



Judicial Council of California

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on December 11, 2015

Title	Agenda Item Type
Trial Court Trust Fund Allocations: 2 Percent State-Level Reserve	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
None	December 11, 2015
Recommended by	Date of Report
Trial Court Budget Advisory Committee 2 Percent Funding Request Review Subcommittee	November 30, 2015
Hon. Brian L. McCabe, Cochair Mr. Richard Feldstein, Cochair	Contact
	Patrick Ballard, Supervisor Judicial Council Finance 818-558-3115 patrick.ballard@jud.ca.gov

Executive Summary

The Trial Court Budget Advisory Committee's 2 Percent Funding Request Review Subcommittee presents a recommendation to the Judicial Council on the Superior Court of Humboldt County application for supplemental funding. There is \$37.6 million remaining of the Trial Court Trust Fund (TCTF) 2 percent reserve for fiscal year 2015–2016, from which by statute the Judicial Council allocates if there has been an approved request from a trial court(s) requesting supplemental funding for urgent needs due to unforeseen emergencies or unanticipated expenses. The total amount requested by the Superior Court of Humboldt County is \$252,000.

Recommendation

Based on actions taken at its November 13, 2015 meeting the Trial Court Budget Advisory Committee's 2 Percent Funding Request Review Subcommittee recommends that the Judicial Council, effective December 11, 2015, allocate \$110,000 as a loan to the Superior Court of Humboldt County from the TCTF 2 percent state-level reserve with the following conditions:

- a. The court must seek assistance from the county to share costs associated with this request; and
- b. Apply for the reimbursement of eligible costs from the Extraordinary Costs of Homicide Trials Reimbursement program.
- c. In fiscal year 2016–2017, the court will request a one-time distribution for the remaining balance of the loan, if it is unable to pay the amount.

Previous Council Action

Supplemental funding process and criteria

On June 27, 2012, the Governor signed into law Senate Bill 1021, which repealed the provisions in Government Code section 77209 related to funding for urgent needs from the Trial Court Improvement Fund (TCIF). SB 1021 added Government Code section 68502.5(c)(2)(B), which requires that the Judicial Council set aside as a reserve an amount equal to 2 percent of the TCTF appropriation in Program 45.10. In response to this new statute, the council, at its August 31, 2012 meeting, approved the policy with regard to the process, criteria, and required information for requesting supplemental funding from the reserve. This process modified what was approved by the Judicial Council at its October 28, 2011 meeting as it related to requests for supplemental funding for urgent needs from the TCIF. (See Attachment A: Judicial Council–Approved Process for Supplemental Funding.)

At the Judicial Council's October 28, 2014 business meeting, the council approved the Trial Court Budget Advisory Committee (TCBAC) recommended changes to expedite the distribution of the unexpended reserve funds to trial courts earlier in the fiscal year, and to establish a process for courts to apply for funding for emergencies after these funds have been distributed. For 2015–2016, the TCBAC recommended proposing amendments to the statute that establishes the 2 percent state-level reserve. The council approved the following recommendations at its October 28, 2014 business meeting:¹

1. Starting in 2014–2015, approved the distribution in January, after the Judicial Council's December business meeting, of 75 percent of the remaining Trial Court Trust Fund (TCTF) 2 percent reserve funds. From January 1 through March 15, the remaining 25 percent of the 2 percent reserve are is available for court requests due to unforeseen emergencies or unanticipated expenses. These court requests are to be reviewed and recommended to the

¹ Judicial Council of Cal., mins. (Oct. 28, 2014), p. 35; see www.courts.ca.gov/documents/jc-20141028-minutes.pdf.

Judicial Council by a TCBAC working group [2 Percent Funding Request Review Subcommittee]. Any remaining funds are to be distributed back to the trial courts after March 15. The Judicial Council's current approved supplemental funding process is to be updated by staff to reflect these changes.

2. Directed that court requests due to unforeseen emergencies or unanticipated expenses approved after March 15 and until June 30 be distributed to the court as a cash advance loan until the following fiscal year when the court, if necessary, could apply for supplemental funding from the TCTF 2 percent reserve at the Judicial Council's October business meeting in order to repay the cash advance loan. These court requests are to be reviewed and recommended to the Judicial Council.
3. Directed the TCBAC—working with the Court Executives Advisory Committee, Trial Court Presiding Judges Advisory Committee, and Policy Coordination and Liaison Committee—to recommend proposed amendments to Government Code section 68502.5(c)(2)(B), the statute that establishes the 2 percent reserve, to be included as trailer bill language...²

Prior Requests

The Judicial Council has not previously considered a supplemental funding request from the Superior Court of Humboldt County.

