergency fund balance level as identified above, the court shall immediately notify the Administrative Director of the Courts, or designee, in writing and provide a plan with a specific timeframe to correct the situation.

2. One-time facility – Tenant improvements
Examples include carpet and fixture replacements.
3. One-time facility – Other
Examples include amounts paid by the AOC on behalf of the courts.
4. Statewide Administrative Infrastructure Initiatives
Statewide assessment in support of technology initiatives (e.g., California Case Management System and Phoenix) will be identified in this designation.
5. Local Infrastructure (Technology and non-technology needs)
Examples include interim case management systems and non-security equipment.
6. One-time employee compensation (Leave obligation, retirement, etc.)
Amounts included in this category are exclusive of employee compensation amounts already included in the court's operating budget and not in a designated fund balance category.
 - a. One-time leave payments at separation from employment. If amounts are not already accounted for in a court's operating budget, estimated one-time payouts for vacation or annual leave to employees planning to separate from employment within the next fiscal year should be in this designated fund balance sub-category. This amount could be computed as the average amount paid out with separations or other leave payments during the last three years. Any anticipated non-normal or unusually high payout for an individual or individuals should be added to at the average amount calculated.

In a footnote, the court should note the amount of its employees' currently earned leave balance that is more than the established designated fund balance. The amount would be determined by multiplying the hours of earned vacation or annual leave on the payroll records for each employee times his or her current salary rate minus the designated fund balance established.
 - b. Unfunded pension obligation. If documented by an actuarial report, the amount of unfunded pension obligation should be included as a designated fund balance. Employer retirement plan contributions for the current fiscal year must be accounted for in the court's operating budget.

In a footnote, the court should note the amount of the current unfunded pension obligation that is in excess of the established designated fund balance.

- c. Unfunded retiree health care obligation. If documented by an actuarial report, the amount of unfunded retiree health care obligation should be included as a designated fund balance.

The current year's unfunded retiree health care obligation contains: (i) the current year Annual Required Contribution (ARC) based on a 30-year amortization of retiree health costs as of last fiscal year-end **and** (ii) the prior year retiree health care obligation **less** (iii) the retiree health care employer contributions and any transfers made to an irrevocable trust set up for this purpose. The current year's unfunded retiree health care obligation is to be added to the prior year's obligation.

Note: The ARC amounts are located in each court's actuarial report, which is entitled "Postretirement Benefit Valuation Report".

In a footnote, the court should note the amount of the cumulative unfunded retiree health care obligation that is in excess of the established designated fund balance.

- d. Workers compensation (if managed locally). The amount estimated to be paid out in the next fiscal year.
7. Professional and consultant services
Examples include human resources, information technology, and other consultants.
8. Security
Examples include security equipment, and pending increases for security service contracts.
9. Other (required to provide detail)
Any other planned commitments that are not appropriately included in one of the above designated fund balance sub-categories should be listed here with a description in sufficient detail to determine its purpose and requirements.

EXHIBIT 4

BILL ANALYSIS

AB 92
Page 1

CONCURRENCE IN SENATE AMENDMENTS
AB 92 (Cardoza)
As Amended August 24, 1998
Majority vote

ASSEMBLY: (May 5, 1997) SENATE: 38-0 (August 28, 1998)
(vote not relevant)

Original Committee Reference: H. & C.D.

SUMMARY : Requires trial courts to contract with county sheriffs to provide security services.

The Senate amendments delete the Assembly version of the bill, and instead, require county trial courts to enter into an agreement with the sheriff's department to provide security services for those trial courts where court security services are otherwise required by law to be provided by the sheriff's department as of July 1, 1998.

EXISTING LAW requires the sheriff in certain counties to provide security services to the trial courts.

AS PASSED BY THE ASSEMBLY , this bill established procedures for voting, membership, and due process in the operation of the California Tax Credit Allocation Committee.

FISCAL EFFECT : This bill may be a state-mandated local program.

COMMENTS : AB 233 (Escutia), Chapter 850, Statutes of 1997, provided that funding of trial courts be paid for by the state.

This bill clarifies that the status quo shall be maintained where the sheriff's department currently provides security services (e.g., bailiffs) to the trial courts as of July 1, 1998. The supporters of this bill are concerned that under current trial court funding law it is unclear how security services shall be provided. This bill requires county sheriffs to continue to provide deputies for trial court security under contract.

Currently county sheriffs provide security services for trial courts in 53 counties. Marshals provide security as court employees in the remaining five counties. The trial courts that employ Marshals are not required to hire sheriffs under this bill.

Currently state appellate courts are funded by the state and security is provided by the California Highway Patrol.

Supporters assert that the bill would ensure a continuity of public safety services in California trial courts.

Analysis prepared by : Hubert Bower / algov / (916) 319-3958

FN

EXHIBIT 5

DEPARTMENT OF FINANCE ENROLLED BILL REPORT

AMENDMENT DATE: August 24, 1998
RECOMMENDATION: Sign

BILL NUMBER: AB 92
AUTHOR: D. Cardoza, et al.
RELATED BILLS: AB 2739

ASSEMBLY: 77/0
SENATE: 38/0

BILL SUMMARY: Courts: security services

This bill would require those courts, which are required by current law to have trial court security provided by the sheriff's department, to contract with the sheriff department that provided such services as of July 1, 1998. This bill's requirement would be effective July 1, 1999.

FISCAL SUMMARY

By requiring a trial court to contract with the sheriff's department it was using as of July 1, 1998, this bill would not result in any change to the current security status and contracting in the trial courts. However, this bill would bar any future change in security in the affected counties unless new legislation specifies otherwise.

This bill may result in additional court security costs to the State trial courts; however, it would not be a reimbursable state mandated cost. The affected trial courts could request additional funding through the Administrative Office of Courts (AOC) during the budget development process, the AOC could either ask the trial court to redirect resources or could ask for a budget augmentation. According to the AOC, the county sheriff provides court security in more than 50 counties; marshals provide court security in the remaining counties.

COMMENTS

The Department of Finance recommends that this bill be signed. Current law already requires sheriff's departments to provide courthouse security unless otherwise specified. Those costs associated with such court security are allowable trial court costs under Government Code Section 77003 and Rule of Court 810 and can be currently billed for by the county and paid by the trial court.

Chapter 850, Statutes of 1997 specified that a trial court could choose whether to retain county services already provided to it, or choose a different vendor on July 1, 1998. However, current law also requires a sheriff's department to place personnel in a superior court held within a county unless otherwise provided for by law.

Analyst/Principal (0556) P. Reyes	Date	Program Budget Manager Stan Cubanski	Date
<i>[Signature]</i>	9/14/98	<i>[Signature]</i>	9/14/98
Department Assistant Director			
<i>[Signature]</i>	9/15/98		

ENROLLED BILL REPORT Form DE-43 (Rev. 01/95) (Pink)

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AUTHOR
 D. Cardoza, et al.

AMENDMENT DATE
 August 24, 1998

AB 92

COMMENTS (Continued)

This bill would require those counties that have courthouse functions requiring the use of a sheriff to contract with the sheriff's department that provided such services as of July 1, 1998. After that date, the affected trial courts would not be able to change their contract for security to a different vendor at a subsequent point in time. According to the author's office, this bill would address concerns that the trial courts should not alter or change their security practices until the Task Force on Trial Court Employees has made its recommendations, including those pertaining to courthouse security.

The Department of Finance is of the opinion that this bill would address concerns raised by the county sheriffs' offices and by the trial courts. Generally, the sheriffs are concerned that trial courts will seek court security services from other vendors. The trial courts are generally concerned about the costs of court security services and their ability to influence such costs. By requiring that an agreement be established for court security, both parties' concerns could be addressed. The sheriff would provide trial court security services, but the trial court would determine the level of security it is able to pay.

However, it is not clear what would happen if there were disagreement as to the level of security that were needed. For instance, a sheriff's office may have personnel standards that a trial court may not be able to afford given the available resources. Notwithstanding this concern, it would appear that this bill would provide a mechanism by which these two groups may be forced to resolve such disputes at the local level.

Code/Department Agency or Revenue Type	SO		(Fiscal Impact by Fiscal Year)				Fund Code
	LA	CO	(Dollars in Thousands)				
	RV	PROP	FC	FC	FC		
	98		1998-1999	1999-2000	2000-2001		
0450/Trial Court	LA	No	----- See Fiscal Summary -----				0001

EXHIBIT 6

GOVERNOR'S OFFICE OF PLANNING AND RESEARCH
Enrolled Bill Report

<i>Bill Number</i>	<i>Author</i>	<i>As Amended</i>
AB 92	CARDOZA	AUGUST 24, 1998
<i>Subject</i>		
COURTS: SECURITY SERVICES		

SUMMARY

This bill would require counties that are required by law to be provided court security services by their sheriff's departments to enter into an agreement for court security services with the sheriff's department that was providing such services as of July 1, 1998.

ANALYSIS

Existing law provides security to the state appellate courts through the California Highway Patrol. Existing county laws also require county sheriffs to provide court security services for county courts. Only four counties are provided security through marshals who are considered employees of those counties.

AB 92 would, commencing on July 1, 1999, and thereafter, require that the trial courts of each county in which court security services are otherwise required by law to be provided by the sheriff's department to enter into an agreement with the sheriff's department that was providing court security services as of July 1, 1998, regarding the provision of court security services.

COST

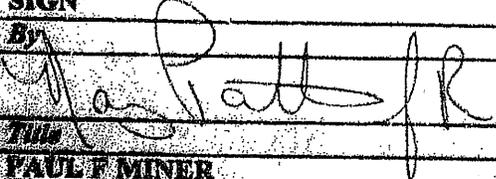
No appropriation.

Although this bill claims to contain a state-mandate, the agreements the bill would require counties to enter into would be continuations of existing services for court security. Court security services are allowable costs which the courts are required to pay from resources provided by the state. If an agreement would cost more than was previously provided, the county can request an augmentation of its budget through the Administrative Office of the Courts. This process is not unusual for such services because costs related to sheriffs' department personnel and equipment routinely increase and require budget augmentations.

ECONOMIC IMPACT

This bill would not appear to adversely impact the state's economic or business climate.

Recommendation

SIGN	
<i>By</i>	<i>Date</i>
	SEPTEMBER 9, 1998
<i>Title</i>	
PAUL F MINER DIRECTOR	

LEGAL IMPACT

This bill would not appear to result in any increased liability for the state, nor conflict with any federal or state laws.

LEGISLATIVE HISTORY

This bill is sponsored by the author.

Background

Last year, the Governor signed AB 233 (Escutia and Pringle, Ch. 850, 1997) which required the state to assume most of the responsibility for trial court funding that had previously been paid by the counties. In shifting responsibility for funding the courts to the state, the responsibility for managing local court funds was placed with the presiding judge of the court rather than the county. One of the services that is provided by counties is court security services through contracts with county sheriff's departments. The provisions of AB 233 did not clarify the status of such contracts for security services under the state's funding of trial courts. However, the bill did provide for the creation of a Task Force on Trial Court Employees to study the employment status of court employees and how they should be classified, as well as a Task Force on Court Facilities to study the ongoing financing of court facilities.

Currently, there are 54 counties that utilize sheriff's departments for court security services. Most of these counties require by law that the sheriff's department provide such services. Rather than shelving all of those contracts, this bill would require those counties to enter into an agreement with the sheriff's department that was providing court security services as of July 1, 1998, for continuing the existing court security services. Such agreements would continue until such a time as the Task Forces make their recommendations on the issue of court security services. At that time, changes could be made in services, if necessary.

According to the sponsor, this bill seeks to further the policy goals enacted in AB 233 and would recognize that such funding is necessary to provide sound consistent practices in use by the courts, especially regarding crucial court security services.

Support and Opposition

This bill is supported by the Peace Officers Research Association of California, the Association for Los Angeles Deputy Sheriffs, Inc., and the California State Sheriffs Association.

Proponents believe this bill would provide for a smooth transition for those counties that are provided court security services through sheriffs' departments and that are having their trial court funding responsibilities assumed by the state.

There is no known opposition to AB 92.

VOTES: Assembly - 05 May 1997 Senate - 28 August 1998
 Ayes - 43 Ayes - 38
 Noes - 33 Noes - 0

Concurrence - 31 August 1998
 Ayes - 77
 Noes - 0

The Assembly "no" votes in May do not reflect the current version of the bill.

RECOMMENDATION

The Office of Planning and Research recommends the Governor SIGN AB 92.

This bill would require counties that are required by law to be provided court security services by their sheriff's departments to enter into an agreement for court security services with the sheriff's department that was providing such services as of July 1, 1998.

AB 92 would provide for a smooth transition of court security services for those counties that are required by law to have these services provided by the county sheriff's department. The bill clarifies that, despite the state's assumption of trial court funding, these counties must come to an agreement with the same sheriff's department that was providing such services previous to July 1, 1998. This bill would ensure that the current services provided to such counties would not lapse and security in those courts would continue as before the transition of trial court funding to the state. However, pending recommendations by pertinent Task Forces, such security services could be altered to reflect the state's decision on the matter.

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KA

EXHIBIT 7

SENATE RULES COMMITTEE

AB 92

Office of Senate Floor Analyses

1020 N Street, Suite 524

(916) 445-6614 Fax: (916) 327-4478

THIRD READING

Bill No: AB 92
Author: Cardoza (D)
Amended: 8/24/98 in Senate
Vote: 21

All Prior Votes Not Relevant

SUBJECT: Courts: security services

SOURCE: Author

DIGEST: Senate Floor Amendments of 8/24/98 delete the provisions of the bill dealing with the California Tax Credit Allocation Committee's voting membership and the application and appeals procedures.

This is a new bill. This bill requires a county to enter into an agreement with the sheriff to provide security services for the court.

ANALYSIS: Existing law requires the sheriff in certain counties to provide security services to the trial courts.

This bill would require the trial courts in such a county, commencing July 1, 1999, and thereafter, to enter into an agreement with the sheriff's department that was providing court security services as of July 1, 1998, regarding the provision of court security services.

Background

These amendments insert a non-controversial aspect of AB 468 (Cardoza) relative to court security staffing. AB 468 was heard in the Senate Judiciary

CONTINUED

committee, and passed out on consent. AB 468 was a bill which was intended to allow the state to supply goods and services for courts within the counties which the state has taken over court funding responsibilities. Concern was raised by unions that transfer of "services" currently provided to courts by county employees to state employees had not been well thought out. The sponsors agreed and dropped the bill.

However, there is agreement that security services will not transfer from the counties where Sheriffs currently provide security, to the CHP (which is the state agency which would provide court security if the state supplied the personnel. These amendments simply reflect that agreement, restate existing law, and codify existing practice.

Prior Legislation

AB 468 (Cardoza), on Senate Inactive File.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

SUPPORT: (Verified 8/24/98)

City of San Jose
Peace Officers Research Association of California
Association for Los Angeles Deputy Sheriffs, Inc.
California State Sheriffs Association

ARGUMENTS IN SUPPORT: The California State Sheriffs Association states, "This legislation requires municipal and superior courts to enter into an agreement with the sheriff's department in each county where the department was providing bailiff and court security services on July 1, 1998. AB 92 will assure a smooth transition of court security services as a result of the state now financing all of the courts of California."

RJG:ctf 8/27/98 Senate Floor Analyses
SUPPORT/OPPOSITION: SEE ABOVE
***** END *****

EXHIBIT 8



CONFIDENTIAL-Government Code §6254(l)

Department/Board		Bill Number/Author: SB 1396/Dunn (LAV 6/17/02)	
Sponsor: Judicial Council California State Sheriff's Association		Related Bills AB 3028 – Committee on Judiciary	Chaptering Order (if known) <input type="checkbox"/> Attachment
<input type="checkbox"/> Admin Sponsored	Proposal No.		
Subject: Judicial Security			

SUMMARY

SB 1396 establishes uniform procedures for contracting for court security services, specifies the types of charges allowed for court security services, and requires the Judicial Council and the Legislature to approve all court security allocations.

PURPOSE OF THE BILL

The bill is intended to provide clarity and consistency in funding for court security services. The bill is designed to replace Function 8 of Rule 810 of the Rules of Court in conformance with the Trial Court Funding processes.

RECOMMENDATION AND SUPPORTING ARGUMENTS

SIGN -- SB 1396 replaces the ambiguous instructions on court security costs found in Function 8, Rule 810 of the Rules of Court. California's court systems have gone too long without clear direction on providing court security services. This bill will bring uniformity to court security services throughout the state's court system. By detailing the court security costs that are eligible for trial court funding reimbursement, the bill will place all counties on equal footing for reimbursement. With the nation's current concerns over terrorist acts, this bill will help to better prepare our courts for any possible threat, thus strengthening security throughout the court system.

ANALYSIS

According to the sponsors, California's court system relies on ambiguous directions for defining

Departments That May Be Affected Judicial Council			
<input type="checkbox"/> New / Increased Fee	<input type="checkbox"/> Governor's Appointment	<input type="checkbox"/> Legislative Appointment	<input checked="" type="checkbox"/> State Mandate <input type="checkbox"/> Urgency Clause
OPR Position <input checked="" type="checkbox"/> Sign <input type="checkbox"/> Veto <input type="checkbox"/> Defer to:			
Legislative Director	Date	OPR Director	Date

allowable expenses for providing court security. Function 8 of Rule 810 of the Rules of court uses broad, general terms for defining expenses, such as stating that "equipment" costs are allowed, but not specifying what types of equipment. The lack of specificity has led to a wide variation in what the various courts see as allowable costs.

