



Judicial Council of California

2860 Gateway Oaks Dr.
Suite 400
Sacramento, California
95833

Meeting Agenda

Judicial Council

*Open to the Public Unless Indicated as Closed
(Cal. Rules of Court, rule 10.6(a))*

Friday, December 16, 2016

8:30 AM

Sacramento

CLOSED SESSION (RULE 10.6(B))—PLANNING, PERSONNEL, AND DISCUSSION PROTECTED BY THE ATTORNEY-CLIENT PRIVILEGE

Session 8:30 – 8:55 a.m.

Transitional Break (8:55 – 9:05 a.m.)

OPEN SESSION (RULE 10.6(A)) — MEETING AGENDA

Session 9:05 a.m. – 12:30 p.m.

Call to Order

Public Comment

30 minutes

The Judicial Council welcomes public comment on general matters of judicial administration and on specific agenda items, as it can enhance the council's understanding of the issues coming before it.

Please see our public comment procedures.

- 1) Submit advance requests to speak by 4:00 p.m., Tuesday, December 13.
- 2) Submit written comments for this meeting by 1:00 p.m. on Wednesday, December 14.

Contact information for advance requests to speak, written comments, and questions:

E-mail: judicialcouncil@jud.ca.gov

Postal mail or delivery in person:

Judicial Council of California

455 Golden Gate Avenue

San Francisco, California 94102-3688

Attention: Donna Ignacio

Approval of Minutes

[16-246](#) **Minutes of the October 27-28, 2016, Judicial Council Meeting.**

5 minutes

Chief Justice's Report

10 minutes

Administrative Director's Report

[16-247](#) **Administrative Director's Report**

10 minutes

Judicial Council Committee Presentations

[16-248](#) **Judicial Council Committee Reports**

Summary:

Executive and Planning Committee
Hon. Douglas P. Miller, Chair
Policy Coordination and Liaison Committee
Hon. Kenneth K. So, Chair
Rules and Projects Committee
Hon. Harry E. Hull, Jr., Chair
Judicial Council Technology Committee
Hon. Marsha G. Slough, Chair
Judicial Branch Budget Committee
Hon. David M. Rubin, Chair

30 minutes

Judicial Council Members' Liaison Reports

[16-249](#) **Judicial Council Members' Liaison Reports**

Summary:

Judicial Council Members report on their visits to the Superior Courts of California.

20 minutes

Break (10:50 – 11:05 a.m.)

CONSENT AGENDA

A council member who wishes to request that any item be moved from the Consent Agenda to the Discussion Agenda is asked to please notify Roma Cheadle at 415-865-7640 at least 48 hours before the meeting.

[16-207](#)

Rules: Miscellaneous Technical Changes (Action Required)

Summary:

Various Judicial Council advisory committees, members of the public, and Judicial Council staff have identified errors in rules resulting from typographical errors, and changes resulting from legislation and previous rule amendments. The staff to the Judicial Council recommends making the necessary corrections to avoid confusing court users, clerks, and judicial officers.

[16-210](#)

Court Facilities: Naming Request for the New Juvenile Courthouse in Murrieta (Action Required)

Summary:

The Subcommittee on Courthouse Names of the Court Facilities Advisory Committee recommends approving the request to name the new juvenile courthouse in the Southwest Justice Center in the City of Murrieta as the *Southwest Juvenile Courthouse*. This approval provides a name for the new courthouse that is currently under construction and scheduled for completion in summer 2017.

[16-211](#)

Court Facilities: Senate Bill 1407 Project Funding Requests and Five-Year Infrastructure Plan for Fiscal Year 2017-2018 (Action Required)

Summary:

The Court Facilities Advisory Committee recommends the submission to the state Department of Finance of funding requests for the next phase of Senate Bill 1407 projects eligible for available SB 1407 funds and the annual update of the *Judicial Branch AB 1473 Five-Year Infrastructure Plan* for fiscal year 2017-2018.

[16-212](#)

Uniform Bail and Penalty Schedules: 2017 Edition (Action Required)

Summary:

The Traffic Advisory Committee recommends revisions to the Uniform Bail and Penalty Schedules, effective January 1, 2017. Vehicle Code section 40310 provides that the Judicial Council must annually adopt a uniform traffic penalty schedule for all nonparking Vehicle Code infractions. Under rule 4.102 of the California Rules of Court, trial courts, in performing their duty under Penal Code section 1269b, must revise and adopt a schedule of bail and penalties for all misdemeanor and infraction offenses except Vehicle Code infractions. The penalty schedule for traffic infractions is established by the schedules approved by the Judicial Council. The recommended revisions bring the schedules into conformance with recent legislation and make technical corrective changes.

