



Judicial Council of California

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

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on February 26, 2016

Title

Government Code Section 68106: Public
Notice by Courts of Closures or Reduced
Clerks' Office Hours (Gov. Code, § 68106—
Report No. 36)

Agenda Item Type

Information Only

Date of Report

February 10, 2016

Submitted by

Jody Patel, Chief of Staff
Pam Reynolds, Manager
Leadership Services Division

Contact

Pam Reynolds, 916-263-1462
pam.reynolds@jud.ca.gov

Executive 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 36th report to date listing the latest court notices received by the council under this statutory requirement; since the previous report, **two** superior courts—those of Kings and Sutter Counties—have issued new notices.

Previous Council Action

In 2010, the Legislature enacted a Judiciary Budget Trailer Bill with fee increases and fund transfers for the courts that also added section 68106 to the Government Code.¹ Section 68106 requires trial courts to notify the public and the Judicial Council in advance of any closures or reductions in service, and the council in turn to post all such notices on its website and report them to the Legislature. Since the enactment of section 68106, a total of 48 courts have issued

¹ Sen. Bill 857; Stats. 2010, ch. 720, § 13. Attachment A contains the full text of Government Code section 68106, as amended effective January 1, 2011, and June 27, 2012.

notice under its requirements.² The Judicial Council has received 35 prior informational reports listing such notices as they have been received.

Notice Received From Two Courts Since Last Report

This is the 36th report provided to date on trial court notices submitted under Government Code section 68106. Since the previous report, the Judicial Council has received new closure notices from two trial courts:

1. The Superior Court of **Kings County** provided final public notice that the Avenal and Corcoran Courthouses will permanently close at the end of the court day on December 18, 2015. All services previously provided at these locations will be available at the Hanford Courthouse. The proposed intent to cease all operations at these locations was provided on October 1, 2015. (**Attachment B**)
2. Effective as of the close of business on Thursday, February 11, 2016, the Superior Court of **Kings County** will permanently close its existing court facility located at 1426 South Drive, Hanford. Services currently available to the public at the present court site, as well as all assigned staff, will be relocated to the soon-to-be-completed structure at 1640 Kings County Drive, Hanford. Public services will resume in full at the new Kings County Courthouse on Tuesday, February 16, 2016 at 8:00 a.m. (**Attachment C**)
3. Effective January 15, 2016, at 12:00 p.m., the Superior Court of **Sutter County** will permanently close the Sutter County Courthouse located at 446 Second Street and 463 Second Street, Yuba City. Public services will be relocated to the new Sutter County Courthouse at 1175 Civic Center Boulevard, Yuba City, beginning January 19, 2016 at 8:30 a.m. A drop box for depositing documents to be filed with the clerk will be available. (**Attachment D**)

Mandate in Government Code Section 68106

In providing fee increases and fund transfers for the courts in the Judiciary Budget Trailer Bill in 2010, the Legislature expressly declared its intention that trial courts remain open to the public on all days that are not judicial holidays and that access to court services for civil litigants be preserved to the extent practicable. Statements in Government Code section 68106 affirmed this intent, and the recent amendment of the statute strengthened it.

Section 68106 imposes the following requirements on trial courts and the Judicial Council:

- Trial courts must provide written notice to the public at least 60 days before closing any courtroom or closing or reducing the hours of clerks' offices, although "[n]othing in this section is intended to affect, limit, or otherwise interfere with regular court management

² All courts' notices are listed and posted at www.courts.ca.gov/12973.htm. Some courts have given more than one notice.

decisionmaking, including calendar management and scheduling decisions.”³ The trial court is to provide this notice “by conspicuous posting within or about its facilities, on its public Internet Web site, by electronic distribution to individuals who have subscribed to the court’s electronic distribution service, and to the Judicial Council”⁴ The notice must describe the scope of the closure or reduction in hours, state the financial constraints or other reasons that make the closure or reduction necessary, and invite public comment.⁵ Courts expressly are *not* obligated to respond to comments received.⁶ If a court changes its plan “as a result of the comments received or for any other reason” during the 60-day notice period, it must “immediately provide notice to the public” by posting and distributing “a revised notice” using the procedure previously described, including distribution to the council.⁷ The change in plan does not require notification, however, beyond the original 60-day period.⁸