The sponsors had considered amending Rule 810, Function 8, to address this issue, but because the rule was adopted prior to full state funding for the trial court system, it would be more effective to develop a remedy that reflects the courts' current operational and funding environment.

Function 8 of Rule 810 of the California Rules of Court specifies that court security services are necessary and include the duties of a bailiff, perimeter security, and supervisory personnel. The rule lists as allowable costs the salary, wages, and benefits of security personnel, court attendants, supervisory staff and contract employees, as well as security equipment and equipment maintenance. The rule disallows salaries for other law enforcement personnel, overhead costs, transportation and housing of inmates, service of process costs, and supervisors of bailiffs and sheriff's security personnel.

This bill supplants Function 8 of Rule 810, Rules of Court.

Existing law, Government Code Section 26603 (added by Chapter 424, 1947; amended by Chapter 381 of 1979 and Chapter 1582 of 1982, stipulates that, unless otherwise provided by law, the county sheriff will attend all superior court proceedings held within the county except for civil actions unless the presiding judge determines the sheriff's attendance is required at civil actions for public safety reasons.

This bill repeals that section.

Existing law, Government Code Section 77212.5. (a) (Chapter 764, 1998), requires from July 1, 1999, on, that any county in which the sheriff is required by law to provide court security services is required to enter into an agreement with the sheriff's department that provided services during the preceding year, to assure the continued provision of court security services. The law also requires that from July 1, 1999, on, trial courts in counties where court security was provided by the marshal's office during the preceding year, shall, if the marshal's office is abolished, enter into an agreement for security services with the successor sheriff's department.

This bill repeals that section.

This bill adds Article 8.5 of the Government Code, creating the Superior Court Law Enforcement Act of 2002 and defining the following terms:

- "contract law enforcement template" refers to a document found in the Administrative Office of the Courts' financial policies and procedures manual to account for and define allowable court security costs;
- "court attendant" is an unarmed, non-law enforcement court employee who performs specific functions for the court for which an armed law enforcement officer is not required;
- "court security plan" is defined as a plan that includes a law enforcement security plan provided by the superior court to the Administrative Office of the Courts;
- "law enforcement security plan" refers to a plan provided by the sheriff or marshal that includes public safety and law enforcement service policies and procedures; and
- "superior court law enforcement functions" are defined with the following meanings:
 - 1) Bailiff functions;
 - 2) Taking charge of a jury;
 - 3) Patrolling hallways and other court facility areas;
 - 4) supervising prisoners in court holding facilities;
 - 5) escorting prisoners in holding cells within court facilities;
 - 6) providing security screening services for the court; and

7) supplying enhanced security services for judges and court personnel, as agreed by the courts.

This bill adds language, specifying that the presiding superior court judge's duties include having the authority to contract with the sheriff or marshal for court security services, subject to the availability of funding.

SB 1396 specifies that, unless otherwise provided by law, a sheriff will attend all superior court proceedings for which his or her presence is required. The bill requires the sheriff to attend non-criminal, non-delinquency actions only if the presiding judge determines the sheriff's attendance is required for public safety reasons. The bill authorizes the use of court attendants during non-criminal and non-delinquency actions, and specifies that the presiding judge or his or her designee are authorized to place a court attendant in charge of a jury, in accord with Sections 613 and 614 of the Code of Civil Procedure. The section specifies that the sheriff is required to obey all lawful court orders and directions.

Note: The preceding provision replaces provisions of Government Code Section 26603, which is repealed by this bill.

The bill requires, starting on July 1, 2003, that the presiding judge and the sheriff or marshal will work together to develop a comprehensive yearly or multi-year court security plan that includes the mutually agreed upon law enforcement plan for the courts. The bill requires the Judicial Council to outline the required provisions of the plan, and to identify the most efficient means of providing for court security. The Judicial Council is required by the bill to develop a process within the California Rules of Court for reviewing court security plans and to report annually to the Senate and Assembly Judiciary committees on the county court security plans that have been reviewed. The report must include a description of each plan, the projected cost of implementation, and an analysis of whether or not each plan complies with the Judicial Council's most efficient practice rules.

The bill creates new requirements for the superior court and sheriff's or marshal's departments in counties in which the sheriff's department is legally required to provide court security services or in which security services once provided by a marshal are now provided by the sheriff. The section requires the superior court and sheriff or marshal to enter into a memorandum of understanding that details the planned level of court security services, the cost of those services, and the terms of payment. The bill requires such agreements be met by August 1 of each year.

The bill also requires the sheriff or marshal to annually provide information, as identified in the contract law enforcement template, that specifies the nature, scope, and basis for the costs of court security service, including potential salary changes that would be proposed in the coming budget year. SB 1396 requires all court security funding be approved by the Judicial Council and the Legislature. The bill declares Legislative Intent that court security spending proposals approved through the state budget process will follow the definitions outlined in the contract law enforcement template.

SB 1396 provides for the possibility that the superior court and sheriff or marshal may not reach an agreement by August 1, authorizing either party in the negotiations to request a 45-day continuation with mediation services. During such continuation, the bill specifies that the previous law enforcement agreement will remain in effect. The bill requires the Administrative Director of the Courts and the president of the California State Sheriff's Association to determine mutually acceptable mediation services.

This bill declares Legislative Intent to establish a definition of the court security component that will replace Function 8 of Rule 810 of the California Rules of Court. The new definition is intended to standardize billing and accounting procedures, and to identify allowable law enforcement security costs. The bill also states the Legislature's intent that court law enforcement budgets will not be reduced in response to these provisions, nor will the new court security costs allowed by the bill be permitted without funding approval from the Legislature.

The bill requires the Judicial Council to establish a working group on court security comprised of six judicial representatives appointed by the Courts Administrative Director, two county

representatives selected by the California State Association of Counties, and three county sheriff's representatives selected by the California State Sheriffs' Association. The working group is authorized to recommend modifications to the template that is used to determine whether or not security costs are allowable. The bill stipulates that the template will be part of the trial court's financial policies and procedures manual in replacement of Function 8 of Rule 810 of the California Rules of Court.

Upon mutual agreement between the courts, the county and the sheriff or marshal, **the bill allows** the costs of perimeter security for any shared county court facilities to be apportioned on the basis of the amount of floor space not shared by the court and the county.

SB 1396 defines "allowable costs for equipment, services, and supplies," as outlined in the template, as the cost of purchase and maintenance of security screening equipment, and the cost of ammunition, arms, protective gear, uniforms, and equipment to control or subdue violent perpetrators.

The bill defines "allowable costs for professional support staff for court security operations," as outlined in the contract law enforcement template, as all costs associated with hiring support staff to handle payroll, human resources, information systems, accounting, budgeting, and other services related to court-mandated special support services.

SB 1396 defines "allowable costs for security personnel services," as outlined in the contract law enforcement template, as all county costs associated with hiring staff and training expenses for deputies, court attendants, contract law enforcement services, prisoner escorts, weapons screening personnel, training required expressly by the court, and overtime and related benefits for court security personnel.

The bill requires the Administrative Office of the Courts to use actual figures from court security personnel salaries and benefits as approved annually on June 30 when preparing the Department of Finance funding request for the following fiscal year.

The bill stipulates that courts and court security staff are to minimize the use of overtime.

SB 1396 defines "allowable costs for vehicle use for court security needs," according to the contract law enforcement template, as the cost per mile of providing court security services, excluding the costs of transporting prisoners or detainees. The bill requires that the standard mileage reimbursement rate for judicial officers and employees in effect when the contract is developed will be used as the rate of reimbursement.

This bill declares that these provisions are not a mandate for which state reimbursement is required.

LEGISLATIVE HISTORY

AB 3028 - Committee on Judiciary (Amended June 26, 2002) is an omnibus court procedures bill. The measure includes provisions that permit the Judicial Council to authorize the direct payment of costs for trial court programs, and to require the Judicial Council to request quarterly transfers from the Controller's Office to the Trial Court Trust Fund and the Trial Court Improvement Fund. The bill would also require the Judicial Council to file specified reports and establish certain procedures in this regard. The bill is pending in Senate Judiciary Committee.

AB 223 - Dickerson (Chapter 15, 2000) required the Judicial Council, in consultation with the California State Association of Counties and the County Auditors Association of California by February 1, 2001, to study and make recommendations to the Legislature on alternative procedures for improving collections and remittance of Trial Court Trust Fund revenues.

AB 1673 - Committee on Judiciary (Chapter 891, 1999), among other things, authorized the Madera County Sheriff to provide services to the court in place of the Madera County Marshall. The bill also deleted provisions that prohibited the Humboldt County Sheriff from diverting personnel or

other resources allocated to the County Security Services Division through the annual budget process.

SB 1196 – Morrow (Chapter 641, 1999) authorized the County Supervisors of Merced, Orange, and Shasta counties to hold public hearings on court consolidation. Among other things, the bill provided that if the counties elected to abolish the marshal's office, those duties would be assigned to the sheriff's department and specified the method for assignment of bailiffs and employment of marshal's and sheriff's office staff following the consolidation. SB 1196 also required, as of July 1, 1999, that any county in which the sheriff was required by law to provide court security services must enter into an agreement with the sheriff's department that provided those services on July 1, 1998, for the continued provision of security services. The bill required after July 1, 1999, trial courts in counties where court security was provided by a marshal's office to enter into a court security service agreement with the sheriff's department that had replaced the marshal, if the marshal's office had been abolished.

AB 92 – Cardoza (Chapter 764, 1998) required counties to enter into service agreements with sheriff's departments for providing court security services on an ongoing basis.

PROGRAM BACKGROUND

According to the sponsors, California's court system relies on ambiguous guidelines for defining allowable court security expenses. Function 8 of Rule 810 of the Rules of court uses broad, general terms for defining expenses, such as allowing "equipment" costs, but not specifying what types of equipment. The lack of specificity has led to a wide variation in what the various courts see as allowable costs. According to the Judicial Council, one court may consider security officer uniforms to be "equipment," while another may not. The different interpretations cause differences in what county sheriffs are required to supply in providing security services to the various courts. The definition of "training" is also unclear and has been interpreted in a variety of ways.

The sponsors believe the approach taken by SB 1396 will ensure that every court is being charged uniformly, and the new system will provide an opportunity to compare across the court system.

The sponsors had considered amending Rule 810, Function 8, to address this issue, but because the rule was adopted prior to full state funding for the trial court system, believed it would be more effective to develop a remedy that reflects the courts' current operational and funding environment.

OTHER STATES' INFORMATION

NEW HAMPSHIRE Revised Statutes Title LIX, Chapter 594, Section 1-a stipulates that bailiffs and supreme court security officers will have full powers of arrest when performing court security duties. The bill specifies that the sheriff, through the sheriff's deputies and bailiffs, is responsible for court security and is responsible for the conduct and control of detained defendants and prisoners during their time in all state courts, except for the Supreme Court.

TENNESSEE Code Title 16, Chapter 2, Part 5, Section 5 (d) requires counties to establish a court security committee composed of the county executive, sheriff, district attorney general, the presiding judge of the judicial district, and a court clerk from the county, for the purpose of determining the security needs of the county courts in order to provide safe and secure facilities. The committee's findings must be compared to the minimum security standards as adopted by the Tennessee Judicial Conference, and by May 15 of each year, be reported to the county legislative body and the administrative office of the courts. The law requires the county legislative body to review and consider the recommendations of the court security committee in preparing the fiscal year 1995-96 budget and each subsequent budget, and by December 1 of each year, to report to the administrative office of the courts on any action taken to meet the security needs. No later than January 15 of each

year, the administrative office of the courts is required to report to the general assembly on each county's compliance with the security needs established by the court security committee. The law specifies that any recommendation by the court security committee requiring county expenditures shall be subject to approval of the county legislative body.

WEST VIRGINIA Codes Chapter 51, Article 3, Section 16 authorizes the county sheriff, circuit judges, magistrates, and family law masters to develop a security plan to enhance the security of all the court facilities in the county for submission to the court security board. The law details all required components of the plan and requires that each plan prepared under this section receive approval by the court security board. The law specifies that any plan rejected by the court security board must be returned to the county with a statement of the insufficiencies in such plan, which shall be revised for resubmission to the court security board. The law requires the court security board to meet at least twice a year to review the plans and to award money from the court security fund to the circuit clerk, county commission or county sheriff for use in purchasing equipment, hiring personnel or making other identified expenditures in accordance with the plan. The board is required to develop an application form and establish criteria to assist the board in making the decisions on funding decisions and in establishing how much money will be awarded. The board must also convey in writing the amount of the award, the time frame for accomplishing the plan's objectives and the requirement that any unexpended money be returned to the board for deposit in the court security fund. The court security board is authorized to award money from the court security fund to be used by the counties for costs and expenses of training for bailiffs, and to establish minimum standards for training.

FISCAL IMPACT

According to the sponsors, this bill may increase trial court funding costs by allowing coverage of more court security costs. This will be offset, to some degree, by reductions in charges from counties that have previously over-charged for costs. The bill specifies that no additional costs will be approved prior to the Legislature's approval through the state budget process.

ECONOMIC IMPACT

This bill will have no direct economic impact.

LEGAL IMPACT

This bill creates no new cause of action.

SUPPORT/OPPOSITION

Support:

Judicial Council
California State Sheriff's Association
California State Association of Counties

Opposition:

None listed.

ARGUMENTS

Pro:

- SB 1396 replaces the ambiguous instructions on court security costs found in Function 8, Rule 810 of the Rules of Court.

- California's court systems have gone too long without clear direction on providing court security services. This bill will bring uniformity to court security services throughout the state's court system.
- By detailing the court security costs eligible for trial court funding reimbursement, the bill will place all counties on equal footing for reimbursement.
- With the nation's current concerns over terrorist acts, this bill will help to better prepare our courts for any possible threat, thus strengthening security throughout the court system.

Con:

- This bill may increase state costs by widening the range of charges allowable for court security services. Even though the payment for new charges will require prior Legislative approval, there will undoubtedly be additional costs that the Legislature deems necessary and merit approval.
- SB 1396 is not needed. The Judicial Council has the authority under Government Code 68502.5 to develop rules to address the needs of the court system, and to recommended adjustments to trial court budgets.

VOTES

	Ayes	Noes
8/ /02 Senate Concurrence		
8/ /02 Assembly Floor		
6/26/02 Assembly Appropriations	22	0
6/11/02 Assembly Judiciary	12	0
5/29/92 Senate Third Reading	38	0
5/23/02 Senate Appropriations	12	0
5/7/02 Senate Judiciary	7	0

LEGISLATIVE STAFF CONTACT

Contact	Work	Home	Cell Phone	Pager
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Tara Mesick, Legislative Director	324-6662	483-9629	524-8667	1-800-800-9456
Carol Gaubatz, Legislative Analyst	327-7736	359-7811	752-0883	1-800-800-9456

EXHIBIT 9



1010

Governor Davis

Judicial Council of California
Administrative Office of the Courts

Office of Governmental Affairs
770 "L" Street, Suite 700 ♦ Sacramento, CA 95814-3303
Telephone 916-323-3121 ♦ Fax 916-323-4347 ♦ TDD 916-323-2929

RONALD M. GEORGE
Chief Justice of California
Chair of the Judicial Council

WILLIAM C. VENERLY
Administrative Director of the Courts

RONALD J. OVERHOLTZ
Chief Deputy Director

KAY LERON
Director
Office of Governmental Affairs

September 12, 2002

Honorable Gray Davis
Governor of California
State Capitol, First Floor
Sacramento, CA 95814

Subject: SB 1396 (Dunn) – Request for Signature

Dear Governor Davis:

The Judicial Council is co-sponsoring SB 1396 (Dunn), with the California State Sheriffs Association. California Rules of Court, Rule 810, function 8 defines allowable and unallowable state costs for court security, but the details are ambiguous. For example, the rule says that equipment is an allowable cost, but it does not specify what type of equipment. Because Rule 810 does not provide specificity in the areas of equipment and personnel costs, it has been subject to different interpretations across the state.

A Court Security Working Group, with representatives from the courts, Administrative Office of the Courts, California State Sheriff's Association, and California State Association of Counties, considered amending Rule 810 function 8, but determined that because it was written prior to full state funding of the trial courts it made more sense to instead draft legislation that reflects the current operational and funding environment of the courts.

SB 1396 will, among other things, clarify state costs for court security. Specifically, SB 1396 will:

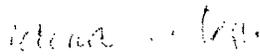
- 1) clarify what are allowable and unallowable state costs for court security;
- 2) require each court to prepare and implement a court security plan;
- 3) require each Sheriff or Marshall to prepare and implement a law enforcement security plan; and

Hon. Gray Davis
September 12, 2002
Page Two

- 4) require the Judicial Council to adopt a rule establishing a working group on court security that may recommend modifications to the implementation of these provisions.

For the above reasons, the Judicial Council respectfully requests your signature on SB 1396.

Sincerely,


Eraina Ortega
Legislative Advocate

cc: Honorable Joseph Dunn
Mr. Mike Gotch
Ms. Ann Richardson
Office of Planning and Research

EXHIBIT 10



Officers

President
Warren Rupp
Sheriff, Contra Costa County

1st Vice President
Bruce Mix
Sheriff, Mendocino County

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Sheriff, Marin County

Secretary
Bill Kolender
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Secretary at Arms Emeritus
O. J. "Bud" Hawkins

President Elect
Larry Smith
Sheriff, Riverside County

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Clay Parker
Sheriff, Fresno County

Michael Piznich
Sheriff, Yuba County

Gary Simpson
Sheriff, Santa Cruz County

Carl Sparks
Sheriff, Inyo County

Mark Tracy
Sheriff, Santa Clara County

Presidents' Counsel
Charles Byrd
Sheriff, Stanislaus County

Ronald Jarrell
Sheriff, Colusa County

Charles Plummer
Sheriff, Alameda County

Jim Pope
Sheriff, Shasta County

Les Weidman
Sheriff, Stanislaus County

Nick Warner
Leg. Dir.