Recommendation

Allocate \$110,000 as a loan to the Superior Court of Humboldt County from the Trial Court Trust Fund (TCTF) 2 percent state-level reserve. The court will work with the county to contribute towards the costs associated with this request and also apply for reimbursement of eligible costs from the extraordinary homicide program to repay the loan to the TCTF 2 percent reserve. In fiscal year 2016–2017, the court will request a one-time distribution for the remaining balance of the loan, if it is unable to pay the amount.

Rationale for Recommendation

The Superior Court of Humboldt County is projecting a \$241,000 (General Fund) negative fund balance for 2015–2016, and therefore submitted an application requesting supplemental funding of \$252,000. The application identifies the reason for applying for supplemental funding as arising from the extraordinary expenditures the court will need to incur from the 24 homicide cases being filed in 2015, a more than 200 percent increase from the average number of homicide cases filed in a one-year period. Additionally, most of the cases filed do not have time waivers and some are high profile with daily transcripts ordered. The court indicates it may have to incur an estimated \$252,000 for the additional facility space, court reporters and security needed to be

²In a separate December 11, 2015 report to the Judicial Council, the Policy Coordination and Liaison Committee and the TCBAC are recommending the council sponsor legislation to amend the statute that establishes the 2 percent reserve.

able to hold all the trials. (See Attachment B for the application submitted by the Superior Court of Humboldt County.)

Although the Humboldt County court indicates that it is projecting a negative balance of \$241,000 (General Fund), the court's overall fund balance is a negative \$973 for 2015–2016, due to the court having \$240,000 that is statutorily restricted. Ninety-five percent or \$228,000 of the statutorily restricted fund balances are from the: 2 percent Automation Fund Replacement Distribution (Gov. Code, § 77207.5(b)); Administrative Assessment up to \$10 (Veh. Code, § 40508.6); and Fees Related to Vehicle Code sections 16028, 16030, and 16031 (Pen. Code, § 1463.22(a)).

The application identifies the consequences to the public, access to justice, and court operations of not receiving urgent-needs monies. The Humboldt County court indicates that if funding is not received, the court will be unable to open and staff a courtroom for upcoming trials, and backlogs will increase. This deficit will also put in jeopardy the first COLA in seven years for court staff, potentially continuing the loss of court staff to local employers and affecting court operations, such as processing filings, assisting the public at the counter, and clerking court proceedings.

Discussion of options for recommendation

On November 13, 2015, the TCBAC's subcommittee reviewed and discussed the supplemental funding application from the Superior Court of Humboldt County. The court's executive officer was present to respond to questions from the members. The TCBAC subcommittee concluded that the court meets the criteria of the council-approved policy by demonstrating that the current-year budget deficit is due to the extraordinary expenditures the court expects to incur from the 24 homicide cases filed in 2015: an increase of more than 200 percent over filings in an average year.

Some subcommittee members indicated as a general rule that, by the end of the fiscal year, the monies received from Vehicle Code section 40508.6 and Penal Code section 1463.22(a) should be completely offset by the costs for which these fees are authorized, leaving no unspent monies (or restricted fund balance). The court agreed to reduce its request by applying \$132,000 from the statutorily restricted fund balances. The subcommittee then voted unanimously to recommend a loan of \$110,000 in order to provide funding upfront since the Humboldt County court is already incurring costs and needs to plan for the accommodation of these homicide trials—such as finalizing negotiations for a lease space. However, since the amount of the loan that the court will have to ultimately repay depends on what is negotiated with the county and the actual costs eligible for reimbursement through the extraordinary homicide reimbursement program, the subcommittee members wanted to include some conditions. First, the county should share or contribute toward the costs that the court incurs, such as additional security required above the service level included in the memorandum of understanding. Second, the court should pursue the extraordinary homicide reimbursement process to recoup any costs that are eligible for reimbursement. Third, if, after what is negotiated with the county and reimbursed through the extraordinary homicide reimbursement

program, the court is unable to repay the outstanding loan amount, it could apply for a one-time distribution. The TCBCAC’s subcommittee considered the following options for the supplemental funding request from the Superior Court of Humboldt County and recommend option 2.