[16-213](#)

Judicial Council Report to the Legislature: Insolvency of Senate Bill 1407's Immediate and Critical Needs Account (Action Required)

Summary:

The Judicial Council Capital Program recommends approving the report that

addresses the insolvency of Senate Bill 1407's Immediate and Critical Needs Account for the judicial branch courthouse construction program. This report will be submitted to the Legislature under language in the *Supplemental Report of the 2016-17 Budget Act, Item 0250-301-3138* (as published by the Legislative Analyst's Office) and captures reporting requirements that were adopted during deliberations on the fiscal year 2016-2017 budget package.

[16-214](#)**Judicial Council-Sponsored Legislation: Authorize Electronic Delivery of Notices of Hearing in Proceedings Under the Probate Code (Action Required)****Summary:**

The Policy Coordination and Liaison Committee, Information Technology Advisory Committee, and Probate and Mental Health Advisory Committee recommend that the Judicial Council sponsor legislation to modernize the Probate Code and two notice provisions of the Welfare and Institutions Code that are connected to or analogous to probate notice provisions. The proposed legislation would authorize the delivery of notices and other papers in uncontested or not-yet-contested proceedings under the Probate Code to persons by electronic means if the persons to receive notice have consented to electronic notice in the proceeding before the court and have provided electronic addresses.

[16-215](#)**Trial Courts: Trial Court Financial Policies and Procedures Manual, 8th Edition (Action Required)****Summary:**

Judicial Council staff recommends adoption of the *Trial Court Financial Policies and Procedures Manual* (TCFPPM), 8th edition. The manual was last updated in 2011. The TCFPPM requires non-substantive revisions due to the unification of the Judicial Council and its staff under one name, as well as substantive changes for clarity and improvement of the existing system of internal fiscal controls.

[16-217](#)**Judicial Council Report to the Legislature: Statewide Collection of Delinquent Court-Ordered Debt for Fiscal Year 2015-2016 (Action Required)****Summary:**

Judicial Council staff recommend approving the *Report on the Statewide Collection of Delinquent Court-Ordered Debt for Fiscal Year 2015-2016*. Penal Code section 1463.010(c) requires the Judicial Council to report the extent to which each court or county collections program is following best practices, the programs' performance, and any changes necessary to improve performance of collection programs statewide.

[16-218](#)**Judicial Council Report to the Legislature: Fee Revenue and Expenditures for Court Reporter Services in Superior Court Civil Proceedings for Fiscal Year 2015-2016 (Action Required)****Summary:**

Judicial Council staff recommend approving the *Report of Court Reporter Fees Collected and Expenditures for Court Reporter Services in Superior Court Civil Proceedings for Fiscal Year 2015-2016*. Government Code section 68086(f) requires that the Judicial Council report to the Joint Legislative Budget

Committee annually, by February 1, information concerning court reporter fees collected under Government Code sections 68086(a)(1), 68086(a)(2), and 68086.1 and expenditures on court reporter services in superior court civil proceedings statewide.

[16-219](#)**Judicial Council Report to the Legislature: Status Update of Judicial Branch Courthouse Construction Program for Fiscal Year 2015-2016 (Action Required)****Summary:**

Judicial Council staff recommend approving the *Status Update of Judicial Branch Courthouse Construction Program for Fiscal Year 2015-2016*. Government Code section 70371.8 requires that the Judicial Council report to the Joint Legislative Budget Committee, the chairs of the Senate Committee on Budget and Fiscal Review, and the Assembly Committee on Budget annually, by March 1, information on the status of each project established by the State Public Works Board under section 70371.7. The report is also required to include an accounting of the revenues generated and expenditures made in the Immediate and Critical Needs Account.

[16-220](#)**Judicial Council Report to the Legislature: State Trial Court Improvement and Modernization Fund Expenditures for Fiscal Year 2015-2016 (Action Required)****Summary:**

Judicial Council staff recommend approving the *Report of State Trial Court Improvement and Modernization Fund Expenditures for Fiscal Year 2015-2016* for transmittal to the Legislature. Government Code section 77209(i) requires the Judicial Council to annually report to the Legislature on the use of the State Trial Court Improvement and Modernization Fund and include any appropriate recommendations.