- The Judicial Council must, within 15 days of receiving a notice from a trial court, “conspicuously” post the notice “on its Internet Web site” and forward a copy to the chairs and vice-chairs of both houses’ Committees on the Judiciary, the chair of the Assembly Committee on Budget, and the chair of the Senate Committee on Budget and Fiscal Review.⁹

Implementation Efforts

Judicial Council staff notified all trial court presiding judges and court executive officers of the enactment of this statutory mandate, and the Judicial Council Legal Services (LS) staff provided legal guidance to help courts comply with the requirements of the statute. Trial courts have been requested to e-mail such notices to Debora Morrison, LS Senior Attorney, who has provided legal review of the courts’ notices since Government Code section 68106 first took effect in 2010.

To fulfill the Judicial Council’s obligations under section 68106, the Judicial Council staff has placed on the home page of the California Courts website a prominent link to the Reduced Court Services page (www.courts.ca.gov/12973.htm), which contains a summary of Government Code section 68106 and all notices received from trial courts about closures of courtrooms or clerks’ offices or reductions in clerks’ office hours. Since the previous report to the council, the notices from the courts detailed above have been added to the web page. The Judicial Council staff has also forwarded the notices from these courts to the designated legislative leaders.

Attachments

Attachment A: Government Code section 68106

Attachment B: Notice from the Superior Court of Kings, December 3, 2015

³ Gov. Code, § 68106(c).

⁴ *Id.*, § 68106(b)(1).

⁵ *Id.*, § 68106(b)(1), (2)(A).

⁶ *Id.*, § 68106(b)(2)(B).

⁷ *Id.*, § 68106(b)(3).

⁸ *Id.*, § 68106(b)(2)(A).

⁹ *Id.*, § 68106(b)(3).

Attachment C: Notice from the Superior Court of Kings, December 11, 2015
Attachment D: Notice from the Superior Court of Sutter, December 21, 2015

Government Code section 68106:

(a) (1) In making appropriations for the support of the trial courts, the Legislature recognizes the importance of increased revenues from litigants and lawyers, including increased revenues from civil filing fees. It is therefore the intent of the Legislature that courts give the highest priority to keeping courtrooms open for civil and criminal proceedings. It is also the intent of the Legislature that, to the extent practicable, in the allocation of resources by and for trial courts, access to court services for civil litigants be preserved, budget cuts not fall disproportionately on civil cases, and the right to trial by jury be preserved.

(2) Furthermore, it is the intent of the Legislature in enacting the Budget Act of 2010, which includes increases in civil and criminal court fees and penalties, that trial courts remain open to the public on all days except judicial holidays, Saturdays, and Sundays, and except as authorized pursuant to Section 68115.

(b)(1) A trial court shall provide written notification to the public by conspicuous posting within or about its facilities, on its public Internet Web site, and by electronic distribution to individuals who have subscribed to the court's electronic distribution service, and to the Judicial Council, not less than 60 days prior to closing any courtroom, or closing or reducing the hours of clerks' offices during regular business hours on any day except judicial holidays, Saturdays, and Sundays, and except as authorized pursuant to Section 68115. The notification shall include the scope of the closure or reduction in hours, and the financial constraints or other reasons that make the closure or reduction necessary.

(2)(A) The notification required pursuant to paragraph (1) shall include information on how the public may provide written comments during the 60-day period on the court's plan for closing a courtroom, or closing or reducing the hours of clerks' offices. The court shall review and consider all public comments received. If the court plan for closing a courtroom, or closing or reducing the hours of clerks' offices, changes as a result of the comments received or for any other reason, the court shall immediately provide notice to the public by posting a revised notice within or about its facilities, on its public Internet Web site, and by electronic distribution to individuals who have subscribed to the court's electronic distribution service, and to the Judicial Council. Any change in the court's plan pursuant to this paragraph shall not require notification beyond the initial 60-day period.