Martin J. Mayer
Leg. Dir.

California State Sheriffs' Association

Organization Founded by the Sheriffs in 1894
Request for Signature

August 30, 2002

Honorable Gray Davis, Governor
State of California
First Floor, Capitol Building
Sacramento, CA 95814

Subject: SB 1396 (Dunn) – Sponsor (with Judicial Council)

Dear Governor Davis:

On behalf of the California State Sheriffs' Association (CSSA), I am pleased to advise you that we are the co-sponsors of SB 1396 with the Judicial Council. We respectfully request your signature of the bill. The bill creates a statewide and uniform standard for reporting costs of court security provided by the sheriffs to the courts.

SB 1396 is necessary to clarify California Rules of Court, Rule 810, function 8, which define allowable and unallowable state costs for court security. The current rules in this area are confusing and ambiguous. For example, the rule says that equipment is an allowable cost, but it does not specify what type of equipment. Because Rule 810 does not provide specificity in the areas of equipment and personnel costs, it has been subject to different interpretations across the state.

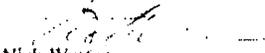
A court security working group, with representatives from the courts, Administrative Office of the Courts, California State Sheriffs' Association, and California State Association of Counties, considered amending Rule 810 function 8, but determined that because it was written prior to full state funding of the trial courts it made more sense to instead draft legislation that reflects the current operational and funding environment of the courts.

SB 1396 will, among other things, clarify and unify how court security costs are reported to the state. Specifically, SB 1396 will:

- clarify what are allowable and unallowable state costs for court security;
- retain the requirement that the sheriff or Marshall shall be the provider of court security services;
- require the court and sheriff to prepare and implement a court security plan;
- require the Judicial Council to adopt a rule establishing a working group on court security that may recommend modifications to the implementation of these provisions.

This measure is the outcome of months of productive negotiations between and among counties, courts and sheriffs. We are pleased with the outcome and we request your signature on the bill. Thank you.

Cordially,


Nick Warner
Legislative Director

cc: **The Honorable Joe Dunn, Member of the Senate**

1450 Halyard Drive, Suite 6 * West Sacramento, California 95601-5001
P O Box 980790 * West Sacramento, California 95798-0790
Telephone 916/475 8000 * Fax 916/475 8017 * Website calsheriffs.org * e-mail cessa@calsheriffs.org

EXHIBIT 11



COUNTY OF LOS ANGELES
Sacramento Legislative Office

1100 K STREET, SUITE 400 • SACRAMENTO, CALIFORNIA 95814
(916) 441-7888 • FAX (916) 445-1424

Board of Supervisors

GLORIA MOLINA
First District

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DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

August 31, 2002

Honorable Gray Davis
Governor, State of California
State Capitol
Sacramento, California 95814

**RE: SENATE BILL 1396 (DUNN), AS AMENDED JUNE 17, 2002, RELATING
TO COURT SECURITY – REQUEST FOR SIGNATURE**

Dear Governor Davis:

The Los Angeles County Board of Supervisors supports Senate Bill 1396 (Dunn), as amended June 17, 2002, relating to court security. That measure is awaiting your action.

Current law provides for the organization and operation of California's trial courts. Court security provisions have been interpreted inconsistently throughout the State.

Senate Bill 1396 would replace the current Rule of Court regarding court security with a statutory requirement that courts and sheriffs in each county develop a court security plan. It states the intent not to reduce the current court security budget and not to create any increased court security costs, unless those costs are funded by the Legislature.

I urge that you sign Senate Bill 1396's effort to improve security in California's courts.

Very truly yours,

Steve Zehner
Principal Deputy County Counsel
SZ:lf

cc: Senator Joseph Dunn

EXHIBIT 12



Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

NORTHERN/CENTRAL REGIONAL OFFICE

2880 Gateway Oaks Drive, Suite 300 • Sacramento, California 95833-3509

Telephone 916-263-1900 • Fax 916-263-1966

MEMORANDUM

Date

July 10, 2003

Action Requested

N/A

To

California State Sheriffs
Executive Officers of the Superior Courts

Deadline

N/A

From

Michael Roddy
Regional Administrative Director,
Northern/Central Region
Administrative Office of the Courts

Contact

Mike Roddy
916-263-1333 phone
916-263-1966 fax
mike.rodny@jud.ca.gov

Doug Storm

Assistant Sheriff
Orange County Sheriff's Department

Doug Storm
714-647-1803 phone
714-953-3092 fax
dstorm@ocsd.org

Subject

Court Security – Contract Law Enforcement
Template - Supplemental Information

We are pleased to announce the Administrative Office of the Courts (AOC) and the California State Sheriffs Association (CSSA) have completed responses to the court security questions submitted at the SB 1396 training sessions that were held on March 18, 19, 26, and 28 in the AOC Sacramento, San Francisco and Burbank offices. The SB 1396 training sessions were attended by sheriff's departments and court staff who have responsibility for the provision and fiscal management of court security services, and provided information in the following areas:

- Allowable and unallowable court security costs under SB 1396
- How trial courts and the sheriff should apply SB 1396, even though no additional funding for court security has been appropriated
- Using the standardized court security financial reporting template to report court security expenditures

As many sheriff and court staff asked the same questions, we have summarized the questions and our response below.

Law Enforcement Security Personnel Services

Question: Please explain the state's policy on funding staffing, salary and benefit increases.

Currently, there are no recognized staffing formulas being used statewide, so each request for additional positions and funding is evaluated individually. The state does not automatically fund all salary increases, so benefit increases based on salary are considered on a case-by-case basis. There are currently no plans to establish a relief factor for sheriff's deputies. However, the working group may consider this issue in the future.

Question: If a court security position is backfilled with an individual receiving a higher salary, should the court pay the salary for the agreed upon position or the salary of the more costly replacement?

The court is responsible for the actual costs for filling a position, but changes from the written agreement must be mutually agreed upon if a position is backfilled with a higher-paid employee.

Question: Should the template include the costs of AB 1058 security? If not, how is growth funding provided for AB 1058 deputies working in courtrooms, since AB1058 has not received increases?

No. The template does not include court security expenditures related to AB 1058 child support hearings, because these positions are separately funded out of a federal grant. Cost increases for court security staff used in these child support hearings should be handled through the AB 1058 reimbursement process and should not be included in the template.

Question: In a multi-use building, should there be an allocation of sheriff time, considering that court security may respond to incidents in those county offices or with their clientele?

While this arrangement may be more equitable than having the court assume all costs, it must be locally negotiated.

Question: How should the sheriff calculate the proportion of time spent on supervision and how should records be kept to support these charges?

The court may fund supervisory positions at actual cost, but only when the supervisory position works at least 25% of time. There are no minimum staffing levels for supervision. The sheriff and the court should mutually agree upon a reasonable standard. Supervision time spent on court security functions should be noted on individual timesheets.

Question: Please explain when sheriffs may charge the court for overtime and what costs should be paid when replacement security staff on overtime is used for court security.

June 4, 2003

Page 3

Generally, the court should pay the regular rate for security staff that is actually working at anytime. For auditing purposes, the sheriff should maintain time card records of who is in court.

The court is responsible for paying overtime costs when overtime is requested or when court operations require it (i.e. court runs past regular workday). If the sheriff replaces regularly assigned staff with staff paid at an overtime rate, the court is responsible for paying the replacement staff at the regular rate only. If the regular rate of the replacement staff is higher than the rate for the regularly assigned staff, this must be specified in the local agreement and mutually agreed upon by the court and the sheriff. Currently, there is no relief factor for bailiffs, so if the sheriff can only provide higher paid staff for relief staffing, the court and the sheriff must agree upon service reductions. The court can pay for vacation time or replacement staff, not both.

Question: Please provide examples of premium pay and whether or not they may be charged to the court.

Examples of premium pay include SWAT, canine, compensated time off, and military pay. All agreements for premium pay must be locally negotiated and mutually agreed upon by both the court and the sheriff.

Question: Please explain court and county responsibilities under labor code section 4850 and SDI.

Under SB 1396, the following workers compensation costs are allowable:

- Worker's compensation paid to an employee in lieu of salary as specified in Labor Code Section 4850.
- Worker's compensation premiums.

The court contracts with the sheriff for services. Since sheriff's staff are employees of the county, they would be covered under the county's workers compensation program.

Pursuant to Labor Code Section 4850, peace officers are entitled to 100 percent of their salary when out due to a work-related injury. The court is responsible for the difference between actual workers compensation payments and the individual's salary. For example, if the county workers compensation insurance program funds 80 percent of the injured worker's salary, the court would be responsible for the remaining 20 percent. Under a self-insured county program, the court could be responsible for 100 percent of the salary in addition to the cost of replacement staff.

If court security staff are injured, the sheriff and the court should mutually agree on a solution – the court cannot require the sheriff to provide backfill services at the same cost and the sheriff may not unilaterally impose additional costs on the court. The court should have the option to request a service reduction or reorganize court operations to reduce the need to pay additional costs.

Question: Please explain how the sheriff should calculate the amount of leave balance payouts for court security staff which can be charged to the court.

The court is responsible for leave balance payouts for time accumulated since January 1, 1998 for court security staff that retire after January 1, 2003. The sheriff is responsible for tracking court security staff time spent in the court and must have time cards available for audit if the court is billed for leave balance payout. As with all other costs, courts cannot be billed for leave balance payouts, until funding is provided to implement SB 1396.

Question: Is the payment of premiums for lifetime health benefits in retirement an allowable cost?

Yes. Payment of retirement benefits, such as health insurance should be locally negotiated.

Question: Please explain the types of training that the sheriff may charge to the court?

Under SB 1396, the sheriff may charge the court only for training that is required by the court and not part of the sheriff's staff regular training. The court pays for any special training it requests, but does not pay for POST-mandated training. The court is not responsible for any training required to maintain the status of sheriff staff as peace officers, etc. To the extent possible, the sheriff should schedule training for court security staff during court holidays to minimize use of overtime. Positions dedicated to training are not an allowable cost.

Question: If sheriff's personnel do not observe a court holiday, can they charge the court for this cost?

Yes, if locally negotiated. However, we recommend that sheriffs provide training to court security staff on court holidays in order to reduce the use of overtime hours.

Equipment, Services and Supplies

Question: If the Court purchases allowable safety equipment for a bailiff and the bailiff leaves court security, does the equipment stay behind?

Yes. The court does not provide a new complement of equipment each time new staff is assigned to the court. Charges for safety equipment should be an annual cost based on the expected life of the equipment and length of time staff are assigned to the court.

Question: Does the Court pay a uniform allowance on a backfill position as well as the regular staff position? (i.e. when someone is out long term under labor code section 4850)

No. The court should fund allowable equipment based on the number of court security positions mutually agreed upon with the sheriff. This does not change based on turnover of individual security staff.

Question: Uniform costs are to be listed under supplies. In our county, the uniform allowance is paid to deputies via payroll, subject to FICA, retirement, etc. Shouldn't this be left in salaries and benefits for court billing purposes?

It was determined that including uniforms as part of equipment to be purchased would be a more consistent approach since many sheriffs do not provide uniform allowances as part of compensation.

Question: Who pays for training associated with using equipment?

All allowable equipment costs are for standard peace officer, regardless of whether or not they are assigned to the court, so the sheriff is responsible for training associated with using the equipment.

Question: If sheriff's MOU includes an annual equipment allowance, can they also charge for additional equipment? The equipment allowance appears to be non-specific. Or is this equipment allowance an allowable cost to the court?

The only allowable equipment costs are for items specified in SB 1396. No other equipment costs are allowable.

Question: Is underground parking within the definition of Perimeter Security?

No.

Question: Is the maintenance of radios included in allowable costs? Is the "monthly service charge" for usage of radios allowable? Radio backbone costs?

Yes. Maintenance of radios and monthly service charges may be charged to the court based on the proportion of staff dedicated to court security services. Radio backbone costs are allowable and can be prorated based on the proportion of the system dedicated to the court.

Vehicle Use for Court Security Needs

Question: What are examples of allowable and unallowable vehicle use charges?

Court security activities for which the sheriff may charge the court for vehicle use include:

- Taking juries to crime scenes by order of a judge.
- Transportation of sheriff supervision staff between court facilities to oversee court security staff.

Court security activities for which the sheriff may not charge the court for vehicle use include:

- Prisoner transportation between courthouses and/or jail facilities.
- Change of venue

Professional Support Staff for Court Security Operations

Question: How should the sheriff calculate professional support costs? What if the county provides professional support services to the sheriff – how should the court be charged?

There is currently no statewide methodology for determining sheriff support staff costs, as these costs are not allowable under Rule 810.

The sheriff may bill the court for actual professional support costs based on a mutually agreed upon methodology and any invoices should be supported by timecards indicating the amount of staff time used for court security. Pursuant to Government Code section 69927(a)(4):

“ Allowable costs for professional support staff for court security operations in each trial court shall not exceed 6 percent of total allowable costs for law enforcement security personnel services in courts whose total allowable costs for law enforcement security personnel services is less than ten million dollars (\$10,000,000) per year. Allowable costs for professional support staff for court security operations for each trial court shall not exceed 4 percent of total allowable costs for law enforcement security personnel services in courts whose total allowable costs for law enforcement security personnel services exceeds ten million dollars (\$10,000,000) per year. Additional costs for services related to court-mandated special project support, beyond those provided for in the contract law enforcement template, are allowable only when negotiated by the trial court and the court law enforcement provider. Allowable costs shall not exceed actual costs of providing support staff services for law enforcement security personnel services.”

If the sheriff does not have a dedicated professional support staff and the county provides these services to the sheriff, the court may be charged for a portion of distributed support staff costs (A87 costs) incurred by the sheriff, based on the number of sheriff's staff assigned to court security.

Question: Are data processing costs charged by the county to the sheriff, for which there are no dedicated staff hours (the sheriff is charged on a per user basis), an allowable cost which can be charged to the court?

Yes. This cost can be allocated based on the proportion of users dedicated to court security services, taking into account the extent to which security staff use computers in the courthouse.

Question: Can the court bill the sheriff for time spent verifying and correcting inaccurate billing statements? The court currently spends significant amounts of time backing out unallowable costs, undocumented costs, etc.

If this is a recurring problem, we recommend a provision in the court security agreement, which provides for compensation if errors appear consistently and are not addressed.

Court Security Budget Management

Question: Please explain how trial courts receive allocations for court security and what the courts' responsibilities are with respect to expending those funds for court security purposes.

Each trial court's budget contains many cost categories, including personal services, equipment, consulting services, etc. Court security is one of many cost categories in the trial courts budgets. These funds should be expended on court security, but the court budget transfer process allows courts to transfer existing funds between or among the budgeted program components to reflect changes in the court's planned operations or to correct technical errors. Budget transfers are subject to the following limitation:

- For any fiscal year, a cumulative amount not to exceed \$400,000 or ten percent, whichever is less, of the affected program, element, component or task, may be transferred between or among other programs, elements, components or tasks. This threshold applies to increasing or decreasing programs, elements or components. The trial court has the authority to transfer unrestricted funds up to this limitation and must report this information to the AOC.
- Any request(s) exceeding the \$400,000 or ten percent threshold requires written notification to the AOC Finance Division and must include a complete explanation for the necessity of the transfer. The AOC will review the request and respond (approve/deny) within 30 days of receipt.

Courts that redirect funds from security may not request addition funds until their total costs exceed the base security allocation plus any budget augmentations.

At this time we do not know when funding will be made available to fully implement SB 1396. Until new funding is appropriated, courts should continue to pay the cost categories that were in effect and funded before January 1, 2003. For example, if a court has historically funded POST training, it could negotiate to reduce the amount of training provided to accommodate budget reductions. However, a court could not decide to stop funding POST training, because it is an unallowable cost under SB 1396. When new funding is appropriated, the sheriff may only bill the court for prospective costs from the date funding becomes available.

Question: How should the court and the sheriff handle mid-year budget reductions or cost increases?

SB 1396 provides that any new court security costs permitted by this article shall not be operative unless the funding is provided by the Legislature. This includes mid-year funding increases. The sheriff may not unilaterally impose cost increases at midyear and the court may not require the sheriff to provide a continued level of service at the sheriff's increased expense. The court and the sheriff should mutually agree upon service reductions that reflect and accommodate the constraints faced by the sheriff and the court. The sheriff and the county must resolve whether or not a sheriff must keep court security positions which can no longer be funded by the court.

Question: Under what circumstances can a court negotiate for cost reductions in new contract?

When a new contract is being negotiated, the court may propose cost reductions in light of necessary budget reductions. While courts must continue to pay for the same types of court security costs, they may negotiate increases or reductions based on court needs. If the court and the sheriff reach an impasse in negotiating a new contract, the sheriff is required to provide a minimum level of service, until disagreements are resolved. Pursuant to Government Code section 69926(a)(1)(d):

If the superior court and the sheriff or marshal are unwilling or unable to enter into an agreement pursuant to this section on or before August 1 of any fiscal year, the court or sheriff or marshal may request the continuation of negotiations between the superior court and the sheriff or marshal for a period of 45 days with mediation assistance, during which time the previous law enforcement services agreement shall remain in effect. Mutually agreed upon mediation assistance shall be determined by the Administrative Director of the Courts and the president of the California State Sheriffs' Association.

