

**SANTA BARBARA COUNTY
BOARD AGENDA LETTER**



Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Agenda Number:

Prepared on: 8/29/02
Department: Superior Court - Special Services
Budget Unit: 025
Agenda Date: 9/10/02
Placement: Departmental
Estimate Time: 5 Minutes
Continued Item: NO
If Yes, date from:

TO: Board of Supervisors

FROM: Gary M. Blair
Superior Court Executive Officer

STAFF CONTACT: Rayna Pinkerton
2212

SUBJECT: **TRANSFER OF SUPERIOR COURT SPECIAL SERVICES FUNDING
FROM FUND 0069 TO SUPERIOR COURT OPERATIONS FUND**

Recommendations:

1. That the Board of Supervisors authorize the County Auditor to transfer the following Court Program accounts, including 2002-03 revenues and expenditures, to separate accounts within the Superior Court's Trial Court Operations Fund or to such new Court agency funds as the Auditor may establish:

<u>Program #</u>	<u>Program</u>
0500	Collections Program
1058	AB-1058 - Commissioner Grant
1059	AB-1058 - Facilitators Grant
3600	Proposition 36 Grant
5004	ADR - CADRe Coordinator
6000	Pre-Trial Services (Bail-OR) Unit
6100	Jail Overcrowding Program
7000	Access Grant
7001	Access Grant Administration

2. That the Board of Supervisors adopt the attached Resolution, amending your Board's Salary Resolution Number 02-0234 to delete several Superior Court classifications and positions within Fund 0069, effective September 2, 2002.

Alignment with Board Strategic Plan:

Goal I. Re-analyze, Reform and Respond to the Changing Nature of County Resources and Responsibilities

Executive Summary and Discussion:

The purpose of this proposed Board action is to correct a discrepancy in the method by which the Superior Court currently maintains its various operating funds, in order to comply with a recent amendment of the California Government Code. Subsection 77009(c) of the Government code was added by Chapter 447 of 2000 Legislation, effective on January 1, 2001. This legislation mandates that "...all funds received by a trial court *from any source shall* be deposited in the trial court operations fund..." (emphasis added). Subsection 77009(c) further mandates that all funds received by a trial court that are not for the purpose of State-funded trial court operations, as defined by Government Code Section 77003 and Rule 810 of the California Rules of Court, be maintained "...in one or more separate accounts established in the fund..." (i.e. Fund 5900, our Trial Court Operations Fund) "...pursuant to procedures adopted by the Judicial Council..."

The California Judicial Council has recently established a Financial Policies and Procedures Manual for Trial Courts, provisions of which implement the requirements of Government Code Section 77009. These procedures [AOC FIN 3.01; 6.3; 6.4] require that the Court maintain all funds received and used by the Court, within separate funds or accounts in the Trial Court Operations Fund. This requirement specifically includes revenues from grants to the Court, and any local revenues for "...activities that the court conducts on behalf of other government entities, such as the county..." This latter revenue category includes the funds that your Board annually appropriates to the Court for operating several County programs, under our current Court-County Memorandum of Understanding.

In conjunction with our recent efforts to equitably and uniformly implement cost-of-living salary adjustments for all Trial Court employees, and after related consultation with the County Administrator, Auditor-Controller, County Counsel, County Human Resources, and the Finance and Legal Divisions of the Judicial Council, the Court belatedly became aware of the legislative mandate for this necessary corrective action. Your Board has a related Court Board letter and proposed resolution on your agenda for September 3rd. It will either be withdrawn or will be continued, for reference, to the date of this agenda item. With your Board's approval of this current proposal for fund transfer, the above-mentioned Board letter and resolution will be withdrawn as moot.

On request of our County Auditor, the Finance Division of the Judicial Council's Administrative Office of the Courts has provided specific written approval to create these separate Court agency funds or accounts within our Trial Court Operations Fund. The County Counsel will also provide a written opinion to your Board and to the Court, confirming the informal opinion he recently provided to us on this subject, supporting this proposed action.

Program and Funding Profile:

The Superior Court provides several County Program services to the County, under the current Court-County MOU that is required by State Trial Court Funding statutes. Following is a profile of the functions of the affected Programs, the number and titles of Court positions performing these services and the 2002-2003 budget for the Programs:

Collections Program:

<u>A/C #</u>	<u>Program / (# Employee FTEs)</u>	<u>Classifications (# FTEs)</u>	<u>Budgeted Revenue \$</u>	<u>Budgeted Expenditure \$</u>
0500	Collections Program / (6)	Collections Rep. / (1) Jud. Asst. II / (3) Jud. Asst. I / (2)	649,940.*	649,940.