(B) This paragraph shall not be construed to obligate courts to provide responses to the comments received.

(3) Within 15 days of receipt of a notice from a trial court, the Judicial Council shall conspicuously post on its Internet Web site and provide the chairs and vice chairs of the Committees on Judiciary, the Chair of the Assembly Committee on Budget, and the Chair of the Senate Committee on Budget and Fiscal Review a copy of any notice received pursuant to this subdivision. The Legislature intends to review the information obtained pursuant to this section to ensure that California trial courts remain open and accessible to the public.

(c) Nothing in this section is intended to affect, limit, or otherwise interfere with regular court management decisionmaking, including calendar management and scheduling decisions.



Superior Court of the State of California
County of Kings

Thomas DeSantos
Presiding Judge
of the
Superior Court

Jeffrey E. Lewis
Court Executive/Clerk
and
Jury Commissioner

* * * **FINAL PUBLIC NOTICE of COURT CLOSURES** * * *

December 3, 2015

On October 1, 2015, pursuant to California Government Code Section 68106*, the Superior Court of California, County of Kings, announced, in writing, its proposed intent to cease all operations at its Court locations in Avenal (at 501 E. King Street) and Corcoran (at 1000 Chittenden Avenue), with those services and staff relocating to the Hanford Courthouse, effective at the close of the Court's business day on December 18, 2015.

A **Public Notice** on this intended decision was conspicuously posted within and about each of the Court's facilities in Avenal, Corcoran and Hanford, was included on the home page of its public Internet Web site, was provided to Kings County's largest newspaper [the *Hanford Sentinel*] by electronic means, and was forwarded to the Judicial Council of California. Further, the public was "...encouraged to provide input regarding this noticed plan of action...in writing, no later than 5:00 p.m. on November 30, 2015, and be addressed to:

Jeffrey E. Lewis, Court Executive Officer
Kings County Superior Court
1426 South Drive
Hanford, California, 93230."

As of December 1, 2015, the required 60-day comment period has been fully observed and, as no written input was received during this timeframe, the decision of the judges for Superior Court of California, County of Kings, to permanently close the Avenal and Corcoran Courthouses at the end of the Court day on December 18, 2015, is now final.

All services previously provided at the Court locations in Avenal and Corcoran will be available by telephone [559-582-1010] or in person at the Hanford Courthouse, located at 1426 South Drive in Hanford.

*Government Code section 68106 requires trial courts to provide notice to the public at least 60 days before closing any courtroom or closing or reducing the hours of clerks' offices by conspicuous posting within its facilities and on its public website.



Superior Court of the State of California
County of Kings

Thomas DeSantos
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*****PUBLIC NOTICE OF CLOSURE AND RELOCATION***
OF
KINGS COUNTY SUPERIOR COURTHOUSE
IN
HANFORD**

December 11, 2015

Pursuant to California Government Code Section 68106*, the Superior Court of the State of California, County of Kings, hereby announces the permanent closure of its existing Court facility (located at 1426 South Drive in Hanford), effective, as of the close of business, on Thursday, February 11, 2016.

Services currently available to the public at the present Court site - as well as all assigned staff, will be relocated to the soon-to-be-completed structure at 1640 Kings County Drive in Hanford, with no anticipated disruption to our citizenry. More specifically, following judicial holidays on February 12, 2016 [Lincoln's Birthday] and February 15, 2016 [Presidents' Day], public services will resume in full at the new Kings County Courthouse on Tuesday, February 16th, 2016 at 8:00 a.m.

[NOTE: Kings County Superior Court information and services may also be accessed by phone at (559) 582-1010 or on our public website at <http://www.kings.courts.ca.gov>.]