Auditing Standards

Question: What will be the AOC's audit criteria in reviewing sheriffs billing records (types of records, retention policy, etc.)? Do sheriffs need to send these records to the court with each billing statement?

As the employer, the sheriff – not the court -- is responsible for tracking hours worked by deputies.

At a minimum, sheriffs should retain auditable records for five years, in order to support invoiced charges to the court. Types of records that should be kept include all monthly time cards for security and professional support staff, purchase receipts, etc. These records do not need to be included with each invoice to the court, but should be made available to the court for review. Documentation that should be included with each bill include regular and overtime hours worked.

Examples of records that will not be accepted in lieu of actual timecards are:

- Sample of monthly timecards
- Job descriptions and monthly schedules

Sheriffs should expect to have court security billing records audited by the AOC at least once every three years.

Court Security Plans

Question: When will the court security plan requirements be available? Will the AOC provide sample court security plans?

The SB 1396 Working Group will be recommending court security plan elements to the Judicial Council. The AOC is in the process of collecting existing court security plans and will be able to provide samples of court security and law enforcement plans.

Question: Does the legislation clearly define what services the sheriff has to provide and what the court has to provide?

SB 1396 does not specify the types of services that the sheriff must provide for the court other than that "the sheriff shall attend all superior court held within his or her county."

Question: If the court security plan and the law enforcement plan are the same can a court submit just one plan?

Yes, the court security plan and the law enforcement plan can be the same document if, by mutual agreement of the court and the sheriff, the sheriff/marshal is responsible for all aspects of court security and the plan addresses all areas outlined by the Judicial Council.

Question: What are court security costs outside of court law enforcement costs?

Possible court security costs outside court law enforcement costs could include court attendants, private contractors used for perimeter security, security equipment owned by the court (i.e. video cameras, panic buttons, etc.)

Question: Will the AOC be providing a list of best practices?

Yes, a list of best practices will be provided after the working group has reviewed all court security plans.

Question: What is the difference between law enforcement services and court security? What are "other court security matters"?

Law enforcement services include all activities provided or administered by the sheriff/marshal. Court security services include law enforcement services and other security functions, such as court attendants, or perimeter security provided by a private vendor.

"All other court security matters" includes all court security functions not provided or administered by the sheriff or marshal.

Question: Security defines requirements - can the presiding judge change requirements?

Court security requirements must be mutually agreed upon by both the sheriff and the presiding judge.

Other Questions

Question: When will the court security policy in the Trial Court Financial Policies and Procedures manual be approved and in effect?

The latest version of the Trial Court Financial Policies and Procedures manual will be effective no later than November 1, 2003.

Question: What is the status of the court security budget trailer bill?

The Governor's proposal to allow trial courts to contract for court security services was recently dropped, because many stakeholders came to agree that such contracting might not achieve the additional savings originally anticipated. The budget conference committee has included the following language as part of the omnibus trailer bill:

“A working group on court security shall promulgate recommended uniform standards and guidelines which may be used by the Judicial Council and Sheriffs for trial court security services. The Judicial Council shall provide for the establishment of a working group with representatives from the judiciary, the California State Sheriffs Association, California State Association of Counties, Peace Officers Research Association and California Coalition of Law Enforcement Associations for the purpose of developing recommended guidelines.”

This language is subject to agreement by the Legislature and the Governor.

Question: What is the status of Senate Bill 254 related to the use of court attendants? Have there been any decisions on the duties/responsibilities of court attendants? Training & certification, how the attendant will interact with Sheriff's deputies?

Under current law, the trial court may hire court attendants to perform functions that are not the sole responsibility of the sheriff. The court may also use court attendants in non-criminal, non-delinquency matters at the discretion of the presiding judge. Court attendants are authorized to take charge of juries that are deliberating without the agreement of the sheriff. Mutual agreement is preferable when possible.

SB 254 was not passed out of the Senate Appropriations Committee and is now “dead”. The bill has been a catalyst for discussions between the judicial branch, the California State Sheriffs Association and law enforcement labor associations and it is likely that developing standards for how court attendants will be used will be the responsibility of the working group on court security.

Status as of 4/16/04 – see next page

CURRENT BILL STATUS

June 4, 2003

Page 11

MEASURE : S.B. No. 254

AUTHOR(S) : Dunn.

TOPIC : Trial courts: court attendants.

HOUSE LOCATION : SEN +

LAST AMENDED DATE : 05/05/2003

TYPE OF BILL : Inactive Non-Urgency Non-Appropriations Majority Vote Required Non-State-Mandated Local Program Non-Fiscal Non-Tax Levy

LAST HIST. ACT. DATE: 02/02/2004

LAST HIST. ACTION : Returned to Secretary of Senate pursuant to Joint Rule 56.

TITLE : An act to amend Section 69922 of the Government Code, relating to trial courts.

EXHIBIT 13



**Judicial Council of California
Administrative Office of the Courts**

Trial Court Financial Policies and Procedures

Procedure No. **FIN 14.01**
Page 1 of 37

COURT SECURITY

POLICY NUMBER: AOC FIN 14.01

Original Release

August 2003

Originator:

Administrative Office of the Courts

Effective Date:

July 1, 2006

Revision Date:

January 12, 2006

Judicial Council of California - Administrative Office of the Courts

Exhibit 13

CONTRACT LAW ENFORCEMENT TEMPLATE

Attachment A -Contract Law Enforcement Template, Version 2 – Effective May 1, 2003

County:						FY ENDED:	.
DIRECT SECURITY:							
SECURITY PERSONNEL							
Supervision Personnel	FTE's	HOURS	SALARY	BENEFITS*	TOTAL COSTS		
Captain	0	0	0	0	0		
Lieutenant	0	0	0	0	0		
Sergeant	0	0	0	0	0		
Other Titles	0	0	0	0	0		
Total Supervisors Direct Security: (AutoField)	0	0	0	0	0		
Line Personnel	FTE's	HOURS	SALARY/ CONTRACT	BENEFITS*	TOTAL COSTS		
Deputies / Court Security Officers et al. Inside the courtroom	0	0	0	0	0		
Deputies et al. / Perimeter Security / Escort	0	0	0	0	0		
Weapons Screening Personnel	0	0	0	0	0		
Contracted Security Services / Cost		0	0	0	0		
Court Required Training		0	0	0	0		
Total Line Personnel Direct Security: (AutoField)	0	0	0	0	0		
OVERTIME							
Supervision Personnel		HOURS	OVERTIME	BENEFITS*	TOTAL COSTS		
Captain		0	0	0	0		
Lieutenant		0	0	0	0		
Sergeant		0	0	0	0		
Other Titles		0	0	0	0		
Total Supervisors Overtime: (AutoField)		0	0	0	0		
Line Personnel		HOURS	OVERTIME	BENEFITS*	TOTAL COSTS		
Deputies / Court Security Officers et al. Inside the courtroom		0	0	0	0		
Deputies et al. / Perimeter Security / Escort		0	0	0	0		
Weapons Screening Personnel		0	0	0	0		
Contracted Security Services		0	0	0	0		
Court Required Training		0	0	0	0		
Total Line Personnel Overtime: (AutoField)		0	0	0	0		
TOTAL HOURS AND COSTS SPENT ON OVERTIME (AutoField)		0	0	0	0		
TOTAL DIRECT SECURITY PERSONNEL COSTS			0	0	0		

(AutoField) ██████████ ██████████ ██████████

* Benefits refer to Section III, No. 2

CONTRACT LAW ENFORCEMENT TEMPLATE
Attachment A – Contract Law Enforcement Template, Version 2 – Effective May 1, 2003

County	FY ENDED:
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PROFESSIONAL SUPPORT STAFF FOR COURT SECURITY OPERATIONS

Hours/Cost of Staff Required Assistance In:				
	HOURS	SALARY	BENEFITS*	TOTAL COSTS
Payroll Processing Staff	0	0	0	0
Human Resources Staff	0	0	0	0
Information Systems Staff	0	0	0	0
Accounting Staff	0	0	0	0
Budget Staff	0	0	0	0
Court-mandated special project support	0	0	0	0
Total Professional Staff Costs (AutoField)	0	0	0	0

	HOURS	OVERTIME	BENEFITS*	TOTAL COSTS
Payroll Processing Staff	0	0	0	0
Human Resources Staff	0	0	0	0
Information Systems Staff	0	0	0	0
Accounting Staff	0	0	0	0
Budget Staff	0	0	0	0
Court-mandated special project support	0	0	0	0
Total Professional Staff Overtime Costs (AutoField)	0	0	0	0

SECURITY S&S & EQUIPMENT

Purchased This Year:		COST
Ammunition		0
Baton		0
Bulletproof Vest		0
Handcuffs		0
Holster		0
Leather Gear		0
Chemical Spray & Holder		0
Radio		0
Radio Charger/Holder		0
Uniforms		0
One Primary Duty Sidearm		0
Purchase and Replacement of Safety Equipment: (AutoField)		0
Purchase & Maintenance for Security Screening Equipment		0

VEHICLE USE FOR COURT SECURITY NEEDS

# Vehicles used by Staff		0
Miles Driven by allowable personnel		0
Authorized cost per mile:		0
Vehicle Recovery Cost: AutoField		0
Court security cost: AutoField		0

* Benefits, refer to Section III, No. 2.

Sec I: Allowable Cost Narratives:

Note

SECURITY PERSONNEL:

Supervision Personnel

Captain
Lieutenant
Sergeant
Other Titles

Line Personnel

Deputies / Court Security Officers et al. Inside the courtroom
Deputies et al. / Perimeter Security / Escort
Weapons Screening Personnel
Contracted Security Services
Court Required Training

PROFESSIONAL SUPPORT STAFF FOR COURT SECURITY OPERATIONS

Payroll Processing Staff
Human Resources Staff
Information Systems Staff
Accounting Staff
Budget Staff
Court-mandated special project support

SECURITY Services and Supplies & EQUIPMENT

Purchase and Replacement of Safety Equipment:
Ammunition
Baton
Bulletproof Vest
Handcuffs
Holster
Leather Gear
Chemical Spray & Holder
Radio
Radio Charger/Holder
Uniforms
One Primary Duty Sidearm
Purchase & Maintenance for Security Screening Equipment

VEHICLE USE FOR COURT SECURITY NEEDS

Vehicles used by Staff
Miles Driven by allowable personnel
Authorized cost per mile:

Sec I: Allowable Cost Narratives:

Note	
PERSONNEL - DIRECT SECURITY	
1	Court security personnel approved in the budget or provided at special request of the court.
2	Salary, wages and benefits (including overtime) of sheriff, marshal, constable employees including, but not limited to, bailiffs, holding cell deputies, and weapons screening personnel.
3	SUPERVISORY LEVELS: Salary, wages, and benefits, of sheriff, marshal, and constable employees, up to and including the level of Captain, whose supervisory duties require 25% or more of their time on court security functions. Costs shall be based on the percentage of actual time spent in the supervision of court security staff. The cost of any supervisor working less than 25% in the court is not an allowable expense.
4	Security Personnel who: a) patrol hallways and other areas within court facilities, b) supervise prisoners in holding cells within court facilities, c) escort prisoners to and from courtrooms within the court facility, d) unique court operational and staffing issues (ie. control rooms). Service levels for these functions are to be negotiated between the court and service provider. Court issues above existing resources fall under the review of the State budgeting process.
5	Negotiated Salary Increases (NSI's) shall be included as well as projected NSI's for periods beyond the expiration of a signed personnel labor contract. For projected NSI's, billing at actual rates automatically returns to the State any NSI that ultimately is not enacted.
6	Contractual security services - non Government (e.g. private sector outsourced security).
OVERTIME	
7	Overtime coverage is allowable when regularly assigned court security personnel are absent for vacation, and court-required training.
8	Overtime necessary to maintain scheduled coverage and for extraordinary circumstances.

- 9 Training, beyond basic training, for needs unique to the court security function and requested by the court (method of payment should be negotiated as part of a local MOU).

PROFESSIONAL SUPPORT STAFF

- 10 Sheriff staff preparing security budgets for the courts or other human resources, financial, or administrative/clerical staff services for the security function of the courts (e.g., their service cost should be based upon the actual time dedicated to meeting requested services in the security function).

- 11 Salary, wages, and benefits of professional staff employees whose time is directly chargeable to court security needs and/or State budgetary requirements in support of trial court funding (this service may include, but is not limited to staff support of/for payroll processing, financial, administrative and clerical services, human resources, court-mandated information systems, court invoicing and billing, budget preparation, trial-court-related ad hoc reports, surveys, studies).

SECURITY Services & Supplies and EQUIPMENT

- 12 Purchase of the following personnel safety equipment: Ammunition, Baton, Bulletproof Vest, Handcuffs, Holster, Leather Gear, Chemical Spray & Holder, Radio, Radio Charger/Holder, Uniforms, One Primary Duty Sidearm.

- 13 Purchase & Maintenance of security screening equipment.

VEHICLE USE FOR COURT SECURITY

- 14 The mileage rate utilized by the State (currently \$0.34 per mile) may be applied to the costs of allowable security personnel driving in the course of their normal duties (non-prisoner transport).

Sec II: Non-Allowable Cost Narratives:

Note	
1	Other sheriff or marshal employees (<i>not working in the court</i>).
2	County Overhead cost attributable to the operation of the sheriff/marshal offices. For example, indirect overhead (such as county CWCAP for cost recovery of county operations)
3	Departmental overhead of sheriffs and marshals that is not in the list of Sec I allowable costs.
4	Service and supplies, including data processing, not specified as allowable in Sec I.
5	Furniture
6	Basic training for new personnel to be assigned to court
7	Transportation and housing of detainees from the jail to the courthouse.
8	Vehicle costs used by court security personnel <i>in the transport of prisoners to court</i> .
9	The purchase of new vehicles to be utilized by court security personnel.
10	Vehicle maintenance (<i>exceeding the allowable mileage reimbursement</i> .)
11	Transportation of prisoners between the jails and courts or between courts.
12	Supervisory time and costs where service for the court is less than 25% of the time on duty.
13	Costs of supervision higher than the level of Captain, regardless of the amount of time they spend on court security supervision activities.
14	Service of process in civil cases.
15	Security outside of the courtroom in multi-use facilities which results in a disproportionate allocation of cost.

Sec II: Non-Allowable Cost Narratives:

Note	
16	Any external security costs i.e., Security outside court facility, such as perimeter patrol and lighting.
17	Extraordinary security costs (e.g., General law enforcement activities within court facilities and protection of judges away from the court).
18	Overtime used to staff another function within the sheriff's office if an employee in that function is transferred to court security to maintain necessary coverage.
19	Construction of holding cells or remodeling to improve existing cells.
20	Maintenance of holding facility equipment (not deemed as allowable elsewhere).
21	Facilities alteration or other than normal installation in support of perimeter security equipment.
22	Video arraignment equipment, including purchase and monthly overhead costs for equipment used for video arraignments (i.e., monthly telephone costs, fax, etc.)
23	Costs of workers compensation/disability payments to disabled sheriff or marshal employees who formerly provided security, while the full costs of those positions continue to be funded by the courts.

Sec III: Addendum Narratives:

Note	
1	Security equipment that the State is obligated to fund includes, but is not limited to, Security equipment used within the court facility including metal detection devices, x-ray machines, magnetometers, OCTV, alarms, panic alarms, cameras, card-key systems, special courtroom devices for highly dangerous prisoners. Normal installation only is included. State funds may not be used for facility alterations (such as adding cable raceways, new doorways, and asbestos abatement prior to installation).

2	BENEFITS: This is a list of the allowable employer-paid labor-related employee benefits.
a	County Health & Welfare (Benefit Plans)
b	County Incentive Payments (PIP)
c	Deferred Compensation Plan Costs
d	FICA / Medicare
e	General Liability Premium Cost
f	Leave Balance Payout
g	Premium Pay (such as POST pay, location pay, Bi-lingual pay, training officer pay)
h	Retirement
i	State Disability Insurance (SDI)
j	Unemployment Insurance Cost
k	Workers Comp Paid to Employee in lieu of salary
l	Workers Comp Premiums

3	Item k represents a cost to the sheriff and a benefit paid to the employee when Workers Comp Premiums (item l) do not cover 100% of all workers comp instances. If the premiums (item l) cover all risk and the sheriff is not charged by the county as a result of that coverage, item k will be zero.
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4	"Direct Security" FTE's=Full Time Equivalent personnel. HOURS=Personnel not included as FTE (example Extra Help, Hourly, Contracted).
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5	"Direct Security" HOURS (except Overtime) = Personnel that would not otherwise be included as FTE's (example Extra Help and Hourly personnel).
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EXHIBIT 14

**JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS**

455 Golden Gate Avenue
San Francisco, California 94102-3688

Report

TO: Members of the Judicial Council

FROM: Administrative Office of the Courts
Christine M. Hansen, Director, Finance Division and Chair
of the Trial Court Budget Working Group, 415-865-7951,
tina.hansen@jud.ca.gov
Mary Roberts, General Counsel, 415-865-7803, mary.roberts@jud.ca.gov
Stephen Nash, Assistant Director, Finance Division, 415-865-7584,
stephen.nash@jud.ca.gov

DATE: October 18, 2006

SUBJECT: FY 2006–2007 Trial Court Budget Allocations, Fund Balance Policy,
and Delegation of Authority (Action Required)

Issue Statement

The Judicial Council has the authority to approve the allocation of funding to the trial courts. This report presents recommendations for remaining allocations of fiscal year (FY) 2006–2007 State Appropriations Limit (SAL) adjustment funding. The report also presents for consideration allocation of the screening station equipment replacement funding included in the Budget Act of 2006 (Stats. 2006, ch. 47), and a proposed Fund Balance Policy. Finally, there are recommendations for the delegation of authority and responsibility to expend funds pursuant to Government Code section 68085 and to direct the Administrative Office of the Courts to develop related policies, procedures, and criteria.