[16-223](#)**Judicial Council Report to the Legislature: Annual Report of Court Facilities Trust Fund Expenditures (Action Required)****Summary:**

Judicial Council staff recommend approving the *Annual Report of Court Facilities Trust Fund Expenditures: FY 2015-2016 Report to the Legislature Pursuant to Government Code Section 70352(c)*. Government Code section 70352(c) requires that the Judicial Council report to the Legislature annually all expenditures from the Court Facilities Trust Fund after the end of each fiscal year.

[16-224](#)**Judicial Council-Sponsored Legislation: Court Records Destruction Reporting Requirement (Action Required)****Summary:**

The Policy Coordination and Liaison Committee and Court Executives Advisory Committee recommend that the Judicial Council sponsor legislation to amend Government Code section 68153, the statute governing the destruction of court records, to eliminate the requirement that superior courts must report destroyed court records to the Judicial Council. Current law requires superior courts to provide lists of the court records destroyed within the jurisdiction of the superior court to the Judicial Council in accordance with the California Rules of Court. Eliminating the requirement for courts to provide the lists to the

council would reduce the courts' workload and simplify the reporting process.

[16-225](#)**Judicial Council Report to the Legislature: Receipts and Expenditures from Local Courthouse Construction Funds (Action Required)****Summary:**

Judicial Council Budget Services recommends approving *Receipts and Expenditures from Local Courthouse Construction Funds: Report to the Budget and Fiscal Committees of the Legislature* for submission to the Legislature. The report provides information for the reporting period of July 1, 2015, to June 30, 2016, on receipts and expenditures from local courthouse construction funds, as reported by each county. The annual submission of this report is required under Government Code section 70403(d).

[16-226](#)**Jury Instructions: New and Revised Civil Jury Instructions and Verdict Forms (Action Required)****Summary:**

The Advisory Committee on Civil Jury Instructions recommends approving for publication the new and revised civil jury instructions and verdict forms prepared by the committee. These revisions bring the instructions up to date with developments in the law over the previous six months.

[16-231](#)**Judicial Council: 2016 Legislative Policy Summary (Action Required)****Summary:**

The Policy Coordination and Liaison Committee recommends that the Judicial Council adopt the updated Legislative Policy Summary reflecting actions through the 2016 legislative year. Adoption of this updated summary of positions taken on court-related legislation will assist the council in making decisions about future legislation, consistent with the judicial branch's strategic plan goals.

[16-232](#)**Judicial Council-Sponsored Legislation: Applying the Electronic Filing and Service Provisions of Code of Civ. Proc., § 1010.6(a) and (b) to Criminal Actions (Action Required)****Summary:**

The Information Technology Advisory Committee is leading a modernization project to amend the statutes and California Rules of Court to facilitate electronic filing and service and to foster modern e-business practices. The Policy Coordination and Liaison Committee, Information Technology Advisory Committee and Criminal Law Advisory Committee recommend that the Judicial Council sponsor legislation to add Penal Code section 690.5 to provide express authority for permissive electronic filing and service in criminal proceedings by applying the electronic filing and service provisions of Code of Civil Procedure section 1010.6 to criminal actions.

[16-233](#)**Judicial Council-Sponsored Legislation (Criminal Procedure): Transfer Back to Receiving Court for Limited Purpose After Intercounty Transfer (Action Required)****Summary:**

The Policy Coordination and Liaison Committee and Criminal Law Advisory Committee recommend that the Judicial Council sponsor legislation to amend

Penal Code section 1203.9 to authorize a receiving court to transfer a case of a person on probation or mandatory supervision back to the transferring court for a limited purpose when needed to best suit the needs of the court, the litigation at issue, or the parties. The proposal was developed at the request of criminal judges who expressed concerns about the inability of transferring courts to do so under current law.

[16-234](#)**Judicial Council-Sponsored Legislation: Electronic Filing, Service, and Signatures (Action Required)****Summary:**

The Policy Coordination and Liaison Committee and Information Technology Advisory Committee recommend that the Judicial Council sponsor legislation to enact Code of Civil Procedure section 1013b and amend sections 664.5, 1010.6, and 1011. This legislative proposal would (1) authorize the use of electronic signatures for signatures made under penalty of perjury on electronically filed documents, (2) provide for a consistent effective date of electronic filing and service across courts and case types, (3) consolidate the mandatory electronic filing provisions, (4) clarify the application of section 1010.6's electronic service provisions in sections 664.5 and 1011, and (5) codify provisions that are currently in the California Rules of Court on mandatory electronic service, effective date of electronic service, protections for self-represented persons, and proof of electronic service.