Option 1 — Deny the Humboldt County court’s request.

The Humboldt County court indicates that if funding is not received, the court will be unable to open and staff a courtroom for upcoming trials, and backlogs will increase. This action would also put in jeopardy the first COLA in seven years for court staff, resulting in continued loss of staff to local employers and affecting the court’s operations.

Option 2 — Approve funding for the Humboldt County court’s request of \$110,000

Applying the \$132,000 from the statutorily restricted fund balances reduces the court’s General Fund deficit to \$109,000. Option 2 provides for the allocation of \$110,000 as a loan from the 2 percent state-level reserve in the TCTF to the Humboldt County court for its 2015–2016 General Fund operational deficiency.

Table 1 below demonstrates the funding impact of options 1 and 2 on the court’s estimated 2015–2016 ending fund balance.

Table 1: Estimated 2015–2016 Ending Fund Balances for the Humboldt County Court (Options 1 and 2)

	2015–2016 Estimated Fund Balance	Option 1 (\$0)	Option 2 (\$110,000)
General Fund	(241,186)	(109,133)	(109,133)
Statutorily Restricted Funds	240,213	108,160	108,160
Court-Estimated Fund Balance*	(973)	(973)	(973)
Funding Options		0	110,000
Revised General Fund		(109,133)	867
Revised Estimated Fund Balance		(973)	109,027

* Court estimate includes the return of 90 percent of contributed share to the 2 percent state-level reserve in 2015–2016.

Comments, Alternatives Considered, and Policy Implications

As required by the Judicial Council–adopted process for supplemental funding for urgent needs, the Superior Court of Humboldt County was provided a preliminary version of this report for review and comment.

Implementation Requirements, Costs, and Operational Impacts

The costs and operational impacts of granting or not granting the request of the Superior Court of Humboldt County are discussed within each option.

Attachments

1. Attachment A: Judicial Council–Approved Process for Supplemental Funding
2. Attachment B: Superior Court of California, County of Humboldt, Application for Supplemental Funding

Judicial Council-Approved Process for Supplemental Funding

Below is the process for supplemental funding that was approved by the Judicial Council at its August 31, 2012, meeting.

- a. Supplemental funding for urgent needs is defined as unavoidable funding shortfalls, unforeseen emergencies, or unanticipated expenses for existing programs.
 - i. A request can be for either a loan or one-time funding that is not repaid, but not for ongoing funding.
- b. The submission, review, and approval process is:
 - i. All requests will be submitted to the Judicial Council for consideration;
 - ii. Requests will be submitted to the Administrative Director of Judicial Council of California (JCC) by either the court's presiding judge or court executive officer;
 - iii. The Administrative Director of the Courts will forward the request to the JCC Director of Finance.
 - iv. Budget staff of JCC Finance will review the request, ask the court to provide any missing or incomplete information, draft a preliminary report, share the preliminary report with the court for its comments, revise as necessary, and issue a final report for the council;
 - v. The final report will be provided to the requesting court prior to the report being made publicly available on the California Courts website; and
 - vi. The court may send a representative to the Judicial Council meeting to present its request and respond to questions from the council.
- c. Beginning in 2012–2013, court requests for supplemental funding for urgent needs due to unavoidable budget shortfalls, must be submitted to the Administrative Director of the Judicial Council, by no later than October 1. Courts are encouraged to submit supplemental funding requests for urgent needs before the October 1 deadline, but no earlier than 60 days after the Budget Act is enacted into law.
- d. Beginning in 2012–2013, the Judicial Council shall allocate up to 75 percent of the 2 percent state-level reserve fund by October 31 of each year to courts requesting supplemental funding for urgent needs due to unavoidable funding shortfalls.
- e. Beginning in 2012–2013, after October 31 and by March 15 of each fiscal year, the Judicial Council shall allocate the remaining funds if there has been an approved request from a trial court(s) requesting supplemental funding for urgent needs due to unforeseen emergencies or unanticipated expenses for existing programs.