Previous Judicial Council Action

At its August 25, 2006 meeting, the Judicial Council allocated most of the FY 2006–2007 SAL funding to courts. For various reasons, allocation of portions of the funding was deferred to the October meeting. Three allocations based on the SAL adjustment funding are discussed in this report: (1) funding to address mandatory security costs changes, (2) trial court operating and staffing costs for new facilities opening during the period July 1, 2006 through September 30, 2007 (security and non-security costs), and (3) the Research Allocation Study (RAS) model component of the workload growth and equity funding. The amount of funding available and the proposed allocations in each of these areas are discussed in the following sections.

Remaining SAL Allocations

Mandatory security cost changes

The final SAL adjustment for FY 2006–2007 was 4.96 percent. When applied to the security budget, this resulted in an increase in ongoing security funding of \$19.987 million. There is also \$4.323 million in additional ongoing security funding that carries over from FY 2005–2006, and \$12.646 million in one-time security funding that carries over from previous fiscal years. In FY 2005–2006, all security allocations were made from security funding, i.e., no undesignated SAL funding or other undesignated funds were used to address security costs.

At its August 2006 meeting, the Judicial Council deferred allocation of the SAL funding for mandatory security costs until the October meeting because AOC staff had concerns regarding the cost information provided in a May 2006 survey completed by the trial courts and sheriffs that was designed to identify changes in mandatory costs for security services. This included changes in negotiated salary, retirement, and other benefit costs. Courts were instructed to include only existing levels of security—no new positions over the previous fiscal year. The survey form allowed for the inclusion of costs for all areas of security for which the court was paying at the time Senate Bill 1396 (Stats. 2002, ch. 1010) was enacted. The initial amount requested by courts for FY 2006–2007, above the amount provided to the courts in the previous year, was over \$44 million. This is well in excess of the amount of funding available to address mandatory security cost changes in FY 2006–2007.

Because \$44 million would represent an increase of approximately 11 percent over the FY 2006–2007 security base budget before application of SAL, and given the inconsistency of some of the data provided by courts and sheriffs, AOC staff believed that a greater level of analysis of this information was necessary. As part of this analysis, staff compared the service levels indicated in the FY 2005–2006 security cost surveys to those in the FY 2006–2007 surveys for each court. Staff also compared FY 2005–2006 salary, retirement, benefits costs paid with that included in the FY 2006–2007 survey. Based on the review performed on each court, it became clear that some courts were not submitting mid-step salary and benefits for the calculation of the funding standards.

A second set of forms was sent to all of the courts for completion that required more detailed information on salary, retirement, and benefit costs at the entry, mid, and top step. As a result of the review of the second set of forms, the mandatory funding needed from SAL has decreased. The following adjustments have led to this decrease:

- The number of FTEs from requests that were above the FY 2005–2006 service/funding levels were reduced.
- The salaries and benefits costs used to calculate funding need per the standard were reduced. Some courts used top-step salary rather than mid-step. Some

included maximum incentive pay, or included overtime in pay. Some included healthcare based on a family of four, not the actual average. Nonallowable benefits, such as retiree health, were removed. Incorrect rates for Medicare and FICA were changed.

- Implementation of the interim security equipment, and services and supplies standards based upon the lesser of the actual cost or standard, for things such as uniforms, ammunition, sidearms, etc., as approved by the Judicial Council at its August 25, 2006 meeting. Costs that were above the standards for these services and supplies items as well as those above the council approved 1.5 percent for professional services, were reduced. Vehicle costs that were above the standard were also reduced.
- All items that are not SB 1396 allowable were eliminated.
- Only allowable equipment, services, and supplies that had previously been paid for by the courts were included.
- Increases in perimeter screening, of which most, but not all, are being funded by the separate entrance screening funding from the 2006 Budget Act were removed.
- Costs for radios, radio accessories, and radio maintenance were removed, as these may be considered by the Working Group on Court Security for funding through one-time security funding in FY 2006–2007. Recommendations for allocation of the one-time funding will be brought to the council in February 2007.

In addition to the preceding adjustments, the judicial position equivalents (JPEs) for each court were updated to reflect the numbers as of July 1, 2005. In addition, the AB 1058 FTE for each court was subtracted from the JPE figure as these are not state funded positions. Staff used the same assessed judicial need (AJN) figure for each court that was used last year, except that the AB 1058 commissioner FTE was subtracted.

The September survey provided detailed salary, retirement and benefit information for the mid-step sheriff, sergeant, lieutenant and captains, where used in the courts. Staff confirmed by way of document provided by the court and county/sheriff web sites that the information was actually mid-step. Premium pay, health, dental, and vision were required to be an average of actual. Non-allowable costs such as retiree health care benefits were deducted.

Each court's individual analysis was sent to them prior to the Judicial Council meeting to confirm the accuracy of the analysis. To the extent that input was received prior to the meeting, it is reflected in the council report. If input is received after the council meeting, amendments will be made at that time. If a court did not submit a security survey, courts

will be funded at the lesser of actual FY 2005–2006 expenditures or the FY 2005–2006 base budget adjusted by the percentage change in the State Appropriations Limit (4.96 percent in FY 2006–2007). Where a survey includes estimated costs (either due to pending follow-up information from the courts or contract negotiations not yet being complete), the estimated increases will not be allocated until final or accurate data has been provided.

As a result of these adjustments and application of the approved standards, the security funding need above the FY 2006–2007 SAL funding amount is estimated to be within the \$24.3 million ongoing that is available. As indicated earlier in this section, there is also approximately \$12.646 million in one-time security funding available to be allocated. If, as staff anticipate, there is sufficient ongoing funding to meet the courts mandatory security costs, staff will return to the council, as indicated in recommendation 6, with recommendations to address security costs for new facilities opening or transferring during the period July 1, 2006 through September 30, 2007. If ongoing SAL security funding still remains, the Working Group on Court Security would meet to develop recommendations for review by the Trial Court Budget Working Group and ultimately the Judicial Council at its February 2007 meeting as to how to allocate these funds. Recommendations for the allocation of the remaining one-time funding would also be developed and presented at the February 2007 meeting. This funding could potentially be used to bring courts closer to the security funding standards, or for such things as costs for tasers, and the expenses of radios and associated costs for sheriff communication in the courts. Staff discussed with the Trial Court Budget Working Group, at its October 11, 2006 conference call, the detailed analysis that was being performed on each court's security needs and the recommendations that would be made to the council.

Recommendation

The staff of the Administrative Office of the Courts recommends that the Judicial Council:

1. Approve the allocation of up to \$24.3 million in ongoing SAL security funding, plus an additional \$7.1 million in ongoing security funding from Los Angeles County's Maintenance of Effort payment, to the courts as indicated in columns A, B, and B1 of Attachment 1.
2. Approve, as in FY 2005–2006, immediate allocation to those courts with confirmed changes in mandatory security costs, and set aside funding for those courts that have estimated changes, until such time as their cost needs have been confirmed.
3. In the event that after allocation of funding to address mandatory security costs and security costs for facilities opening or transferring during the period July 1, 2006 through September 30, 2007, there is remaining ongoing SAL security funds,

direct the Working Group on Court Security to meet to develop recommendations to be presented to the Trial Court Budget Working Group and, ultimately to the Judicial Council at its February 2007 meeting, as to how these funds should be allocated to include such things as bringing the courts closer to security funding standards. Also direct the Working Group on Court Security to develop recommendations for allocation of the available one-time security funding for one-time expenses for such things as radios and related costs, and other equipment.

Rationale for Recommendation

Fiscal year 2006–2007 mandatory security costs have not been finalized in all courts. Staff believes that only those courts with confirmed changes should be funded at this time. Rather than providing funding for speculative increases that may in the end be overestimated, only known increases are recommended to be funded. A substantial amount of one-time funds is available in FY 2006–2007 from previous fiscal years. If these one-time funds are not needed to address the mandatory cost changes, there are other security related costs that could be addressed using these funds.

Alternative Actions Considered

Since it now appears that mandatory security costs can be funded through available ongoing SAL security funding, no additional alternatives were considered.

Trial Court Staffing and Operating Expenses for New and Transferring Facilities

There are two Judicial Council approved budget priorities for FY 2006–2007: (1) trial court staffing and operating expenses for new facilities, and (2) self-help centers. The Legislature adopted the Supplemental Report of the 2006 Budget Act (Supplemental Report Language) which includes language which specifies the specific allocation of SAL funds in FY 2006–2007. The Supplemental Report Language, which states legislative intent but does not impose legal requirements, specified that the total amount that can be provided from the SAL adjustment for both of these Judicial Council priority areas in FY 2006–2007 could not exceed \$5.0 million in total. Based on commitments made during the legislative budget process, AOC staff recommended to the council at its August 25, 2006 meeting that a maximum of \$1.3 million in ongoing funding be provided for staffing and operating expenses for new and transferring trial court facilities and that a minimum of \$3.7 million in one-time and ongoing funding be provided for self-help. At the August 2006 meeting, the council approved these recommendations and an allocation of \$3.7 million in ongoing funding for self-help.

Consideration of the trial court staffing and operational expenses for new and transferring facilities was deferred to the October 2006 council meeting due to various reasons. For review purposes, the forms submitted by the court were divided into security funding requests and staffing and operational (non-security) funding requests. The staffing and operational funding requests will be discussed first.

EXHIBIT 15



JOHN A. CLARKE
EXECUTIVE OFFICER / CLERK

111 NORTH HILL STREET
LOS ANGELES, CA 90012-3014

Superior Court of California
County of Los Angeles

January 10, 2007

William C. Vickrey
Administrative Director of the Courts
Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, CA 94102-3688

Dear Mr. Vickrey:

FY 2006-07 SECURITY FUNDING REDUCTIONS

Recent changes in the calculation of security funding have resulted in an \$11.3 million shortfall in Los Angeles Superior Court's (LASC) security services. As you might recall, LASC had an earlier \$11.2 million ongoing reduction imposed on its FY 2004-05 security budget, which the Court addressed through courthouse closures, personnel reductions, and realignment of Sheriff's services. This is the second substantial reduction in three years.

Upon assessing the causes for the \$11.3 million shortfall, we have determined they relate primarily to: (1) the exclusion of Retiree Health from the rate calculation, (2) use of mid-step salary (rather than actual cost), and (3) funding of the uniform allowance based only on actual personnel entitled to it instead of personnel levels established by the security staffing standards.

This shortfall is of grave concern to the Court given that Government Code section 69921.5 limits the authority of the Court to contract for law enforcement services commensurate with available funding, we have ongoing contractual obligations with the Sheriff, the reduction comes mid-year with little opportunity to make program adjustments, and the change very likely violates our County Maintenance of Effort (MOE) agreement. The purpose of this letter is to provide you with our analysis (Attachment I) and apprise you of actions being taken to address this shortfall.

(1) Contractual Adjustment for Retiree Health

According to AOC management, the inclusion of Retiree Health is "Not appropriate as part of the mid-step salary calculation." Our analysis (Attachment I) shows the exclusion of the Retiree Health percentage from the reimbursement rates results in a \$3.9 million reduction in our total security request.

Accordingly, the Court intends to adjust the Sheriff's monthly billing to exclude the Retiree Health costs included in its billings. Because the Court has already reimbursed through November 30, 2006, the December billing will include a lump-sum adjustment retroactive to July 1, 2006.

At the last Trial Court Budget Working Group meeting, concerns were expressed by this Court and a number of other trial courts that Retiree Health may have been included in the MOE. AOC staff indicated that if Courts could substantiate this claim, funding of this item might have to continue. Our review of this matter identified the attached document (Attachment II), which clearly shows Retiree Health costs were included in the deputy and sergeant rates in FY 1994-95. It is likely that the County will contest this adjustment based on this fact. It is our contention that the cost of Retiree Health should be restored as part of the security budget.

(2) Use of Mid-Step Salary Rate

After excluding the value of the Retiree Health issue, the Court's analysis shows the remaining security funding shortfall of \$7.4 million primarily relates to the use of the "mid-step salary" instead of actual costs to fund deputies and sergeants. Attachments III and IV show that the annual costs per deputy and sergeant exceed the funding rate by approximately \$9,380 and \$11,551, respectively.

It is our belief that the only solution to eliminate this shortfall is to make modifications to the delivery of security services that include major security staffing changes and/or reductions. As a result, the Court and the Sheriff are developing recommendations to resolve this \$7.4 million funding gap. I do not believe that a solution exists that will maintain existing Court operations and avoid Court closures or a wholesale realignment of Sheriff personnel assigned to court security details.

It should be noted that the Sheriff's Department believes it has an \$11.3 million funding shortfall, not \$7.4 million. In light of the FY 2004-05 \$11.2 million security reduction, the Sheriff informed us that further reductions without major changes in Court operations would be extremely difficult, if not impossible, to implement.

Uniform Allowance

The funding level for the Uniform Allowance was based on the actual number of personnel entitled to a uniform allowance, at the lesser of \$850 or actual cost. This approach does not credit the Court with, nor does it give recognition to, the fact that LASC achieves over \$400,000 in uniform allowance savings by using the following non-sworn personnel in lieu of deputies:

- Instead of sworn deputies, 174.0 Courtroom Assistants are placed in civil courtroom. Courtroom Assistants receive no uniform allowance compared to approximately \$1,026 for sworn deputies, resulting in cost savings of more than \$167,000 annually.
- Instead of sworn deputies, 299.0 non-sworn security officers are used to monitor entrance screening stations, after-hour security, and unsecured doors. The uniform allowance for non-sworn security officers is \$260 compared to approximately \$1,026 for sworn personnel, resulting in cost savings of more than \$229,000 annually.
- An alternative funding approach would be to use the personnel levels determined by the security standards (or 1,339.24 sworn personnel) times the approved funding rate of \$850. Under this approach, LASC would be eligible to receive the lesser of the standard (i.e., \$1,138,354) or actual cost (i.e., \$1,122,458). Furthermore, this approach would be consistent with how courts are funded for the labor components of the security standards and provides a benefit for using less-costly personnel.

I hope you are in agreement that the above facts are troublesome. Particularly problematic is the timing of the reductions. As you know, the Judicial Council did not act on this matter until October 20, 2006, and the final numbers were not released until December, halfway through this fiscal year and long after we had entered into a Memorandum of Understanding contract for security with the Sheriff. Further reductions in LASC's security operation would seriously impact the Court's security structure. We have discussed this matter with the Sheriff's Department but do not foresee an easy solution. In meetings with Sheriff's staff, we have been advised that these reductions may violate not only our preexisting contractual obligations, but also the provisions of the Superior Court Law Enforcement Act of 2002 that require funding to be sought on the basis of actual costs, and which prohibit changes in standards and guidelines that increase a County's obligations for Court operations costs or reduce a Sheriff's law enforcement budget. We fully expect that the Sheriff may initiate litigation concerning these matters and want to take this opportunity to apprise you of this possibility.

William C. Vickrey
January 10, 2007
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We are available at your convenience to discuss this matter with you. If you or your staff have any questions regarding the information provided to you, please contact William H. Mitchell, Deputy Executive Office, at (213) 974-5101.