[16-235](#)**Judicial Council-Sponsored Legislation: Electronic Filing and Service in Juvenile Proceedings (Action Required)****Summary:**

The Policy Coordination and Liaison Committee, Family and Juvenile Law Advisory Committee, the Information Technology Advisory Committee and the Judicial Council Technology Committee recommend adding section 212.5 and amending various sections of Welfare & Institutions Code to authorize electronic filing and electronic service in juvenile law proceedings and establish parameters for e-business in the juvenile court.

[16-236](#)**Judicial Council-Sponsored Legislation: Prearrestment Own Recognizance Release Under Court-Operated or Approved Pretrial Programs (Action Required)****Summary:**

The Policy Coordination and Liaison Committee and Criminal Law Advisory Committee recommend that the Judicial Council sponsor legislation to amend Penal Code section 1319.5 to provide courts with discretion to approve own recognizance (OR) release for arrestees with three prior failures to appear, without holding a hearing in open court, under a court-operated or court-approved pretrial program. Penal Code section 1319.5 requires a hearing in open court before an offender arrested for a felony offense who has previously failed to appear in court three or more times over the preceding three years may be granted OR release. This proposal was developed at the request of courts actively developing and expanding pretrial programs in an effort to address impacts on court calendars as well as the effects of jail overcrowding. The proposal is intended to provide judges with greater flexibility in ordering supervised release, and increase access to justice in the earliest stages of a

criminal proceeding.

[16-237](#)

Judicial Council-Sponsored Legislation: Retention of Court Records in Gun Violence Cases (Action Required)

Summary:

The Policy Coordination and Liaison Committee and Court Executives Advisory Committee recommend that the Judicial Council sponsor legislation to amend Government Code section 68152(a)(6) to specify the retention period for court records in gun violence cases. This amendment is needed to eliminate the uncertainty regarding the retention period under current law. The amendment will enable courts to more effectively and efficiently implement their records retention and destruction policies with respect to records in gun violence cases. The committees also recommend a technical amendment to Government Code section 68150(a).

[16-238](#)

Judicial Council-Sponsored Legislation (Subordinate Judicial Officers): Court Commissioners as Magistrates (Action Required)

Summary:

The Policy Coordination and Liaison Committee, Trial Court Presiding Judges Advisory Committee, and the Criminal Law Advisory Committee recommend that the Judicial Council sponsor legislation to amend Penal Code section 808 to include “court commissioners,” a type of subordinate judicial officer, within the definition of those who may serve as a magistrate. Penal Code section 808 currently defines “magistrates” as the judges of the Supreme Court, Courts of Appeal, and superior courts. Since the duties of magistrates are easily distinguishable from the duties of judges, commissioner responsibilities could be increased to include magistrate duties without causing undue confusion. By expanding the pool of judicial officers who are authorized to exercise magistrate powers, the proposal is designed to promote court efficiencies, enhance access to justice, and provide court leadership with more flexibility to equitably address judicial workloads.

[16-239](#)

Judicial Council-Sponsored Legislation: Multiple-County Sentencing Under Penal Code Section 1170(h) (Action Required)

Summary:

The Policy Coordination and Liaison Committee and the Criminal Law Advisory Committee propose amendments to Penal Code sections 1170 and 1170.3 to promote uniformity and to clarify judicial sentencing authority when imposing concurrent or consecutive judgments under section 1170(h) implicating multiple counties. Specifically, the proposed amendment to section 1170 would direct that when the court imposes a judgment under section 1170(h) that is concurrent or consecutive to a judgment or judgments previously imposed in another county or counties, the court rendering the second or other subsequent judgment shall determine the county or counties of incarceration and supervision of the defendant. The proposed amendment to section 1170.3 would direct the Judicial Council to adopt rules providing criteria for courts to determine the appropriate county or counties of incarceration and supervision in such cases.

[16-243](#)**Traffic: Installment Payment of Bail Forfeiture and Traffic Violator School Fees (Action Required)****Summary:**

The Traffic Advisory Committee recommends revising forms TR-300 and TR-310 for installment payments for traffic infractions. These revisions would standardize and improve court procedures related to installment payment plans for infraction offenses and would expand the advisement of rights provided to defendants. The revised forms would inform defendants of their right to request a determination of their ability to pay at any time before their final payment. The committee developed the revised forms in response to Judicial Council directives to consider recommendations to promote access to justice in all infraction cases.