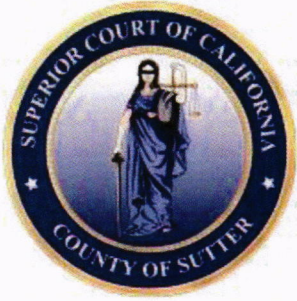
As a part of the Judicial Branch of government, the Superior Court receives its annual budget allocation through the Judicial Council of California (JCC), an entity of the State. The JCC is also responsible for the construction and maintenance of Court facilities throughout California.

As identified in the State's Judicial Branch master facilities plan and *funded in its entirety* by fees imposed on Civil case filings and Criminal case convictions (as expressly provided for by Senate Bill 1407 [2008] to finance Court facilities projects statewide), the JCC has undertaken construction of Hanford's new courthouse to better serve Kings County residents well into the decades ahead.

Any written comments related to this Notice should be directed to:

Jeffrey E. Lewis, Court Executive Officer
Kings County Superior Court
1426 South Drive
Hanford, CA 93230

*Government Code section 68106 requires trial courts to provide notice to the public at least 60 days before closing any courtroom or closing or reducing the hours of clerks' offices by conspicuous posting within its facilities and on its public website.



M. B. TODD
COURT EXECUTIVE OFFICER

SUPERIOR COURT OF CALIFORNIA COUNTY OF SUTTER

Courthouse West, 446 Second Street, Yuba City, CA 95991

Administration

(530) 822-3309

FAX: (530) 822-3509

REVISED

PUBLIC NOTICE CALIFORNIA GOVERNMENT CODE SECTION 68106

12/21/2015

NOTICE OF CLOSURE AND RELOCATION

UPDATED DECEMBER 21, 2015:

Effective January 15, 2016 at 12:00 p.m., the Sutter County Courthouse located at 446 Second Street and 463 Second Street will be permanently closed. If you have a matter that is currently scheduled to be heard on January 15, 2016, those matters will remain on calendar as scheduled. Public services currently available at the Sutter County Courthouse will be relocated to the new Sutter County Courthouse at 1175 Civic Center Boulevard in Yuba City. Public services will resume at the new Sutter County Courthouse on January 19, 2016 at 8:30 a.m.

Pursuant to California Rules of Court, Rule 2.210, a drop box for depositing documents to be filed with the clerk will be provided either at the security station at 446 Second Street, Yuba City or at the security station at 463 Second Street, Yuba City on the following dates and times:

January 15, 2016 between the hours of 12:00 p.m. and 4:30 p.m.

PRIOR NOTICE – JULY 30, 2015:

Effective October 2, 2015 at 12:00 p.m., the Sutter County Courthouse located at 446 Second Street and 463 Second Street in Yuba City will be permanently closed. Public services currently available at the Sutter County Courthouse will be relocated to the new Sutter County Courthouse at 1175 Civic Center Boulevard in Yuba City. Public services will resume at the new Sutter County Courthouse on October 5, 2015 at 8:30 a.m.

Pursuant to California Rules of Court, Rule 2.210, a drop box for depositing documents to be filed with the clerk will be provided either at the security station at 446 Second Street, Yuba City or at the security station at 463 Second Street, Yuba City on the following dates and times:

October 2, 2015 between the hours of 12:00 p.m. and 4:30 p.m.

As a part of the Judicial Branch of government, the Superior Court receives its annual budget allocation through the Judicial Council of California, an entity of the State. The Judicial Council is also responsible for the construction and maintenance of Court facilities throughout the State. The Council has undertaken construction of

ATTACHMENT D

a new courthouse in order to better serve the residents of Sutter County. This facility is funded in its entirety by Civil and Criminal Court user fees as provided for by SB1407 (2008).

All services previously offered at the Sutter County Courthouse will be available at the new Sutter County Courthouse, located at 1175 Civic Center Boulevard in Yuba City. The Sutter County Courthouse will have office hours of 8:30 a.m. to 4:30 p.m. Monday through Friday, excluding Judicial Holidays.

Any written comments related to this notice may be made through the Court's website: www.suttercourts.com.