This Program is responsible for the collection, accounting and distribution of more than \$15 million dollars annually in revenue from various fees, fines and forfeitures imposed in Court proceedings, of which more than \$6 million is County revenue. The Court has cashiers and accounting personnel in other Court Programs also engaged in receiving and accounting for revenues. This program, however, is specifically ineligible for State Trial Court Funding under Rule 810 of the California Rules of Court, as it deals entirely with revenues that are not received "forthwith", and that have become accounts receivable and/or delinquent. The County relies on the Court to most effectively and productively operate this Collections Program, by reason of the Court's unique ability to use its special powers to enforce collection, as contrasted with common civil collection processes. **The revenue to be transferred pursuant to this request, as reflected above, does not represent the much larger amount of revenue budgeted in Fund 0069 and actually produced. The proposed revenue transfer is only as to that portion of this revenue that the County uses to support the actual cost of operating the Program. The balance of the revenue produced is and will continue to be distributed directly to the County and other local government entities, as provided by law.*

AB 1058 Grant:

1058	AB-1058-Commissioner Grant / (0) *		502,087.	502,087.
1059	AB-1058-Facilitators Grant / (2)	Fam.Law Facil. (2)	221,637.	221,637.

This Program is funded by a Federal-State grant to the Court, for one Child Support Commissioner and associated staff and two Family Law Facilitators, to adjudicate Child Support cases and to assist litigants in Family Law cases in the Superior Court. ** It should be noted that the above revenue and expenditures from the Commissioner Grant actually fund five (5) positions (1 Court Commissioner and 4 clerical staff) that are already paid from our Trial Court Operations Fund 5900. We have been transferring funds from Fund 0069 to Fund 5900, as necessary to fund these costs.*

Proposition 36 Grant:

3600	Proposition 36 Grant / (3)	Jud. Asst. I (3)	111,312.*	117,624.
------	----------------------------	------------------	-----------	----------

This Program is funded by a State grant for the Superior Court's clerical support expense in processing, record maintenance and reporting re: Court defendants diverted to substance abuse treatment programs. ** The difference between the budgeted revenue and expenditures for this Program (\$6,312.) represents an error in the salary model used to develop the budget, discovered after budget preparation.*

Alternative Dispute Resolution (ADR):

5004	ADR - CADRe Coordinator / (1)	CADRe Coord. (1)	86,675.*	168,221.
------	-------------------------------	------------------	----------	----------

This Program funds the salary for the Court's Court-Administered Dispute Resolution, or "CADRe", Coordinator, as well as the contracts for the County's "Garamendi" ADR Dispute Resolution Program, under Sections 465 et seq of the California Business & Professions Code. The Coordinator position acts as staff to the County Dispute Resolution (or "ADR") Committee, which evaluates, recommends and oversees the County's ("Garamendi") ADR Dispute Resolution Trust Fund (Fund 1073) and contracts. This position also administers the Court's CADRe Program, for mediation and other non-judicial resolution of disputes pending in the Court system. * *The difference between the Fund 0069 budgeted revenues and expenditures for this Program (\$81,546.) reflects the County's General Fund contribution to the Program, above the (budgeted) amount of the transfers from Fund 1073 to fund the ("Garamendi") Dispute Resolution contracts awarded by your Board, which includes the administration fee for the Court's operation of the Program.*

Pre-Trial/OR Services:

6000	Pre-Trial (Bail-OR) Unit / (11)	OR Supervisor (2)	0.	609,769.
6100	Jail Overcrowding Program / (0)	OR Officer (6)	0.	154,086.
		Jud. Asst III (1)		
		Jud. Asst II (2)		

These Programs are long-standing Court-operated programs (on behalf of the county) that are not eligible for funding under State Trial Court Funding provisions. The Programs investigate and make recommendations to judicial officers regarding eligibility for defendant release on "own recognizance" or, alternatively, for appropriate bail setting in Criminal cases. These Programs are instrumental in the reduction and control of the County jail population, and are responsive to several Court orders, which mandate efforts to mitigate conditions of jail overcrowding.