Yours truly,



John A. Clarke
Executive Officer/Clerk

JAC:ss
Attachments (4)

LOS ANGELES SUPERIOR COURT
 COMPARISON OF SECURITY STANDARDS USING AOC RATES TO PROJECTED COSTS PER A/C RATES
 (Revised as of January 5, 2006)

(A) Classification	(B) A/C Rates	(C) LA Superior Court Service Units	(D) Projected Cost	(E) Funding Per Standard/AOC Rates	(F) Service Units Per Std.	(G) Available Funds	(H) Variance Col (G) - (D)	(I) Retiree Health	(J) Remaining Deficit	(K) Position Impact (Column J Only)
Supervision										
Sergeants	143,811	44.1	6,332,681	128,576	103.02	13,245,680				
Bonus Deputies	117,394	66.4	8,017,837							
Total		112.5	\$14,350,518				-\$1,104,838	-\$379,622	-725,216	-5.6
Entrance Screening										
Security Officer	49,678	121.0	6,011,063	97,702	129.50	12,652,409				
Security Assistant	31,258	155.0	4,844,973							
Total		276.0	\$10,856,036				\$1,796,353	-\$364,672	2,161,025	Used to Fund Uniform Allowance OT Deputies
Courtroom and Internal Security										
Courtroom Bailiff	109,898	466.9	51,454,916	97,702	810.00	79,138,620				
Courtroom Assistants	63,068	189.0	10,658,492							
Senior Courtroom Serv. Liaison	84,642	5.0	423,205							
Bailiff Security	109,898	163.8	18,501,384							
Total		811.5	\$81,037,997				-\$1,899,377	-2,280,960	381,583	Funds OT Deputies
Internal Transportation/Holding Cells & Control Room										
Internal Transportation Deputy	109,898	129.0	14,155,863	97,702	286.72	26,990,089				
Security Officer	49,678	2.3	114,260							
Security Assistant	31,258	7.9	246,937							
Security Officer	49,678	12.8	635,883							
Deputy	109,898	151.6	16,635,863							
Deputy	109,898	31.7	3,478,811							
Total		395.3	\$35,267,437				-\$6,277,348	-835,562	-5,441,786	-55.7
Services and Supplies										
Uniform Allowance			1,122,458			980,695				
Maintenance for Security Screening Equipment			225,000			225,000				
Court Related Training			156,000			156,000				
Total			3,855,113			0				-12.8
MOE Retirement Changes			7,108,968			7,108,968				
Rounding Adjustment			0			673				
Total		1,535.3	\$153,779,547				-\$11,281,413	-\$3,860,817	-\$7,420,596	-74.2

* Includes Relief.

c-29-97 03:53P LA CO SHERIFF SPEC ACCTS



**COUNTY OF LOS ANGELES
DEPARTMENT OF AUDITOR-CONTROLLER**

HALL OF RECORDS
320 WEST TEMPLE STREET, ROOM 380
LOS ANGELES, CALIFORNIA 90012
PHONE: (213) 974-0311 FAX: (213) 626-1108

ALAN T. SASAKI
AUDITOR-CONTROLLER

March 10, 1995

File No. 4CW

To: Fred Ramirez, Director
Fiscal Administration
Sheriff's Department

From: Mort Carson, *MC*
Chief Accountant-Auditor

Subject: Fiscal Year 1994-95 Employee Benefit Rates

We developed the Fiscal Year 1994-95 employee benefit rates for use in the LECC study. In addition, we developed rates for use in the Custody study and other studies using the productive work-hour billing basis. The rates are as follows:

	<u>LECC Study</u>		<u>Custody Study and PWH Billing Basis</u>	
	<u>Sworn</u>	<u>Non-Sworn</u>	<u>Sworn</u>	<u>Non-Sworn</u>
Retirement	16.471%	10.906%	16.471%	10.906%
Retirement Debt Service	.819	.542	.819	.542
Unemployment Insurance	.035	.035	.035	.035
Retiree Health Insurance	2.780	2.780	2.780	2.780
Long-Term Disability	.053	.053	.053	.053
FICA/HTF	NA	2.358	NA	2.358
Life Insurance	.013	.013	.013	.013
Workers' Compensation	5.617	5.617	5.617	5.617
ESP Expense	.309	.309	.309	.309
Flex Plan	9.112	9.112	9.112	9.112
Nurses Bonus	NA	.104	NA	.104
Bilingual Bonus	.141	.141	.141	.141
Shooting Bonus	.296	NA	.296	NA
Separation Pay	.824	.824	NA	NA
Sick Day Buyback	.908	.908	NA	NA
Uniform Allowance	1.867	NA	1.867	NA
Totals	39.245%	33.702%	37.513%	31.970%

If you have any questions, please contact Rick Vandenberg at (213) 893-0972.

MC:RV

LECCEB.pw2

ANALYSIS OF SALARIES AND BENEFIT CALCULATION - DEPUTY

	Auditor-Controller (A/C)	AOC	Variance	Notes
Base Salary Rate	68,244.00	61,596.00	-6,648.00	(1)
Incentives (POST Cert, \$ Longevity)	7,236.00	7,221.00	-15.00	(2)
Retirement (less LACERA Credit)	11,987.00	10,656.00	-1,331.00	(3)
Benefits w/o Retiree Health	19,615.00	18,229.00	-1,386.00	(4)
Retiree Health	0.00	0	0.00	(5)
Total	\$107,082.00	\$97,702.00	-\$9,380.00	

Notes		Estimated Annual Cost Impact Per Position
(1) Base Salary Rate	The AOC developed an average mid-step salary rate using the mid-step of three salary ranges in place during the fiscal year. Where as, the A/C estimates actual salary cost using a salary savings adjustment to the top step of the last salary range in place during the fiscal year.	-\$6,648.00
(2) Incentives	A. Eventhough the methods used to calculate these costs were different, the results generated only a minor cost difference.	-15.00
(3) Retirement (less LACERA Credit)	A. The majority of this cost variance relates directly to the AOC's base salary rate being lower than the A/C's base salary rate.	-1,058.00
	B. The remaining cost variance relates to the AOC's adjustment to reflect one month cost savings for the LACERA credit. The Court is reluctant to make this adjustment because in the past two years the County has made mid-year decisions regarding the LACERA credit, forcing the Court to absorb additional retirement cost.	-273.00
(4) Benefits w/o Retiree Health	A. The majority of this cost variance relates directly to the AOC's base salary rate being lower than the A/C's base salary rate.	-1,387.00
	B. The remaining cost variance relates to the AOC's use of a higher Medicare benefit percentage.	1.00
(5) Retiree Health	According to the AOC, these costs are not appropriate as part of the mid-step salary calculation.	0.00
	Total	-\$9,380.00

ANALYSIS OF SALARIES AND BENEFIT CALCULATION - SERGEANTS

	Auditor-Controller (A/C)	AOC	Variance	Notes
Base Salary Rate	86,028.00	79,812.00	-6,216.00	(1)
Incentives (POST Cert. & Longevity)	12,744.00	10,752.00	-1,992.00	(2)
Retirement (less LACERA Credit)	15,686.00	14,022.00	-1,664.00	(3)
Benefits w/o Retiree Health	25,668.00	23,989.00	-1,679.00	(4)
Retiree Health	0.00	0	0.00	(5)
Total	\$140,126.00	\$128,575.00	-\$11,551.00	

Notes		Estimated Annual Cost Impact Per Position
(1) Base Salary Rate	The AOC developed an average mid-step salary rate using the mid-step of three salary ranges in place during the fiscal year. Where as, the A/C estimates actual salary cost using a salary savings adjustment to the top step of the last salary range in place during the fiscal year.	-\$6,216.00
(2) Incentives	A. Part of this cost variance relates directly to the AOC's base salary rate being lower than the A/C's base salary rate.	-936
	B. The remaining cost variance relates to different methods used by the AOC and A/C to estimate the average costs for Post Certification and Longevity Pay.	-1,056
(3) Retirement (less LACERA Credit)	A. The majority of this cost variance relates directly to the AOC's base salary rate being lower than the A/C's base salary rate.	-1,304
	B. The remaining cost variance relates to the AOC's adjustment to reflect one month cost savings for the LACERA credit. The Court is reluctant to make this adjustment because in the past two years the County has made mid-year decisions regarding the LACERA credit, forcing the Court to absorb additional retirement cost.	-360
(4) Benefits w/o Retiree Health	A. The majority of this cost variance relates directly to the AOC's base salary rate being lower than the A/C's base salary rate.	-2,056
	B. The remaining cost variance relates to the AOC's use of a higher Medicare benefit percentage.	377
(5) Retiree Health	According to the AOC, these costs are not appropriate as part of the mid-step salary calculation.	0
	Total	-\$11,551.00

EXHIBIT 16



Judicial Council of California
Administrative Office of the Courts

455 Golden Gate Avenue ♦ San Francisco, CA 94102-3688
Telephone 415-865-4235 ♦ Fax 415-865-4244 ♦ TDD 415-865-4272

RONALD M. GEORGE
Chief Justice of California
Chair of the Judicial Council

WILLIAM C. VICKREY
Administrative Director of the Courts

RONALD G. OVERHOLT
Chief Deputy Director

January 30, 2007

Mr. John A. Clarke
Executive Officer
Superior Court of California,
County of Los Angeles
111 North Hill Street Room 105E
Los Angeles, California 90012

Re: Los Angeles Superior Court FY 2006-07 Security Funding

Dear Jack:

In response to your written communications and in confirmation of my telephone call with you yesterday, I am writing to confirm the following:

- Payment of Security Salaries above the Mid-step: In response to the concern you expressed that you may not have authority to pay security costs above the mid-step, I have reviewed materials from the Working Group on Court Security, consulted with the chair of the committee, a committee member, and a staff member to the committee; there is no record in the materials that hints of any such limitation. Individuals consulted state that the mid-step was chosen as a means of determining the amount of money available for each court. How that money is expended falls within the discretion of the court subject to the agreement the court has reached with the sheriff after considering needs, all funds in the court budget which the court feels it can dedicate to security, and the projections of actual costs to be incurred by the court and sheriff.
- Payment of Past Retirement Health Insurance Cost for Court Security Personnel: You report that you and others were advised that these costs are not reimbursable costs; your position is that each court should be allocated funding if the costs were

paid by the court in the past. I agree with your position subject to the following observation and conditions:

- o First, I believe that the sheriff's post-retirement health costs should be considered for approval as a specific cost pursuant to the procedures established in the Government Code (i.e., Working Group on Court Security should review and recommend that the Judicial Council amend the template, the Council approve the amendment and the legislative and executive branches approve the funding). If these are new costs which have been incurred after 2002, these costs would not be allowable until the executive and legislative branches have adjusted the base budgets of the courts to reflect the new costs. If the legislative and executive branches agree to assume responsibility for these costs, the manner by which they are calculated may be determined by how the legislative and executive branches address the implications of new accounting standards.
- o Notwithstanding the above process, the payment of retirement health insurance cost for the sheriffs' security personnel are authorized if expenditures were included in the Counties Maintenance of Effort Payment (MOE) (which was established after the state assumed responsibility for state funding on January 1, 1998), if the court has paid these costs since that time, and if no new method of cost calculation has been adopted which would have the effect of expanding financial liability. As would be true with any financial obligation, the means of calculating the retirement health insurance cost should be periodically reviewed to ensure that the methodology and calculation is representative of actual costs incurred. Again, the method of calculating such retirement health care costs may be affected by how the legislative and executive branches address the implications of new accounting standards. You have provided documentation dated May 10, 1995 (the base year for calculating the county MOE for state funding) explaining how the county determined the costs of security personnel. Please provide the documentation on the amount in the county MOE dedicated to this cost, documentation that these costs have been paid for all past years, and a schedule of the base funding in your budget for this cost for the years from FY 1999-2000 to FY 2005-06.
- Funding for FY-2006-07 Court Security Costs: To confirm our conversations, I calculate your security budget as follows:

FY 2005-06 Actual Expenditures	\$134,879,202
New Funding for FY-2006-07	\$5,462,746

* <i>Subtotal FY 2006-06</i>	\$140,341,948
Pro Rata Distribution From Reduced Workload Grants on Equity Funding (Per Presiding Judge's Statement of Intended Use)	\$1,536,000
	\$5,569,826
FY 2006-07 One-time Funding for Costs	
TOTAL FY 2006-07 Funding	\$147,447,774

I recognize the operating necessities may have required that the actual allocation of funding in your budget may be different than my outline above (especially the pro rata distribution). I also understand that you may have augmented court security funding in FY-2005-06 by reallocating savings or ongoing funding from other areas of your budget which you are entitled to do.

You continue to have the discretion to reallocate money within your budget consistent with the budget procedures, and the needs of your court to support your security program. And, because the trial courts have the ability to carry over funds from one year to the next, you may use reserves to meet necessary financial obligations, which would include as a first priority, any expense necessary to keep all courts open (year-end financial reports for FY 2005-06 show that Los Angeles Superior Court's total reserve had increased by 105 percent over the previous 12 months and that the portion of those reserves classified as undesignated increased by 45 percent over the previous 12 months.

- **Long-Term Solutions:** The current process for funding security places all trial courts at risk if security costs consistently increase at a rate that exceeds SAL. In addition, because the allocation of SAL is almost entirely absorbed by mandatory costs, the current process will not allow costs below the funding structured to be brought up to standard or permit costs to fund the sheriff's overhead costs. For these reasons, we have raised with the Department of Finance and the Governor our concerns that the current process has structural problems which, if not addressed, will ultimately jeopardize the safe, accessible operation of the court. [Even if we could fully fund the security standard and maintain funding at standard, while your court is one of the very few that is funded at standard, I understand that your court believes that the standard does not meet the operational needs of your court. I am committed to working with your court on a solution.]

The chair and members of the Court Security Working Group have worked diligently to develop standards and procedures to provide the sheriffs and judicial branch the ability to advocate for an adequate statewide budget for security and the ability to fairly allocate funding regardless of whether there is or is not funding to bring courts up to standard. They have made tremendous progress with a funding standard that supports the courts

Mr. John A. Clarke
January 30, 2007
Page 4

and that facilitates reasonable discussions in areas where courts or sheriffs feel their needs are not being addressed. Because of their work, we are in a better position to craft and advocate for an improved funding process.

This year your court received an increase in funding. Of the \$24 million of new funding dedicated to security across the state, Los Angeles did not receive the approximate \$16 million it requested. Because budget funding is not guaranteed on a line item basis and recognizing that court operations are complex and are subject to fluctuations in costs the Judicial Council, pursuant to legislative authorization, has provided courts with the unique authority to carry over funding from year to year and great discretion to move funding within the budget. Trial courts have exercised this discretion in managing their budgets to meet a variety of unanticipated problems and to address areas where the SAL adjustment is not sufficient to meet the actual growth in a particular line item or program area. At the same time, we must work together to improve process to address specific funding issues that arrive, such as security, on a statewide basis in a matter that meets the needs of all courts, including Los Angeles.

Judicial Council representatives will be meeting with the Security Committee, sheriffs, and the sheriffs' lobbyist and executive director, with the intent of identifying possible solutions to present to the Governor and Legislature (Sheriff Baca will be participating).

I also want to recognize your concern that the Judicial Council decision was made nearly half way through the year. While Stephen Nash has a proposal that would allocate funding at the beginning of the year, I request your help in working with Stephen to ensure a timely submission of the necessary information from your court.

During our call yesterday you indicated that you do not agree with the proposed result for the resolution of Los Angeles' security funding needs for this year. I am willing to meet with you further if you feel that would be helpful.

In the meantime, if you are satisfied that the sheriff's billings are accurate and consistent with your security plan (and subject to documenting the 1998-2002 payments for retirement health cost), payment to the sheriffs should be made consistent with your local agreement. In no circumstances should courts be closed so long as you have financial options to maintain court operations.

Sincerely,



William C. Vickrey
Administrative Director of the Courts

Mr. John A. Clarke
January 30, 2007
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cc: Hon. Ronald M. George, Chief Justice of California
Hon. Richard D. Aldrich, Chair, Working Group on Court Security
Leroy D. Baca, Sheriff, Los Angeles County Sheriff's Department
Ms. Sheila Calabro, Regional Administrative Director, AOC
Hon. J. Stephen Czuleger, Presiding Judge of the Superior Court of California,
County of Los Angeles
Hon. Richard D. Huffman, Chair, Judicial Council Executive and Planning
Committee
Richard Martinez, Chief, Los Angeles County Sheriff's Department
Hon. Charles W. McCoy, Jr., Assistant Presiding Judge of the Superior Court of
California, County of Los Angeles

EXHIBIT 17

JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS
455 Golden Gate Avenue
San Francisco, California 94102-3688

Report Summary

TO: Members of the Judicial Council

FROM: Ronald G. Overholt, AOC Chief Deputy Director, 415-865-4241,
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DATE: October 8, 2008

SUBJECT: Allocation of Trial Court Funding, Including Allocation of New
Funding, a One-Time Reduction, and Other Adjustments
(Action Required)

Issue Statement

The Judicial Council has statutory authority to approve the allocation of funding to the trial courts. This report presents recommendations related to allocations of new funding and a budget reduction, as well as prior year allocations for the Judicial Branch Workers' Compensation Program and the Court-Appointed Counsel program.

This report deals solely with allocation adjustments related to Trial Court Funding, and does not address current year budget issues for the Supreme Court, Courts of Appeal, or the Administrative Office of the Courts (AOC). Budget issues in these areas will be brought back to the council later this fall for discussion, including determination of how state budget reductions for the appellate system and AOC will be implemented.

Summary of Recommendations

The following recommendations are made by AOC staff with concurrence of the Trial Court Budget Working Group (TCBWG). The TCBWG did not consider recommendation 14, which is the standard technical budget delegation. It is recommended that the Judicial Council:

Rationale for Recommendation

AOC staff surveyed the courts in the spring of 2008 to determine the cost of court staff retirement rate and plan changes for FY 2008–2009. Based on this information, overall projected court cost adjustments resulting from both rate and plan changes will be -\$3.560 million in FY 2008–2009. This amount is the net savings produced from total projected cost savings of \$4.737 million in FY 2008–2009 and funding cost increases in the amount of \$1.177 million that are the result of annualizing FY 2007–2008 costs of retirement rate and plan changes for several courts. This amount includes ratified changes (one court remains nonratified but we do not anticipate, at this time, that it will experience rate changes). This recommendation is consistent with policies established by the council for allocation of employee retirement rate and plan changes, and with the retirement allocation methodology used in FY 2007–2008.

Alternative Actions Considered for Recommendation

Based on the policies approved by the Judicial Council and utilized for the past three years with regard to court staff retirement funding, no alternatives were considered.

