



## JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue • San Francisco, California 94102-3688

[www.courts.ca.gov](http://www.courts.ca.gov)

---

# REPORT TO THE JUDICIAL COUNCIL

*Item No.: 22-016*

For business meeting on January 21, 2022

---

**Title**

Trial Court Budget: Delegation of Trial Court Trust Fund Authority to the Judicial Council Administrative Director

**Agenda Item Type**

Action Required

**Effective Date**

January 21, 2022

**Rules, Forms, Standards, or Statutes Affected**

None

**Date of Report**

December 14, 2021

**Recommended by**

Trial Court Budget Advisory Committee  
Hon. Jonathan Conklin, Chair  
Ms. Rebecca Fleming, Vice-Chair

**Contact**

Oksana Tuk, 916-643-8027  
[oksana.tuk@jud.ca.gov](mailto:oksana.tuk@jud.ca.gov)

---

### Executive Summary

The Trial Court Budget Advisory Committee recommends the delegation of Trial Court Trust Fund authority to the Judicial Council Administrative Director to transfer funding allocations approved by the council from one program or project to another, subject to any restrictions or conditions provided by the Judicial Council, to address unanticipated needs and contingencies. This would allow for immediate implementation to meet critical needs of the trial courts and enable council staff to commit funding on a timely basis.

### Recommendation

The Trial Court Budget Advisory Committee recommends that the Judicial Council, effective January 21, 2022, delegate authority to the Judicial Council Administrative Director to transfer Trial Court Trust Fund funding allocations approved by the Judicial Council from one program or project to another, subject to any restrictions or conditions provided by the council, to address unanticipated needs and contingencies.

This recommendation was presented to the Judicial Branch Budget Committee on December 7, 2021 and approved for consideration by the Judicial Council.

## Relevant Previous Council Action

At its business meeting on August 23, 2013, the council delegated limited authority to the Administrative Director to transfer allocations between projects and programs funded from the State Trial Court Improvement and Modernization Fund (IMF).<sup>1</sup>

## Analysis/Rationale

The Judicial Council has the authority to delegate functions to the Administrative Director:

### **California Constitution, article VI**

Section 6(c) – The council may appoint an Administrative Director of the Courts, who serves at its pleasure and performs functions delegated by the council or the Chief Justice, other than adopting rules of court administration, practice and procedure.

### **California Rules of Court, rule 10**

(a) Functions – The Administrative Director, appointed by the Judicial Council under article VI, section 6 of the Constitution, performs those functions prescribed by the Constitution and laws of the state, or delegated to the director by the Judicial Council or the Chief Justice.

For some programs and projects, annual allocations from the Trial Court Trust Fund approved by the council are estimated based on available information at the time allocations are developed. Costs of projects or programs may change due to varying demand levels, services/products availability, personal services costs, and fluctuations in contract terms. Allowing the transfer of allocations between program budgets when unforeseen needs arise (e.g., general salary increases, retirements, etc.) would utilize approved funds in a responsive manner to often time-sensitive needs.

Limited authority delegation would be defined as adjustments that are no more than 20 percent higher than the amount allocated, consistent with the limits imposed by the council in its internal guidelines for the similar types of circumstances with the IMF. Cost increases greater than 20 percent, whether funded from savings or augmentations, new allocations, or an increase to the total level of allocations would require council approval.

Any adjustments made under delegated authority would be reported back to the council after the end of the fiscal year in which they occur, including the dollar amount of each allocation adjustment made between programs or projects and the rationale for such transfer. This is a standard condition to the delegation of authority that the council has included with similar

---

<sup>1</sup> Judicial Council of Cal., Advisory Com. Rep., *Trial Courts: Allocations From the State Trial Court Improvement and Modernization Fund and Trial Court Trust Fund for Court-Related Projects and Programs* (Aug. 19, 2013), [www.courts.ca.gov/documents/jc-20130823-itemG.pdf](http://www.courts.ca.gov/documents/jc-20130823-itemG.pdf); Judicial Council of Cal., mins., p. 14 (Aug. 23, 2013), [www.courts.ca.gov/documents/jc-20130823-minutes.pdf](http://www.courts.ca.gov/documents/jc-20130823-minutes.pdf).

instances of granting such authority, which provides accountability and promotes transparency of a Judicial Council delegate's actions.

The delegation of authority to the Administrative Director would remain in effect unless revoked.

**Policy implications**

None.

**Comments**

No public comments were received for this item.

**Alternatives considered**

None.

**Fiscal and Operational Impacts**

No costs are associated with implementing the recommendation of delegation of authority. Operational impacts are likely to increase efficiencies as approval of this recommendation would allow for immediate implementation to meet critical needs of the trial courts and enable council staff to commit funding on a timely basis.

**Attachments and Links**

None.