

Legislative Appropriations Request

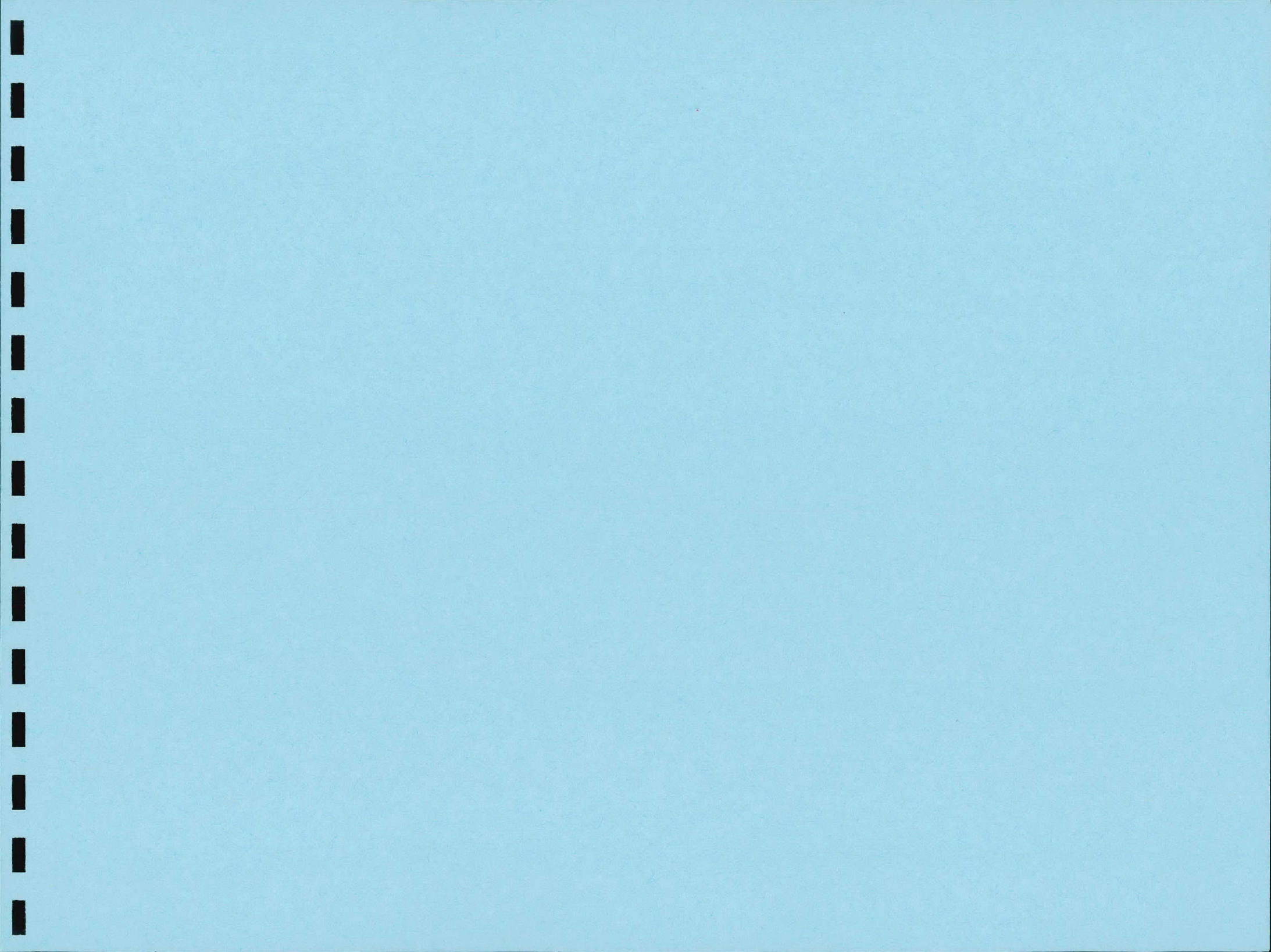
For Fiscal Years 2018 and 2019

**Submitted to the
Office of the Governor, Budget Division
and the Legislative Budget Board**

by

First Court of Appeals

August 12, 2016



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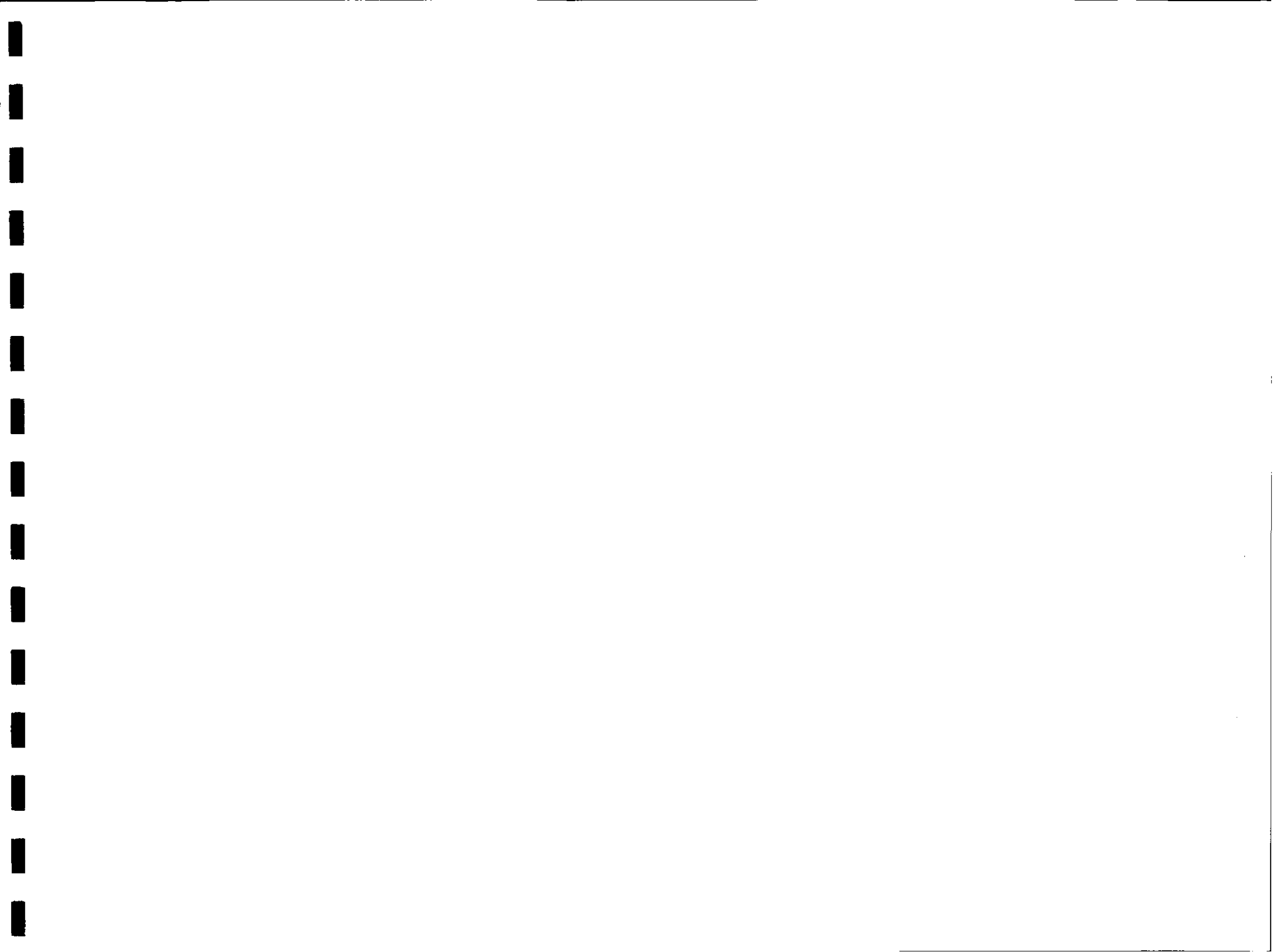


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221 First Court of Appeals District, Houston

Texas intermediate appellate courts serve as vital safeguards in the provision of justice. 80 Judges across 14 appellate districts process, review, and decide by written opinion the appeals arising from criminal and civil trial courts across the State. Population growth across the State and the magnitude of annual case filings, in concert with an ever-increasing number of case types requiring expedited review, make clear that the appellate courts need sufficient resources to keep their busy dockets moving and to insure that Texans receive accurate, efficient justice at the appellate level.