Access Grant Program:

7000	Access Grant / (0)		80,000.	76,753.
7001	Access Grant Administration / (0)		<u>0.</u>	<u>3,693.</u>

This program is a single State grant to the Court, to administer contract services in Santa Barbara, Ventura and San Luis Obispo Counties. It provides supervised visitation of non-custodial parents with their children as ordered in family law cases.

Mandates and Service Levels:

California Government Code Section 77009(c) mandates that all other funds received by the court shall be identified and maintained in one or more separate accounts within the court's Trial Court Operations Fund pursuant to procedures adopted by the Judicial Council.

Fiscal and Facilities Impacts:

These actions do not increase or decrease any current Board appropriation or funding level for these services by the Court to the County. The Court is limited to expenditure of only those funds that the Board has appropriated for fiscal year 2002-2003, in the absence of any subsequent action of your Board. There are no anticipated facilities impacts to this proposed Board action.

ACTION ITEM:

Upon Board approval, the Superior Court and the Auditor-Controller will prepare and submit the necessary Budget Revisions and Fund Transfer documents for all subject revenue and expenditure accounts as of August 31, 2002, except for Salary and Benefits accounts, which will transfer at close of Pay Period 19-02.

Special Instructions:

Following adoption, please furnish conformed copies of the Resolution amending the Santa Barbara County Salary Resolution, to Rayna Pinkerton, Superior Court Chief Fiscal Officer, and to Susan Kean of County Human Resources.

cc: County Administrator
Auditor-Controller
County Counsel
County Human Resources

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA**

**IN THE MATTER OF AMENDING RESOLUTION)
NO. 02-234, AS AMENDED, BEING THE SALARY)
RESOLUTION OF THE COUNTY OF SANTA BARBARA)**

RESOLUTION NO. _____

WHEREAS, Salary Resolution No. 02-234 established a Classification Plan, and authorized Departmental Position Allocation effective June 24, 2002; and,

WHEREAS, this Board of Supervisors finds that there is good cause for amending said Resolution No. 02-234, as amended, in the manner provided in this Resolution;

NOW, THEREFORE, IT IS HEREBY RESOLVED, as follows:

1. Resolution No. 02-234, adopted by this Board on June 25, 2002, is hereby amended by amending that (those) portion(s) of Section(s) 4 to read as follows effective September 2, 2002:

SECTION 4. Departmental Position Allocation

DEPARTMENT/BUDGET UNIT

<u>ACTION/AFFECTED POSITION #</u>	<u>CLASS</u>	<u>P/T</u>	<u>NO. OF POSITIONS</u>	<u>TITLE</u>
<u>SUPERIOR COURT (#2806)</u>				
Delete #7856	001971		000	CRT ADMN DISPUTE PRG CRD
Delete #7240, 7257	003446		000	FAMILY LAW FACILITATOR
Delete #7749, 7750, 7751	004425 004426		000	JUDICIAL ASSISTANT I-CT OR JUDICIAL ASSISTANT II-CT
<u>SUPERIOR COURT-SOUTH COUNTY (#2811)</u>				
Delete #3860, 4989	001776		000	COLLECTIONS REP-CT
Delete #3026	004425 004426		000	JUDICIAL ASSISTANT I-CT OR JUDICIAL ASSISTANT II-CT
Delete #192, 4697, 5730	001563		000	OWN RECOGNIZANCE OFFICER
Delete #7140, 7141	001563	50%	000	OWN RECOGNIZANCE OFFICER
Delete #1065	001565		000	OWN RECOGNIZANCE SUPV
<u>SUPERIOR COURT-NORTH COUNTY (#2821)</u>				
Delete #2527, 5121, 1163, 3979, 4102	004425 004426		000	JUDICIAL ASSISTANT I-CT OR JUDICIAL ASSISTANT II-CT
Delete #2896	004427		000	JUDICIAL ASSISTANT III-CT
Delete #6, 1192	001563		000	OWN RECOGNIZANCE OFFICER
Delete #360	001565		000	OWN RECOGNIZANCE SUPV

2. Except as amended by this Resolution, Resolution No. 02-234 as amended, continues unchanged as in full force and effect.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this _____ day of _____, 2002, by the following vote:

AYES:

NOES:

ABSENT:

Chair, Board of Supervisors

ATTEST:

MICHAEL F. BROWN
CLERK OF THE BOARD

APPROVED AS TO FORM:
STEPHEN SHANE STARK
COUNTY COUNSEL
NOVEMBER 1993
9/10/02

By: _____ (SEAL)
Deputy Clerk