Any unexpended funds shall be distributed to the trial courts on a prorated basis. Beginning in 2014-2015, after October 31 and by March 15 of each fiscal year, the Judicial Council shall allocate 25 percent of the remaining funds if there has been an approved request from a trial court(s) requesting supplemental funding for urgent needs due to unforeseen emergencies or unanticipated expenses for existing programs. Any unexpended funds shall be distributed to the trial courts on a prorated basis. After March 15 and until June 30, requests due to unforeseen emergencies or unanticipated expenses approved, will be distributed to the court as a cash advance loan, until the following fiscal year when the court, if necessary, could apply for supplemental funding from the TCTF 2 percent reserve at the Judicial Council's October business meeting in order to repay the cash advance loan.

These court requests are to be reviewed and recommended to the Judicial Council by the Trial Court Budget Advisory Committee's 2 Percent Funding Request Review subcommittee.

- f. To be considered at a scheduled Judicial Council business meeting, requests submitted after October 31 for supplemental funding due to unforeseen emergencies and unanticipated expenses must be submitted to the Administrative Director of the Judicial Council at least 25 business days prior to that business meeting.
- g. The Judicial Council would consider appropriate terms and conditions that courts must accept in order to receive supplemental funding for urgent needs.

Judicial Council-Approved Criteria for Eligibility for and Allocation of Supplemental Funding

Below are the criteria for eligibility for and allocation of supplemental funding for trial courts' urgent needs that were approved by the Judicial Council at its August 31, 2012, meeting.

- a. Only trial courts that are projecting a current-year negative fund balance can apply for supplemental funding related to urgent needs.
- b. Generally, no court may receive supplemental funding for urgent needs in successive fiscal years absent a clear and convincing showing.
- c. Courts submitting on or before October 1 can only receive up to the amount the court contributed to the 2 percent state-level reserve fund. If the requested amount is beyond the court's contribution to the 2 percent state-level reserve fund, the Judicial Council may distribute more funding to the court, after October 31 and prior to March 15 of the fiscal year.

More specifically, courts that submit by October 1 a request for an unavoidable funding shortfall, may apply with updated financial information for unforeseen emergencies or

unanticipated expenses for existing programs distribution at a future Judicial Council business meeting prior to March 15.

- d. Allocate to all courts in January, 75 percent of unexpended funds from the 2% state-level reserve, regardless of whether the Judicial Council has allocated to a court supplemental funding for an urgent need in the current fiscal year, using courts' current year Trial Court Trust Fund and General Fund base allocation.
- e. If a court that is allocated supplemental funding determines during the fiscal year that some or all of the allocation is no longer needed due to changes in revenues and/or expenditures, [it] is required to return the amount that is not needed.

Judicial Council-Approved Information Required to be Provided by Trial Courts for Supplemental Funding

Below is the information required to be provided by trial courts for supplemental funding for urgent needs that were approved by the Judicial Council at its August 31, 2012, meeting.

- a. A description of what factors caused or are causing the need for funding;
- b. If requesting a one-time distribution, an explanation of why a loan would not be appropriate;
- c. Current status of court fund balance;
- d. Three-year history of year-end fund balances, revenues, and expenditures;
- e. Current detailed budget projections for the current fiscal year (e.g., FY 2012–2013), budget year (e.g., FY 2013–2014), and budget year plus 1 (e.g., FY 2014–2015);
- f. Measures the court has taken in the last three years regarding revenue enhancement and/or expenditure reduction, including layoffs, furloughs, reduced hours, and court closures;
- g. Employee compensation practices (e.g., cost-of-living adjustments) and staffing levels in the past five years;
- h. Description of the consequences to the court's operations if the court does not receive funding;
- i. Description of the consequences to the public and access to justice if the court does not receive funding;

- j. What measures the court will take to mitigate the consequences to court operations, the public, and access to justice if funding is not approved;
- k. Five years of filing and termination numbers;
- l. Most recent audit history and remediation measures;
- m. If supplemental funding was received in prior year, please identify amount received and explain why additional funding is again needed in the current fiscal year; and
- n. If the request for supplemental funding is not for a one-time concern, the court must include an expenditure/revenue enhancement plan that identifies how the court will resolve its ongoing funding issue.