[16-244](#)**Court Facilities: Disposition of Vacant Courthouses (Action Required)****Summary:**

The Firebaugh, Reedley, and Clovis Courthouses in Fresno County and the Avenal and Corcoran Courthouses in Kings County have been permanently closed by their respective courts and are unsuitable to the needs of the judicial branch. To eliminate the Judicial Council's continuing liability and expense in holding permanently closed court facilities and to realize the value of the assets in fair market value dispositions, the Facilities Policies Working Group (FPWG) recommends authorizing and approving the disposition of these facilities. The FPWG further recommends authorizing staff to lease or license all or a portion of the Clovis facility pending its final disposition.

[16-245](#)**Judicial Council Report to the Legislature: Jobs and Economic Improvement Through Environmental Leadership Act (Action Required)****Summary:**

Legal Services recommends that the Judicial Council approve the report *Jobs and Economic Improvement Through Environmental Leadership Act: Report to the Legislature under Assembly Bill 900, Public Resources Code Section 21189.2*, and direct staff to transmit it to the Legislature. Doing so fulfills the requirements of Public Resources Code section 21189.2, which requires the Judicial Council to report to the Legislature on or before January 1, 2017, on the effects of the Jobs and Economic Improvement Through Environmental Leadership Act on the administration of justice.

[16-250](#)**Juvenile Dependency: Proposed Allocation for Fiscal Year 2016-2017 for Juvenile Dependency Counsel Collections Program (Action Required)****Summary:**

Under the Juvenile Dependency Counsel Collections Program and as directed in Welfare and Institutions Code section 903.1, courts collect reimbursements from parents and other responsible persons liable for the cost of dependency-related legal services to the extent that those persons are able to pay. The Trial Court Budget Advisory Committee recommends allocating \$629,077, the fiscal year 2015-2016 statutorily restricted funds remitted in excess of dependency counsel program administrative costs, to the trial courts

calculated according to the methodology adopted by the Judicial Council at its August 23, 2013, business meeting.

[16-251](#)

Traffic: Online Installment Payment of Bail Forfeiture and Traffic Violator School Fees (Action Required)

Summary:

The Traffic Advisory Committee recommends new forms and a companion rule of court for online installment payments for traffic infractions. Forms TR-300 (online) and TR-310 (online) are designed for use in online interfaces that allow defendants to enter into installment payment agreements under Vehicle Code sections 40510.5 and 42007. New companion rule 4.108 of the California Rules of Court would allow for the use of online interfaces to form installment payment agreements and would require that defendants be advised of their rights before entering into an agreement. It would also provide that forms TR-300 (online) and TR-310 (online) are alternative mandatory forms intended for use in these online interfaces. The committee developed this proposal as part of a larger effort to modernize rules and forms and in response to council directives to consider recommendations to promote access to justice in all infraction cases.

[16-252](#)

CEQA Actions: Technical Rule Amendments to Implement SB 836 (Action Required)

Summary:

The Civil and Small Claims Advisory Committee and the Appellate Advisory Committee recommend amending the rules regarding expedited review of certain cases under the California Environmental Quality Act (CEQA). The amendments will fulfill the Judicial Council's obligation under legislation enacted earlier this year to adopt rules to implement procedures for the expedited resolution of CEQA cases challenging "capitol annex projects."

[16-255](#)

Judicial Branch Administration: Unpaid Sabbatical Request for Hon. Gregory Alarcon (Action Required)

Summary:

The Executive and Planning Committee recommends approval of an unpaid sabbatical leave for Judge Gregory Alarcon of the Superior Court of California, County of Los Angeles, for the period of February 1, 2017, to May 31, 2017 (see attachment 5). Judge Alarcon received a Fulbright Scholar Award to teach two law school classes, "Trial in History from Solomon to the Present" and "Trial Practice," at the University of Turku in Turku, Finland. As an adjunct professor at Pepperdine University of Law for 26 years and a frequent lecturer with the courts, his participation in this program would enhance his teaching abilities in judicial subjects for the courts in California.