VI. Security

Recommendation

AOC staff and the TCBWG recommend that the Judicial Council:

7. Allocate \$45.209 million in new and carryover funding (\$12.644 million in CPI funding, \$20.0 million in one-time security funding from TCTF authorized by legislature, \$2.291 million in funding from TCTF, and \$10.274 million in one-time security carryover money), to address projected cost increases for court security, based on FY 2007–2008 existing service levels only. This funding addresses \$31.202 million of new and previously unfunded court security costs (see Attachment 1, columns H, I, and J), as well as \$13.902 million of ongoing costs funded with one-time savings in FY 2007–2008.
8. Distribute funding to courts once a court has notified AOC staff that security compensation and retirement cost increases are confirmed and ratified. Some of the projected court security cost increases are based on estimated cost changes for security employee compensation and retirement that have not yet been ratified.
9. Direct that the remaining \$105,483 in one-time security funding be used to address security costs for new or transferring facilities in FY 2008–2009.

Rationale for Recommendation

For FY 2008–2009, trial courts are scheduled to automatically receive baseline security funding totaling \$476.649 million. This base, though, includes \$13.902 million in funding that was provided in FY 2007–2008 through one-time security funding. This is an ongoing shortfall that needs to be addressed. Beyond this, an additional \$20.181 million is needed to address projected FY 2008–2009 cost increases, \$4.976 million in retiree health costs, and \$6.045 million for costs in excess of the computed funding standards. There are three funding sources proposed to be utilized to address funding security cost increases.

- New ongoing funding at the Consumer Price Index (CPI) rate of 2.7 percent, totaling \$12.644 million to address projected cost increases for existing service levels.
- One-time funding from the TCTF totaling \$20.0 million authorized by the legislature and an additional one-time \$2.292 million in available funding in the TCTF.
- One-time security carryover funding totaling \$10.274 million from previous years. This includes one-time savings from on-going funding of 101 new entrance screening stations, entrance screening equipment replacement funding not used, and one time carryover, all from FY 2007–2008.

In order to determine the statewide allocation of new security funding, a *Court Security Survey* was sent to the trial courts in April of 2008. The courts and sheriffs were requested to provide cost information in the following areas:

- salaries;
- pay differentials;
- overtime;
- benefits;
- retirement; and
- services and supplies and other costs.

This information was used to estimate the change in costs that will be incurred by courts for the *existing security service level*.

Analysis of Requests

The court surveys were reviewed by staff. Consistent with the funding approach that was recommended by the Working Group on Court Security, and approved by the Judicial Council last fiscal year, the following principals were applied to developing the statewide security funding recommendation:

- Costs to support security staffing in excess of prior year levels cannot be accommodated within the limited funding. This does not apply to courts that received separate security allocations for entrance screening stations.
- Council-approved security equipment and supplies and services standards were used as well as the standards for professional services and vehicle costs. Any costs above standards were not recommended for funding.
- All items that are not allowable under existing statutory rules (SB 1396) are not recommended. Non-allowable costs would include costs not previously paid for by a court and those listed in Section 14.01 of the Trial Court Financial Policies and Procedures, page 25, Section II: Non-Allowable Costs. Examples would include costs for flashlights, parking, tasers, and basic training for new personnel assigned to the court.
- Only allowable equipment, services, supplies, and benefits that have been previously paid by the courts were included in the staff funding recommendations.
- Costs for radios, radio accessories, and radio maintenance were deferred. In FY 2006–2007 this item was removed from the regular security costs process until a statewide standard is developed. This standard is currently under review.

Based on this methodology, statewide cost increases for security for existing service levels is projected to be \$20.181 million in FY 2008–2009.

Courts Above the Security Funding Standard

There are 10 courts that are above the security funding standards that have existing unfunded security costs estimated at \$6.045 million. These are legitimate costs that these courts must absorb, and are continuing security funding needs for FY 2008–2009.

Court Security Retiree Health Costs in MOEs

Court security retiree health costs of \$4.98 million have historically been included in maintenance of effort (MOE) contracts for five courts since before the passage of state trial court funding. These five courts have been billed for these costs by the sheriff and have paid for them. The courts have not been funded for these costs the past two years, but the proposal is to use one-time funding from the TCTF and one-time security carryover funding to address these costs in FY 2008–2009, while full state funding to address this issue continues to be pursued.

Resources Available to Address this Need

New security funding based on the CPI rate for FY 2008–2009 will total approximately \$12.644 million. An additional \$20.0 million in one-time funding from the TCTF authorized by the legislature, \$2.291 million in one-time funding from the TCTF, and \$10.274 million in one-time security carryover money will also be available.

The total security funding available for FY 2008–2009 is \$507.957 million, while the security costs total \$507.852 million. The table below details these amounts.

Security Funding - FY 2008–2009

Security Base Allocations FY 2007–2008	\$476,649,238
Less: One-Time FY 2007–2008 Security Funding for Ongoing Costs	(13,902,483)
Add: New CPI Funding at 2.7%	12,644,350
One-time Funding from TCTF Authorized by the Legislature	20,000,000
Additional One-time Funding from TCTF	2,291,716
One-time Security Carryover Funding	<u>10,274,383</u>
 FY 2008–2009 Security Funding	 \$507,957,204

Security Costs - FY 2008–2009

Security Base Allocations FY 2007–2008	\$476,649,238
Add: Projected FY 2008–2009 Cost Increases	20,181,433
One-time Retiree Health Costs in MOEs	4,976,000
Costs in Excess of Standards	<u>6,045,050</u>
 Projected Security Costs FY 2008–2009	 <u>\$507,851,721</u>

One-Time Security Funding Available for New Facilities Allocation \$ 105,483

Alternative Actions Considered for Recommendations

An alternative to the proposed recommendation would be to not allocate any one-time security funds, but to allocate only the \$12.644 million in FY 2008–2009 CPI security funding and the \$20.0 million authorized in the 2008 Budget Act to address security cost increases. This lower amount of funding could result in courts having to implement significant reductions in the level of security services currently being provided. Because one-time security funding is available to meet the funding need for FY 2008–2009, this alternative is not recommended.

EXHIBIT 18

Memorandum 2001-9

**Statutes Made Obsolete by Trial Court Restructuring:
Sheriff/Marshal**

BACKGROUND

Historically, sheriffs, marshals, and constables each served a different trial court. Sheriffs were associated with the superior court, marshals with the municipal court, and constables with the justice court.

Each of these officers has non-court, as well as court-related functions. Court-related functions include service of process and notices, execution and return of enforcement of writs, acting as crier and calling witnesses, and attending court and executing lawful court orders and directions. Trial court funding legislation includes in its definition of court operations, "Those marshals, constables, and sheriffs as the court deems necessary for court operations." Gov't Code § 77003(a)(3).

The non-court functions of these officers are substantial, however. Those functions relate significantly to their peace officer status, including law enforcement and incarceration operations.

There has been some overlap and commingling among the various types of court-services officers. In some counties, for example, the board of supervisors has been authorized to transfer certain court service functions from the sheriff to the marshal. See, e.g., Gov't Code §§ 26608.3-26608.5 (Shasta, Santa Barbara, and Glenn counties).

IMPACT OF TRIAL COURT FUNDING REFORM

In the aftermath of trial court funding reform, the courts contract directly for the provision of court security services:

Gov't Code § 77212.5. Contracts for court security services

77212.5. Commencing on July 1, 1999, and thereafter, the trial courts of each county in which court security services are otherwise required by law to be provided by the sheriff's department shall

enter into an agreement with the sheriff's department that was providing court security services as of July 1, 1998, regarding the provision of court security services.

It should be noted that this provision is limited to courts for which sheriff-provision of services is required by law. Trial courts that employ marshals are not required to hire sheriffs under this section, nor are they required to enter into agreements with sheriffs.

CONSOLIDATION OF SHERIFF AND MARSHAL OPERATIONS

Consolidation of sheriff and marshal operations has been an ongoing process. Before trial court unification, the sheriff and marshal operations in a number of counties were consolidated. For example:

§ 72110. Consolidation of court-related services in Riverside County

72110. (a) Notwithstanding any other provision of law, the Board of Supervisors of Riverside County may find, after holding a public hearing on the issue, that cost savings can be realized by consolidation of court-related services provided by the sheriff and both offices of the marshal within that county. If that finding is made, there shall be conducted among all of the judges of the superior and municipal courts of that county an election to determine the agency, either the sheriff or both offices of the marshal, under which court-related services shall be consolidated. The outcome shall be determined by a simple majority of votes cast. The registrar of voters shall administer that election and tabulate the results thereof. The results of that election shall be reported within 15 days following the election period by the registrar of voters to the board of supervisors and to the judges of the superior and municipal courts of that county. The board of supervisors shall immediately commence and, within a reasonable time not to exceed 90 days, implement the determination made by a majority of the votes cast by the judges of the superior and municipal courts of the county in that election. If an election is not conducted within 90 days of notification of the board of supervisors' finding, or if the results of the election are evenly divided, the board of supervisors of that county shall determine under which agency, either the sheriff or both offices of the marshal, court-related services shall be consolidated, and shall proceed to implement that consolidation as if on the basis of a majority of the votes cast by the judges of the superior and municipal courts of that county.

(b) Notwithstanding any other provision of law, the marshals and all personnel of the marshals' offices or personnel of the sheriff's office affected by a consolidation of court-related services under this section or Section 26668 shall become employees of that consolidated office at their existing or equivalent classifications, salaries, and benefits, and except as may be necessary for the operation of the agency under which court-related services are consolidated, shall not be involuntarily transferred during a period of six years following the consolidation out of that consolidated court-related services office. The elective offices of marshal for the County of Riverside shall be abolished upon a determination pursuant to the procedures required by this section or Section 26668 that consolidated court-related services shall be provided by the sheriff.

(c) Permanent employees of the marshals' offices or sheriff's office on the effective date of a consolidation under this section or Section 26668 shall be deemed qualified, and no other qualifications shall be required for employment or retention. Probationary employees of the sheriff's office or the marshals' offices on the effective date of a consolidation under this section or Section 26668 shall retain their probationary status and rights, and shall not be deemed to have transferred so as to require serving a new probationary period. Transferring personnel may be required to take a promotional examination to promote to a higher classification but shall not be required to retest for his or her existing classification as a prerequisite to testing for a higher classification. A transferring deputy marshal requesting a transfer to another division in the sheriff's office shall not be required to take a written test as a prerequisite to making a lateral transfer.

(d) All county service or service by employees of the sheriff's office or the marshals' offices on the effective date of a consolidation under this section or Section 26668 shall be counted toward seniority in that court-related services office, and all time spent in the same, equivalent, or higher classification shall be counted toward classification seniority.

(e) No employee of the sheriff's office or the marshals' offices on the effective date of a consolidation under this section or Section 26668 shall lose peace officer status, or be demoted or otherwise adversely affected by a consolidation of court services.

See also Sections 26625-26625.15 (Contra Costa County), 26630-26637 (Ventura County), 26638.1-26638.11 (Sacramento County), 26639-26639.3 (Los Angeles County), 26639.5-26639.6 (Solano County), 72114.2 (San Diego County), 72115 (San Bernardino County), 72116 (Shasta County).

The consolidation process has been accelerated by trial court unification. When unification occurs, the status quo of sheriff and marshal rights and terms of employment are maintained, pending further legislative action:

Gov't Code § 70217. Effect of unification on court personnel

70217. On unification of the municipal and superior courts in a county, until adoption of a statewide structure for trial court employees, officers, and other personnel by the Legislature:

(a) Notwithstanding any other provision of law contained in this title, upon unification, previously selected officers, employees, and other personnel who serve the courts shall become the officers, employees, and other personnel of the unified superior court at their existing or equivalent classifications, and with their existing salaries, economic and noneconomic benefits and other existing terms and conditions of employment that include, but are not limited to, accrued and unused vacation, sick leave, personal leave, health and pension plans, civil service or merit system coverage, and other systems that provide similar employment protections. The status, position, and rights of such persons shall not be affected by the unification and shall be retained by them as officers, employees, and other personnel of the unified superior court. This provision shall be retroactive to the date of unification and shall supersede any other provision of law governing at-will employment or exemption from civil service coverage applicable to these employees. It is the intent of the Legislature to ensure that officers, employees, and other personnel of the superior court do not lose employment protections to which they were entitled when unification took effect as a result of unification.

(b) Permanent employees of the municipal and superior courts on the effective date of unification shall be deemed qualified, and no other qualifications shall be required for employment or retention. Probationary employees on the effective date of unification shall retain their probationary status and rights, and shall not be deemed to have transferred so as to require serving a new probationary period.

(c) Employment seniority of an employee of the municipal or superior courts on the effective date of unification shall be counted toward seniority in the unified superior court, and all time spent in the same, equivalent, or higher classification shall be counted toward classification seniority.

(d) No officer or employee with peace officer status shall lose that status as a result of unification, and any officer or employee authorized to perform notice and process services or court security services in the municipal court is authorized to perform those services in the unified superior court.

However, the Trial Court Employment Protection and Governance Act does not provide a framework for resolving sheriff/marshal issues. That act does not cover sheriffs. See Section 71601(m) ("trial court employee" does not include sheriffs). That treatment is appropriate, given the noncourt responsibilities of those officers. But it leaves unresolved the question of the ultimate treatment to be given the officers in a unified court.

DISPOSITION OF INDIVIDUAL STATUTES

As a result of the development of trial court funding, unification, and court employment reforms, no generalizations can be made about the various statutes governing sheriff and marshal operations in the courts. Each statute must be individually analyzed in light of the circumstances of every county, and a decision made as to disposition of that statute.

For example, Government Code Section 69915 relates to consolidation of sheriff and marshal services in Merced, Orange, and Shasta counties.

Gov't Code § 69915. Consolidation of sheriff and marshal services

69915. (a) Notwithstanding any other provision of law, and except as provided in subdivision (j), the Board of Supervisors of each of the Counties of Merced, Orange, and Shasta may commence public hearings regarding the abolition of the marshal's office and the transferring of court-related services provided by the marshal within the county to the sheriff's department. Within 30 days of the commencement of public hearings as authorized by this section, the board shall make a final determination as to the most cost-effective and most efficient manner of providing court-related services.

(b) Concurrently, an election may be conducted among all of the judges of the consolidated courts of the county to provide an advisory recommendation to the board of supervisors on the abolition of the marshal's office and the transferring of court-related services provided by the marshal within the county to the sheriff's department. The outcome shall be determined by a simple majority of votes cast. The vote of the judges shall then be forwarded to the board of supervisors prior to the close of the public hearing, and the board of supervisors shall take into advisement the recommendation of the judges provided by the election report.

(c) The determination of the abolishment of the marshal's office or the transferring of the duties of the marshal shall occur pursuant to the board's determination, and shall be concluded no later than July 1, 2000.

(d) The courtroom assignment of bailiffs after abolition of the marshal's office and the consolidation pursuant to this section shall be determined by a two-member committee comprised of the presiding judge of the consolidated court and the sheriff, or their designees. Any new bailiff assignments shall be made only after consultation with the affected judge or commissioner in whose courtroom a new assignment is planned.

It is the intent of the Legislature, in enacting this subdivision, to ensure that courtroom assignments are made in a manner that best ensures that the interests of the affected judge or commissioner and bailiff are protected.

(e) Notwithstanding any other provision of law, the marshal and all personnel of the marshal's office affected by the abolition of the marshal's office in the county shall become employees of the sheriff's department at their existing or equivalent classification, salaries, and benefits, and, except as may be necessary for the operation of the agency under which court-related services and the service of civil and criminal process are consolidated, they shall not be involuntarily transferred out of the consolidated office for a period of five years following the consolidation.

(f) Personnel of the abolished marshal's office shall be entitled to request an assignment to another division within the sheriff's department, and that request shall be reviewed the same as any other request from within the department. Persons who accept a voluntary transfer from the court services/civil division shall waive their rights pursuant to subdivision (e).

(g) Permanent employees of the marshal's office on the effective date of the abolition of the marshal's office pursuant to this section shall be deemed to be qualified, and no other qualifications shall be required for employment or retention. Probationary employees of the marshal's office on the effective date of a consolidation pursuant to this section shall retain their probationary status and rights and shall not be deemed to have transferred so as to require serving a new probationary period.

(h) All county service or service by employees of the marshal's office on the effective date of a consolidation pursuant to this section shall be counted toward seniority in the consolidated office, and all time spent in the same, equivalent, or higher classification shall be counted toward classification seniority.

(i) No employee of the marshal's office on the effective date of a consolidation pursuant to this section shall lose peace officer status, or otherwise be adversely affected as a result of the abolition and merger of personnel into the sheriff's department.

(j) Subdivisions (d) to (i), inclusive, shall not apply to the County of Orange. Prior to a determination by the Orange County Board of Supervisors to abolish the marshal's office and to transfer

duties of the marshal to the sheriff, the board of supervisors shall do both of the following:

(1) Meet and confer with affected employee bargaining representatives with respect to matters within the scope of representation that would be affected by a determination to abolish the marshal's office and to transfer duties of the marshal to the sheriff. These matters shall include, but not be limited to, seniority within the merged departments, job qualifications, classification of positions, and intradepartmental transfers. For purposes of carrying out this paragraph, employees of the superior court whose job classification confers safety status shall have the right to representation in accordance with the local employer-employee resolution and to bargain in accordance with Sections 3504, 3505, and 3505.1. The board of supervisors is not authorized to abolish the office of the marshal and to transfer duties of the marshal to the sheriff unless a mutual agreement, or mutually agreed to amendment to an existing memorandum of understanding as authorized by this section, is reached with each affected recognized employee organization pursuant to Section 3505.1 and adopted by the board of supervisors.