Please check the type of funding that is being requested:

- CASH ADVANCE** (Complete Section I only.)
- URGENT NEEDS** (Complete Sections I through IV.)
 - ONE-TIME DISTRIBUTION**
 - LOAN**



SECTION I: GENERAL INFORMATION

SUPERIOR COURT: Humboldt	PERSON AUTHORIZING REQUEST (Presiding Judge or Court Executive Officer): <i>[Signature]</i> Christopher G. Wilson, Asst. Presiding Judge	
	CONTACT PERSON AND CONTACT INFO: Drew Lund 707-269-1260	
DATE OF SUBMISSION: 11/03/2015	DATE FUNDING IS NEEDED BY: 2/1/2016	REQUESTED AMOUNT: \$ 252,362.48

REASON FOR REQUEST
(Please briefly summarize the reason for this funding request, including the factors that contributed to the need for funding. If your court is applying for a cash advance, please submit a cash flow statement when submitting this application. Please use attachments if additional space is needed.)

Historically, Humboldt has averaged eleven homicides per year. To date in 2015, 24 homicide cases have been filed and more are pending charging. Many of these do not have time waivers. In some of these high profile cases, daily transcripts have been ordered or are anticipated to be ordered. Additionally, the Court is converting its Jury Assembly Room into an additional Courtroom as well as requesting visiting judges to add to our current schedule. In addition there currently is a shortage of Court Reporters and at times a reporter cannot be provided for normal Court workload. Staffing an additional courtroom and providing the court ordered daily transcripts, an additional 2.5 FTE of contracted Court Reporter staff from November 1, 2015 through June 30, 2016 will be needed. Based on current recruiting experiences, these will likely have to come from out of county which will require payment of hotel costs and other expenses during the same period of time.

Section II through Section IV of this form is required to be completed if your court is applying for supplemental funding for urgent needs (unavoidable funding shortfall, unforeseen emergency or unanticipated expenses for existing programs). Please submit attachments to respond to Sections II through Section IV.

SECTION II: TRIAL COURT OPERATIONS AND ACCESS TO JUSTICE

- A. What would be the consequence to the public and access to justice if your court did not receive the requested funding?**
- The Court will not be able to provide trials for defendants' numerous homicide, felony and misdemeanor cases that do not have time waivers. This may pressure the D.A. to make plea offers contrary to public safety or to dismiss cases. Public safety will be at risk because the Court is not able to timely adjudicate cases. Additionally, serious crimes will continue to increase because of the delayed adjudications. Additionally, this will impact judges' decisions when requests for daily transcripts in high profile homicide trials are requested. The aforementioned consequences will result in delays in justice to all parties, including the victims, and will compromise the integrity of the judicial process and system.**
- B. What would be the consequence to your court's operations if your court did not receive the requested funding?**
- The Court would not be able to open and staff a new courtroom for upcoming trials, which includes providing transcripts ordered by judges, and backlogs will increase. An already demoralized staff would have to accept the reality of denying their community a functioning justice system. We have diligent, hard-working staff who live in poverty and qualify for fee waivers. Our process clerks are paid below our comparator Courts. In order to reduce the high turnover and low morale, we have to start paying a livable wage and also create a career path**

for clerks. We are beginning this process with our current union negotiations. If additional funding is not provided for the No Time Waiver Trial Crisis, costs will be paid from the Court's budget, and we would jeopardize not only the first COLA in seven years, but also a pay equity adjustment for our staff in poverty and the good will that is desperately needed. Having to use our current allocations would also mean we would continue losing staff to the local grocery stores.

Judges should not have to choose between providing justice to the public and being a fair employer.

C. What measures will your court take to mitigate the consequences to access to justice and court operations if funding is not approved by the Judicial Council?

The Court has already restructured its calendaring system to consolidate non-trial hearings into fewer courtrooms, with one criminal judge hearing double and sometimes triple calendars. The Court is pulling our lone civil judge to run jury trials into the foreseeable future. This will maximize the number of criminal courtrooms that can hear jury trials. In addition, Judges are also simultaneously conducting two trials daily, one in the morning and one in the afternoon. This is being done in an effort to reduce the likelihood that a No Time Waiver case will have to be dismissed due to a lapse of time. Additionally, conducting two trials daily will also be increasing jury costs as separate juries will be seated for each case and the trial length will be doubled.