[16-256](#)

Court Facilities: Lease of Chico Courthouse Pending Disposition and Confirmation of Authority for Leasing Other Closed Courthouses (Action Required)

Summary:

The Facilities Policies Working Group (FPWG) recommends approving a short-term lease of the closed Chico Courthouse to the County of Butte pending the previously approved sale of the courthouse to the county. The proposed lease would, by its terms, shift all costs of operating and maintaining the property (a triple-net lease) to Butte County and thereby reduce the Judicial

Council's continuing liability for that expense. To augment the ability of the Administrative Director and council staff to act quickly and decisively in identifying and finalizing opportunities to reduce the cost of other closed court facilities, the FPWG further recommends confirming the authority of the Administrative Director or his designee to negotiate, document, and enter into triple-net leases or licenses with governmental entities of other closed California court facilities throughout the state with governmental entities for terms not to exceed five years without Judicial Council review and approval of each such lease.

DISCUSSION AGENDA

[16-221](#) **Trial Court Allocations: Final Reduction Related to Statutory 1 Percent Cap on FY 2015-2016 Fund Balance Carryover (Action Required)**

Summary: Under Government Code section 77203(b), a trial court may carry over unexpended funds in an amount not to exceed 1 percent of the court's operating budget from the prior fiscal year. The Judicial Council staff recommends approving a final reduction allocation of \$8,781,656 related to the fund balance in fiscal year 2015-2016 and prior-year excluded funds, as required by Government Code section 68502.5(c)(2)(A).

Speakers: Mr. Zlatko Theodorovic, Budget Services

10 minutes

[16-222](#) **Trial Court Allocations: Trial Court Trust Fund Funds Held on Behalf of the Trial Courts (Action Required)**

Summary: The Trial Court Budget Advisory Committee's Fiscal Planning Subcommittee recommends that the Judicial Council approve one request for Trial Court Trust Fund (TCTF) funds to be held on behalf of the trial courts. Under the Judicial Council-adopted process, courts may request funding reduced as a result of a court's exceeding the 1 percent fund balance cap, to be retained in the TCTF for the benefit of that court. The total amount requested that would be reduced from their fiscal year 2016-2017 allocations for exceeding the cap is \$732,981.

Speakers: Mr. Zlatko Theodorovic, Budget Services

10 minutes

[16-228](#) **Judicial Branch Budget: Budget Change Proposal Process (Action Required)**

Summary: To promote the efficient, fiscally prudent, effective, and fair allocation of branch resources in advancing statewide judicial branch interests, the Judicial Branch Budget Committee recommends approving a new process for budget change proposal preparation, approval, and submission to the Department of Finance.

Speakers: Hon. David M. Rubin, Chair, Judicial Branch Budget Committee
Hon. James M. Humes, Vice-Chair, Judicial Branch Budget Committee
Mr. Zlatko Theodorovic, Budget Services

25 minutes

[16-240](#)

Judicial Council: 2017 Legislative Priorities (Action Required)

Summary:

Each year, the Judicial Council authorizes sponsorship of legislation to further key council objectives and establishes priorities for the upcoming legislative year. Last year, the council's legislative priorities focused on investment in the judicial branch and securing critically needed judgeships. The Policy Coordination and Liaison Committee recommends a similar approach for the 2017 legislative year.

Speakers:

Mr. Cory Jaspersen, Governmental Affairs

25 minutes

[16-242](#)

Traffic and Criminal Procedure: Infraction Procedures Regarding Bail, Fines, Fees, and Assessments; Mandatory Courtesy Notices; and Ability-to-Pay Determinations (Action Required)

Summary:

The Traffic Advisory Committee and Criminal Law Advisory Committee recommend amending one rule and adopting three new rules of the California Rules of Court to standardize and improve court procedures and improve notice to defendants regarding procedures in infraction cases, including specifically failures to appear and failures to pay bail and court-imposed fines, fees, and assessments for infraction offenses and ability-to-pay determinations. These rules are designed to promote procedural fairness in infraction cases, enhance guidance for defendants and courts, improve notice to defendants, and clarify procedures regarding ability-to-pay determinations, while also minimizing the need for court appearances by providing for written petitions where possible.