(2) Confer with the presiding judge of the superior court or his or her designated representative and the sheriff to discuss courthouse security and to establish a mechanism for the assignment of courtroom security personnel. Any agreement made in accordance with this paragraph that commits the superior court to fund services shall be approved by the presiding judge of the superior court or his or her designee. Any agreement entered into pursuant to this paragraph shall become effective only upon a majority vote of the board of supervisors to abolish the office of the marshal or to transfer duties of the marshal to the sheriff.

(k) Upon a determination by the Orange County Board of Supervisors to abolish the office of marshal and to transfer duties of the marshal to the sheriff, Article 17.1 (commencing with Section 74010) of Chapter 10 shall become inoperative.

To our knowledge, due to ongoing personnel issues in the affected counties, this statute may have continuing relevance and there is a need to maintain in the law its guarantee of rights. For that reason, this statute should be preserved and not repealed as obsolete.

We plan to make a similar inquiry of each affected office before suggesting disposition of the statutes relating to that office.

SAVING CLAUSE

As we proceed through the statutes cleaning out obsolete references to consolidated offices, we need to bear in mind that, although court services are performed by the sheriff in most counties, these services are performed by the marshal's office in other counties. To our knowledge, counties that may have marshals today include Del Norte, Glenn, Inyo, Merced, Orange, San Benito, Santa Barbara, Shasta, and Trinity. However, this is the result of the historical development of those offices in those counties. And in fact, the court services in a unified court are the same, whether performed by a sheriff or a marshal.

The staff thinks it would be worthwhile to add a saving clause along the following lines:

Gov't Code § 26618 (added). "Sheriff" includes marshal

26618. A reference in a statute to the sheriff of a county means the marshal of a county in which the right, duty, authority, liability, or other matter to which the statute relates is by law performed by the marshal.

Comment. Section 26618 is added in recognition of the fact that in some counties functions of the sheriff may be performed by the marshal. Cf. Sections 26608.3-26608.5 (Shasta, Santa Barbara, and Glenn counties).

CORRECTION OF STATUTORY REFERENCES TO SHERIFF OR MARSHAL

Many statutes refer generally to actions in superior court by the "sheriff." These references are incorrect with respect to a county in which as a result of consolidation the court services are performed by the marshal. Likewise, there are other statutory references to the "sheriff or marshal." These references are obsolete generally where consolidation has occurred, and should be cleaned up.

One approach to correction of the statutory references to the sheriff or marshal would be to rely on the saving clause proposed above. All references would be to the sheriff, with a Comment noting that this means marshal in a county in which the court service functions are performed by the marshal. For example:

Gov't Code § 26665 (amended). Writs and notices

26665. All writs, notices, or other process issued by superior or ~~municipal~~ courts in civil actions or proceedings may be served by any duly qualified and acting ~~marshal or sheriff~~ of any county in the state, subject to the Code of Civil Procedure.

Comment. Section 26665 is amended to reflect elimination of the municipal courts as a result of unification with the superior courts pursuant to California Constitution Article VI, Section 5(e). It should be noted that functions under this section may be performed by the marshal of a county in which such functions have been assigned by law to the marshal. Section 26618 (“sheriff” includes marshal).

The staff is not completely happy with an approach such as this. Granted, in most counties these functions are performed by the sheriff. But as long as the marshal will perform the functions on an ongoing basis in a significant number of counties, this is bound to promote confusion.

An alternative would be to amend sheriff and marshal references throughout the codes to refer to the “court services officer” or some such term, and define that term to include the sheriff or marshal. (Much in the same way that the term “levying officer” is used in enforcement of judgments statutes, and is defined to include the sheriff or marshal. See, e.g., Code Civ. Proc. § 680.260.)

Thus:

Gov’t Code § 26603 (amended). Superior court attendance

26603. Except as otherwise provided by law, whenever required, the ~~sheriff~~ court services officer shall attend all superior courts held within ~~his~~ the officer’s county provided, however, that a ~~sheriff~~ court services officer shall attend a civil action only if the presiding judge or ~~his~~ the presiding judge’s designee makes a determination that the attendance of the ~~sheriff~~ court services officer at ~~such~~ the action is necessary for reasons of public safety. The ~~sheriff~~ court services officer shall obey all lawful orders and directions of all courts held within ~~his~~ the officer’s county.

Comment. Section 26603 is amended to reflect that the court services referred to may be provided by the marshal and not by the sheriff in a county in which those services are authorized by law to be provided by the marshal. See Section 69914 (“court services officer” defined).

Gov’t Code § 26611 (amended). Court crier

26611. The ~~sheriff~~ court services officer in attendance upon court shall act as the crier ~~thereof. He~~ of the court. The officer shall call the parties and witnesses and all other persons bound to appear at the court and make proclamation of the opening and adjournment of the court and of any other matter under its direction.

Comment. Section 26611 is amended to reflect that the court services referred to may be provided by the marshal and not by the sheriff in a county in which those services are authorized by law to

be provided by the marshal. See Section 69914 (“court services officer” defined).

Gov’t Code § 69914 (added). Court services officer

69914. “Court services officer” means, when used with reference to the superior court of a county, the sheriff or marshal of the county, to the extent the sheriff or marshal is authorized by law to provide the following court services:

(a) Court security services, including prisoner transportation services, prisoner escort services, bailiff services, courthouse and other security services, and the execution of court orders and bench warrants requiring the immediate presence in court of a defendant or witness.

(b) Notice and process services, including service of summons, subpoenas, warrants, and other civil and criminal process.

Comment. Section 69914 is added for convenience of reference to the sheriff or marshal, as may be appropriate. It is drawn from Section 26671.4 (Santa Barbara County sheriff–marshal consolidation). Counties in which the marshal, and not the sheriff, may be authorized to perform court services include Shasta, Santa Barbara, and Glenn. Cf. Sections 26608.3-26608.5.

Respectfully submitted,

Nathaniel Sterling
Executive Secretary

EXHIBIT 19



Enrolled Bill Report

Bill Number	Author	As Amended
AB 1587	KATZ	8/23/93
Subject		
LOS ANGELES COUNTY: MARSHALS		

SUMMARY

This bill would establish a procedure for the consolidation of court-related services provided by the sheriff and marshal of Los Angeles County.

ANALYSIS

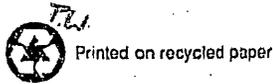
Existing law requires the sheriff in Los Angeles County to provide court-related services such as bailiff duties, security, prisoner transportation, service of process, and investigations to the superior courts, and the marshal to provide these services to the municipal courts in Los Angeles County.

Existing law also provides for the consolidation of sheriff's and marshal's offices to handle court-related services in several counties throughout the State. For example, in San Diego County, the Board of Supervisors is authorized to implement consolidation upon majority approval by the municipal and superior court judges in the County. Existing law similarly authorizes the Riverside County Board of Supervisors to consolidate court-related services provided by the sheriffs and marshals after holding public hearings to find that costs could be reduced by consolidation and after conducting an election of the county superior and municipal court judges to determine the agency under which court-related services would be consolidated. Existing law contains similar consolidation provisions for eight other counties in California.

AB 1587 would provide that the Board of Supervisors of Los Angeles County may, no later than October 1, 1993, commence public hearings regarding the consolidation of court related services provided by the sheriff's and marshal's offices. This bill would require that within 30 days of the commencement of the hearings, the Board must make a final determination as to the most cost effective and most efficient manner of consolidation.

AB 1587 would provide that concurrent with the public hearings, the judges of the County superior and municipal courts may provide

Recommendation	
SIGN	
By	Date
	9/13/93
Title	
Richard Sybert	
Director	



an advisory recommendation to the Board as to the preferred agency for consolidation. The advisory recommendation shall be determined by a simple majority vote of the judges. AB 1587 would provide that the judges' recommendation shall then be forwarded to the Board of supervisors before the close of the public hearing, and the Board would be required to consider the recommendation. This bill would require that the consolidation must be implemented according to the Board's determination, and must conclude by July 1, 1994.

AB 1587 would further provide that the courtroom assignment of bailiffs after the consolidation shall be determined by a three member committee comprised of the presiding judge of the superior court, the Chairperson of the Municipal Court Judges' Association, and the bailiff's management representative, or their designees. This measure would provide that any new bailiff assignments shall be made only after consultation with the affected judge for the new courtroom assignment, the bailiff's management representative, and the bargaining unit of the bailiff employee, if the employee is represented. AB 1587 would declare legislative intent that this section would ensure that courtroom assignments are made in the interests of the affected judge and bailiff.

AB 1587 would further provide that all existing employee classifications, salaries, benefits, status, and rights would be protected under consolidation. AB 1587 would also provide that except as would be necessary for the operation of the agency, all employees would also be protected from involuntary transfer out of a consolidated court-related service office for a period of five years following consolidation.

Finally, AB 1587 provides that no sheriff's or marshal's personnel would lose peace officer status, or be demoted or otherwise adversely affected by a consolidation of court services.

COST

No appropriation. This bill would not create a State-mandated local program.

ECONOMIC IMPACT

This bill would not appear to impact California's business climate.

LEGAL IMPACT

There are two bills currently pending on the Governor's action, both of which propose a means of authorizing the consolidation of the sheriff's and marshal's offices court related services. AB 479 and AB 1587 (Katz) are not double-joined and both propose to create new statutes, therefore they would not chapter each

other out if both were signed. However, because they propose different approaches to consolidation, if the Governor chooses to grant this authority, only one bill should be enacted in order to prevent confusion.

LEGISLATIVE HISTORY

AB 1587 is sponsored by the Association for Los Angeles Deputy Sheriffs (ALADS).

Historically, county sheriffs, marshals, and constables have provided bailiff, security, service of civil and criminal process and other court related services to the superior, municipal, and justice courts, respectively. Over the past several years, the Legislature has authorized several counties to consolidate these court related services into either the office of the sheriff or marshal. Counties must obtain legislative approval in order to consolidate these offices, and as the court services provided by these offices are duplicative, many counties have sought this consolidation authority as an efficient cost savings measure.

However, the method of consolidating these offices has been somewhat controversial, particularly in the case of Los Angeles County. Currently, there are two measures pending the Governor's action which authorize the consolidation the court related services of the sheriff's and marshal's offices in Los Angeles County. The primary issue is not whether or not to consolidate, as there is wide agreement that consolidation under either office would save the County approximately \$10 million annually; the issue is who should determine which office to consolidate under: the judges or the County Board of Supervisors. AB 479, a measure sponsored by the Los Angeles County Marshals Association, would, for the most part, give the authority to the judges. AB 1587 would give the consolidation authority to the County Board of Supervisors.

The details of the consolidation process provided for in AB 1587 are as follows:

- ° AB 1587 would allow the Los Angeles County Board of Supervisors to hold a public hearing regarding the consolidation of court related services provided by the sheriff's and marshal's offices, beginning no later than October 1, 1993. This bill would require the Board to make a final determination as to the most cost effective and most efficient manner of consolidation within 30 days after the commencement of the hearing.
- ° AB 1587 would provide that concurrent with the public hearings, the judges of the County superior and municipal courts may provide an advisory recommendation to the Board as to the preferred agency for consolidation. AB 1587 would provide that the judges' recommendation shall then be forwarded to the Board of supervisors before the close of the public hearing, and the Board would be required to take the recommendation into advisement.

- ° This bill would require that the consolidation must be implemented according to the Board's determination, and must conclude by July 1, 1994.
- ° AB 1587 would further provide that the administration of courtroom assignment of bailiffs after the consolidation shall be determined by a three member committee comprised of the presiding judge of the superior court, the Chairperson of the Municipal Court Judges' Association, and the bailiff's management representative, or their designees.

Therefore, although this bill would allow the judges to provide a recommendation for consolidation, the decision would actually lie with the Board of Supervisors.

AB 479 similarly contains some provisions for the participation of the County Board of Supervisors in the consolidation determination; however, in that measure, the decision ultimately rests with the judges. In AB 479 the Board would have the authority to reject or ratify the determination by the judges. However, if the Board rejects the judges' plan, no consolidation would take place. Therefore, both measures contain some token compromise, but in the end, one group or the other would have the decision making authority. The author's staff stressed that this consolidation process has been put off for 30 years, and only AB 1587 would require the consolidation of the court services once a public hearing has commenced on the issue. AB 479 would allow a situation where no consolidation would take place due to differences between the judges and the Board.

Since the 1970s, ten counties have consolidated the court related services of the sheriff and marshal's offices: Ventura, San Diego, Orange, Merced, Sacramento, Contra Costa, Riverside, San Bernardino, Shasta, and Stanislaus. Seven of these consolidations were undertaken by a procedure similar to the one proposed by AB 479. That is, the decision was determined by a majority vote of the municipal and superior court judges. Of these seven, in three cases the judges voted to consolidate under the marshal, and in four cases the judges voted to consolidate under the sheriff. In two other counties, Ventura and Merced, all interested parties agreed to legislation prior to the consolidation, and the measure designated the prevailing agency. In 1982, Orange County was given the authority to consolidate its sheriff and marshal court services. Under the Orange County plan, a consolidation advisory committee was created, composed of two Board members, two judges, and a fifth person unanimously agreed upon by the other committee members. The plan created by the committee was then forwarded to the judges of the County municipal and superior courts for ratification or rejection.

Proponents of AB 1587 note that the non-binding precedent for consolidation procedures established by these counties is misleading. Staff indicated that in most of these other counties,

either a decision was reached prior to legislation regarding what office to consolidate under, or the boards of supervisors did not want to take on the decision of choosing the presiding office, and so the authority was given to the judges. Staff explained that this is not the case in Los Angeles County. The Board of Supervisors wants to be given the authority because they believe consolidation is a budgetary issue. Furthermore, staff stated that the judges do not have credibility with the Board of Supervisors. He commented that the Board is elected to make these fiscal decisions, and the judges are elected to make judicial decisions.

According to the author's staff, currently the Los Angeles County sheriff's and marshal's offices provide duplicative bailiff services for the municipal and superior courts. This measure would allow the two offices to be consolidated if a hearing is held to determine if such an action would result in cost savings or increased efficiency of services. This merger of court services would be consistent with the county's trial court realignment plan to achieve greater efficiency which is required under the Trial Court Realignment and Efficiency Act of 1991 (Ch. 90 and Ch. 189).

Furthermore, the sponsor indicated that the Board of Supervisors is prepared to hold a public hearing in October, as provided for in AB 1587, should this bill be enacted.

Support

AB 1587 is supported by: the California State Association of Counties, Los Angeles County, the Association of Highway Patrolman, the California Peace Officers Association, the California Police Chief's Association, and the California State Sheriffs' Association.

Proponents noted that consolidation under AB 479 would be determined by a secret ballot vote by the judges, whereas AB 1587 would allow the decision to be made by an open ballot vote of the Board of Supervisors. Proponents note that this decision should not be left to the judges because this would be a biased and unfair process. Specifically, the judges appoint the marshal, and the marshal thus serves at the pleasure of the judges. The sheriff is an elected official in Los Angeles County, and serves at the pleasure of the voters.

Opposition

AB 1587 is opposed by: the California Association of Collectors, the Los Angeles County Court Presiding Judges Association, the Municipal Court Judges' Association of Los Angeles County, the Marshals Association of California, and the San Diego County Marshals Association.

Opponents to AB 1587 argue that determining the prevailing agency for consolidation is an administrative issue which should be left to the courts. Staff noted that judges are more concerned about the levels of security which adequately protect the public, the courts, and personnel. Any determination by the judges would be based primarily on who would best provide court security, which would not necessarily be the most cost efficient office.

However, supporters of AB 1587 counter that (1) that deputy marshals and deputy sheriffs are county employees and this is county money; (2) this is a cost savings issue, for which the Board of Supervisors has purview, and consolidation should be based on the most cost efficient method; (3) this bill allows the judges to provide an advisory recommendation; and (4) this bill would give the judges authority over the administrative issue of bailiff assignment.

Opponents further believe that this is a separation of powers issue. Bailiff duties are the responsibility of the courts, and consolidation should be a decision by the courts. However, staff with Los Angeles County (which is neutral on AB 479) explained that deputy sheriffs and deputy marshals are a unique hybrid of court/county employees: they are responsible to the courts, but their salaries and benefits are paid for by the county (pursuant to the Trial Court Funding Realignment of 1991, counties pay approximately 55% and the State pays approximately 45% of court funding).

Opponents of this bill note that in May 1992, the Los Angeles County Commission on Local Government Services issued a report on bailiff services in the Los Angeles County court system. The report made the following conclusions and recommendations:

1. All bailiff services should be supervised by one operating agency.
2. The Board of Supervisors should seek State legislation authorizing such consolidation of services.
3. The legislation should enable the Board to conduct an election of county judges to decide whether the sheriff or marshal should assume the services. If the election does not take place within six months, the decision should revert to the Board.
4. The County's chief administrative officer should study the potential cost savings which may be realized through the use of civilian personnel in the court system.
5. The Board should call for proposals from the sheriff and marshal relative to operation, transition plans, and costs if they were to become the prevailing agency for operation.

the judges the administrative role of determining bailiff courtroom assignment; and (5) this bill would require consolidation after the Board commences a public hearing, therefore an issue which has been put off for 30 years would no longer fail to be implemented due to indecision and disagreement between the judges and the Board.

Finally, OPR recommends that the Governor sign one of the consolidation bills. If both bills are vetoed, Los Angeles County has no authority to consolidate the court services provided by the sheriff's and marshal's offices. Consolidation will save the County at least \$10 million annually, and would streamline court services and eliminate local government wasteful spending. If both measures are vetoed, after the severe budget cuts counties have experienced in recent years, the Governor may appear insensitive to the fiscal needs of the County.

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