D. Please provide five years of filing and termination numbers.

<u>Year</u>	<u>Filings</u>	<u>Dispositions</u>
FY 14-15	Not Yet Available	Not Yet Available
FY 13-14	29,317	27,915
FY 12-13	27,183	26,400
FY 11-12	29,363	31,864
FY 10-11	33,431	34,100

APPLICATION FOR SUPPLEMENTAL FUNDING FORM (Continued)

SECTION III: REVENUE ENHANCEMENT AND COST CONTROL MEASURES

A. If supplemental funding was received in prior year, please identify amount received and explain why additional funding is again needed in the current fiscal year.

N/A

B. If the request for supplemental funding is not for a one-time concern, the court must include an expenditure/revenue enhancement plan that identifies how the court will resolve its ongoing funding issue.

N/A

C. What has your court done in the past three fiscal years in terms of revenue enhancement and/or expenditure reductions, including layoffs, furloughs, reduced hours, and court closures?

The Court has focused on our process relating to FTAs and FTPs which has caused Civil Assessment revenue to increase each year. The Court continues to hold almost 10% of its needed positions vacant, even though 5% of staff are on some form of Leave of Absence. The Court continued a freeze on Cost of Living Adjustments for seven straight years. The Court is restructuring and reducing management positions in order to afford a COLA in FY15-16. The Court continues to operate under reduced hours of public service. The clerk's office is currently only open from 9:00am to 2:00pm.

D. Please describe the employee compensation changes (e.g. cost of living adjustments and benefit employee contributions) and staffing levels for past five fiscal years for the court.

Since FY08-09:

- No cost of living adjustments & no salary increases from FY08-09 to FY14-15.
- One-time special pay in FY13-14 of \$2,500 per employee (Fund Balance Reduction).
- FY15-16: 2.5% Pay Equity for process clerks & 3.5% - 4% COLA for all staff.

- The Court pays NONE of the employee portion of retirement costs.
- Monthly Dental Ins. Contribution increase from \$ 42.60 per employee to \$ 45.00 per employee.
- Monthly Health Ins. Contribution increase as follows:
 - Employee Only from \$ 455.00 to \$ 602.00
 - Employee +1 from \$ 650.00 to \$ 843.00
 - Employee +>1 from \$ 760.00 to \$ 988.00
- Instituted a pre-paid medical Cafeteria 125 plan for ≈ \$900 per year.

SECTION IV: FINANCIAL INFORMATION

Please provide the following:

A. Current detailed budget projections/estimates for the current fiscal year, budget year and budget year plus one (e.g., if current fiscal year is FY 2012-2013, then budget year would be FY 2013-2014 and budget year plus one would be FY 2014-2015).

	<u>FY 15-16</u>	<u>FY16-17</u>	<u>FY17-18</u>
Beginning Balance	\$ 407,731	(\$ 973)	(\$ 276,654)
Restricted Revenue Balance	<u>\$ 240,213</u>	<u>\$ 240,213</u>	<u>\$ 240,213</u>
Beginning Available	\$ 167,518	(\$ 241,186)	(\$ 516,867)
Total Revenue	\$ 8,310,383	\$ 8,310,383	\$ 8,310,383
Total Expenses	<u>(\$ 8,719,087)</u>	<u>(\$ 8,586,064)</u>	<u>(\$ 8,586,064)</u>
Ending Available	(\$ 241,186)	(\$ 516,867)	(\$ 792,548)
Available	(\$ 241,186)	(\$ 516,867)	(\$ 792,548)
Restricted Revenue	<u>\$ 240,213</u>	<u>\$ 240,213</u>	<u>\$ 240,213</u>
Ending Balance	(\$ 973)	(\$ 276,654)	(\$ 552,335)

B. Current status of your court's fund balance.

	<u>July 1, 2015</u>	<u>September 31, 2015</u>
Fund Balance	\$ 407,731	\$ 493,116
Restricted Revenue	<u>\$ 240,213</u>	<u>\$ 240,213</u>
Available	\$ 167,518	\$ 252,903
Breakdown of Available Amounts:		
Against our 1% Cap	\$ 60,062	\$ 145,446
Encumbrances	\$ 24,213	\$ 24,213
Pre-paid Expenses	<u>\$ 83,244</u>	<u>\$ 83,244</u>
Available	\$ 167,518	\$ 214,459