Speakers:

Hon. Gail Dekreon, Chair, Traffic Advisory Committee

Hon. J. Richard Couzens, Vice-chair, Criminal Law Advisory Committee

15 minutes

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

[16-205](#)

Child Support: AB 1058 Funding Allocation Joint Subcommittee Interim Report

Summary:

At its meeting on April 17, 2015, the Judicial Council approved the recommendation from the Family and Juvenile Law Advisory Committee that the AB 1058 Funding Allocation Joint Subcommittee be established to reconsider the allocation methodology developed in 1997 for the AB 1058 Child Support Commissioner and Family Law Facilitator Program. The subcommittee-which included representatives from the Family and Juvenile Law Advisory Committee, Trial Court Budget Advisory Committee, Workload Assessment Advisory Committee, and California Department of Child Support Services-was charged to reconsider the allocation methodology developed in 1997 and report back at the February 2016 Judicial Council meeting. At that meeting, the Judicial Council approved the subcommittee's recommendations, with modifications, to allocate funding using the historical

funding methodology and to develop a workload-based funding methodology for implementation beginning in fiscal year (FY) 2018-2019. The Judicial Council additionally reconstituted the subcommittee and directed it to report back at the December 2016 council meeting on its progress in developing a recommendation for the Judicial Council on a workload-based funding methodology. This report is to provide an update to the council on the subcommittee's progress.

[16-206](#)**Trial Courts: Quarterly Investment Report for Third Quarter of 2016****Summary:**

This *Trial Courts: Quarterly Investment Report for Third Quarter of 2016* covers the period of July 1, 2016, through September 30, 2016, and provides the financial results for the funds invested by the Judicial Council on behalf of the trial courts as part of the judicial branch treasury program. The report is submitted under agenda item 10, Resolutions Regarding Investment Activities for the Trial Courts, approved by the Judicial Council on February 27, 2004.

[16-208](#)**Court Facilities: Trial Court Facility Modification Quarterly Activity Report for Quarter 1 of Fiscal Year 2016-2017****Summary:**

The Trial Court Facility Modification Advisory Committee (TCFMAC) has completed its facility modification funding for the first quarter of fiscal year 2016-2017. In compliance with the Trial Court Facility Modifications Policy, the advisory body is submitting its *Trial Court Facility Modification Quarterly Activity Report: Quarter 1, Fiscal Year 2016-2017* as information for the council. This report summarizes the activities of the TCFMAC from July 1, 2016, to September 30, 2016.

[16-209](#)**Court Facilities: Trial Court Facility Modification Advisory Committee Fiscal Year 2015-2016 Annual Report****Summary:**

The Trial Court Facility Modification Advisory Committee (TCFMAC) has completed its facility modification funding for fiscal year (FY) 2015-2016. In compliance with the *Trial Court Facility Modifications Policy* adopted by the Judicial Council on July 27, 2012, the TCFMAC is submitting the annual report for FY 2015-2016 as Attachment A.

[16-216](#)**Court Facilities: Lease-Revenue Bond Issuance, Fall 2015, Spring and Fall 2016****Summary:**

As authorized and directed by the Judicial Council, the Administrative Director presents this report on actions taken in connection with lease-revenue bonds issued by the State Public Works Board in fall 2015, and spring and fall 2016, for the financing of court facilities projects.

[16-229](#)**Court Records: Trial Court Records Manual Update-Superior Court Sampling Program****Summary:**

The Court Executives Advisory Committee presents the Judicial Council with the revised *Trial Court Records Manual*. The update to the manual contains the new superior court sampling program and the new rotation assignment that lists

when courts must retain sample court records. The aim of the superior court sampling program is to preserve in perpetuity all superior court records filed before 1911 and a sample of superior court records filed after December 31, 1910, for study by historians and other researchers. The preserved records will document the progress and development of the judicial system and preserve evidence of significant events and social trends. The amendments to rule 10.855 of the California Rules of Court, effective July 1, 2016, eliminated the systematic, subjective, and augmented samples, and revised the longitudinal sample and comprehensive records requirements. The update also contains technical changes to align the manual with intervening legislative and rule changes.

[16-230](#)

Government Code Section 68106: Public Notice by Courts of Closures or Reduced Clerks' Office Hours (Gov. Code, § 68106-Report No. 40)

Summary:

Government Code section 68106 directs (1) trial courts to notify the public and the Judicial Council before closing courtrooms or clerks' offices or reducing clerks' regular office hours, and (2) the council to post all such notices on its website and also relay them to the Legislature. This is the 40th report to date listing the latest court notices received by the council under this statutory requirement; since the previous report, two superior courts-Stanislaus and Alameda Counties-have issued new notices.

There were no Circulating Orders since the last business meeting.

There were no Appointment Orders since the last business meeting.

Adjournment (approx. 12:30 p.m.)