C. Three-year history of your court's year-end fund balances, revenues, and expenditures.

	<u>FY 12-13</u>	<u>FY13-14</u>	<u>FY14-15</u>
Beginning Balance	\$ 1,518,758	\$ 1,295,437	\$ 572,076
Total Revenue	\$ 7,427,076	\$ 7,693,603	\$ 8,186,592
Total Expenses	<u>(\$ 7,650,397)</u>	<u>(\$ 8,416,964)</u>	<u>(\$ 8,350,936)</u>
Ending Balance	\$ 1,295,437	\$ 572,076	\$ 407,731

Note: Increase in expenses is due largely to increased retirement rates (17.718% in FY08-09 to 23.625% in FY15-16) and not to an increase in salaries.

- D. If the trial courts' application is for one-time supplemental funding, please explain why a loan would not be appropriate.**

Considering the information in item A above, repayment of a loan is not feasible and would place an unmanageable burden on the Court. It would force the Court to reduce staff and further reduce services to the public beyond what has occurred throughout the financial crisis. The Court is barely functional at current staffing and operating levels. Repayment of a loan would have a negative impact on the community's already reduced level of access to justice and public safety will be at further risk.

- E. The most recent audit findings of fiscal issues and the remediation measures taken to address them.**

The State Controller's Office audit completed in 2015 found no substantive exceptions. The Court is currently being audited by JCC. Findings have not yet been reported.

Calendar year	Number of homicide cases filed	Cases with substantive allegations that may increase maximum confinement time	Status of case
2010	13 homicide filings	5 with allegations	All cases disposed
2011	10 homicide filings	4 with allegations	All cases disposed
2012	7 homicide filings	2 with allegations	All cases disposed
2013	13 homicide filings	4 with allegations	2 cases remain outstanding and are currently in on-going JT's
2014	11 homicide filings	7 with allegations	4 cases remain outstanding
2015 (as of 11-3-15)	24 homicide filings	4 with allegations and 5 that are too early in the proceedings to determine whether allegations will be added	21 cases remain outstanding

Summary of Costs for an Additional Courtroom

Reporters

Per Diem	\$	70,905.12
Meals	\$	13,156.00
Lodging	\$	34,892.00
Travel	\$	10,350.00
		<u>\$ 129,303.12</u>

Facilities Lease \$ 26,460.00

Courtroom Security \$ 96,599.36

\$ 252,362.48

Note: This does not include clerical staff. We anticipate having to utilize current managers and staff as courtroom clerks.

Cost of Hiring Contract Reporters from Outside the County

Dec 1, 2015 through June 30, 2016 = 30 Weeks.

30 x 5 = 150. 150 - 7 holidays = 143.

Hourly Rate	\$ 30.99	8	\$ 247.92	
Breakfast	\$ 8.00			
Lunch	\$ 12.00			
Dinner	\$ 20.00			
Incidentals	\$ 6.00			
			\$ 46.00	
Hotel @ \$110 / night	\$ 110.00			
Occupancy Tax	\$ 10.00			
Tourism Tax	\$ 2.00			
			\$ 122.00	
			<u>\$ 415.92</u>	
143 Days x \$293.92 =				\$ 59,476.56
Mileage from Redding to Eureka		150	\$ 86.25	
Mileage from Eureka to Redding		150	\$ 86.25	
			<u>\$ 172.50</u>	
1 Trip per week. 30 weeks x \$172.50 =				\$ 5,175.00
Cost of 1 Court Reporter				<u>\$ 64,651.56</u>
Cost of 2 Reporters				<u>\$ 129,303.12</u>

Cost of Leasing Law Library

Dec 1, 2015 through June 30, 2016 = 8 Months.

Square Feet ≈ 2160
Cost per Square Foot \$ 1.75

Monthly Cost \$ 3,780.00

7 months x \$2,143.75 = \$ 26,460.00

Note: This estimate is based on the County's request. JCC Facilities Management will work with the County to finalize the rate.

DL 11-03-15

Cost of Additional Bailiff

Dec 1, 2015 through June 30, 2016 = 30 Weeks.

30 x 5 = 150. 150 - 7 holidays = 143.

Hourly Rate \$ 84.44 8 \$ 675.52

143 Days x \$675.52 = \$ 96,599.36

Note: This rate was estimated by JCC Facilities Staff.