To effectively manage these demands, the appellate courts must employ a highly skilled and trained professional workforce - legal and clerical staff who assist the justices of the court in case filing, legal research, and preparation of opinions. The courts face competition with higher-paying private practice and government legal jobs for skilled attorneys and staff. Hiring and retaining qualified support staff is critical to the courts' ability to manage their dockets and efficiently resolve the cases before them.

During the 79th and 80th Legislative Sessions, the fourteen courts of appeals worked together to develop guideline budgets under a collective framework that came to be known as Similar Funding for Same-Sized Courts. This collective approach has streamlined the appellate courts' appropriations process and has seemingly been well received by the Legislature.

In the 81st, 82nd, and 83rd Legislative Sessions, the courts of appeals worked with the Legislature toward meeting their critical personnel needs and fully implementing the guideline budgets. Due to the national economic downturn, the realization of the Similar Funding for Same-Sized Courts initiative proved difficult to fully fund, and these legislatures were able to only partially fund the needs of the courts.

During the 84th Legislative Session, the courts once again sought the funding to implement the Similar Funding for Same-Sized Courts initiative and were appreciative when the Legislature was able to fund the courts' business model. This funding has enhanced the public's access to justice by giving the courts the ability to add and retain vital personnel to process appeals more accurately and efficiently.

The courts of appeals are grateful that the 84th Legislature recognized the need and importance of this funding. While the hope had been to not make an exceptional item request in the FY 2018-19 appropriation process, we must respectfully seek relief via exceptional item from the recent leadership request that all state agencies cut their budgets by 4%, as such a cut would pose a major setback to the courts and directly affect their ability to efficiently handle the State's appellate docket.

Exceptional Item #1: Restore the 4% Budget Cut

The intermediate appellate courts' only collective exceptional item would restore leadership's 4% proposed budget reduction to the courts' appropriations for FY 2018-19. In the 84th Session, legislative leadership recognized the need, even in tough economic times, for the courts of appeals to be able to attract and retain qualified attorneys and to provide adequate levels of staffing for vital court functions. Appellate work requires attorneys with specialized knowledge to analyze cases on appeal, assist with court opinions, and facilitate the processing of appeals to conclusion. The courts need attorneys with strong academics, analytical skills, and professional experience. The ability to attract and retain experienced lawyers play a vital role in the courts' ability to fulfill their core function of timely processing and disposing of appeals while maintaining the high quality of justice to which the citizens of Texas are entitled.

The courts' budgets predominantly go toward salaries, thus a 4% reduction to the courts' budgets would likely reduce staffing and directly impact productivity for nearly all of the appellate courts. Further, a 4% cut would in effect have an even greater impact on the courts' support personnel budgets, given that the judicial salary portion of the courts' budgets are statutorily fixed. With significant percentages of each Court's budget dedicated to staffing, the courts do not have discretionary funds to absorb a 4% reduction without cutting integral staff.

221 First Court of Appeals District, Houston

A reduction in staffing will very likely result in (1) a reduction in dispositions of appeals, preventing the courts from clearing older cases and reaching the disposition target of 100% of new appeals filed in the biennium, and (2) an increase in the time for which appeals remain pending during the biennium. We estimate the courts' clearance rate would fall and that the number of cases pending longer than projected would rise as a direct result of the proposed 4% cut.

RIDER REQUESTS:

The courts also request the following with regard to the across-the-board riders found in Article IV (p. IV-41):

- 1) Retain Article IV rider, Sec 4, Appellate Court Exemptions
- 2) Retain Article IV rider, Sec 6, Interagency Contracts for Assigned Judges for Appellate Courts.
- 3) Retain Article IV rider, Sec 7, Appellate Court Transfer Authority

Historically, the Legislature has granted the courts exemption from certain limitations in the General Appropriations Act. They have also granted the authority to carryover unexpended budget balances between years of the biennium as shown in the current bill pattern. The flexibility afforded by these measures enhances the courts' management ability, and we seek continuation of these budget features.

ADDITIONAL STATEMENTS OF SUPPORT:

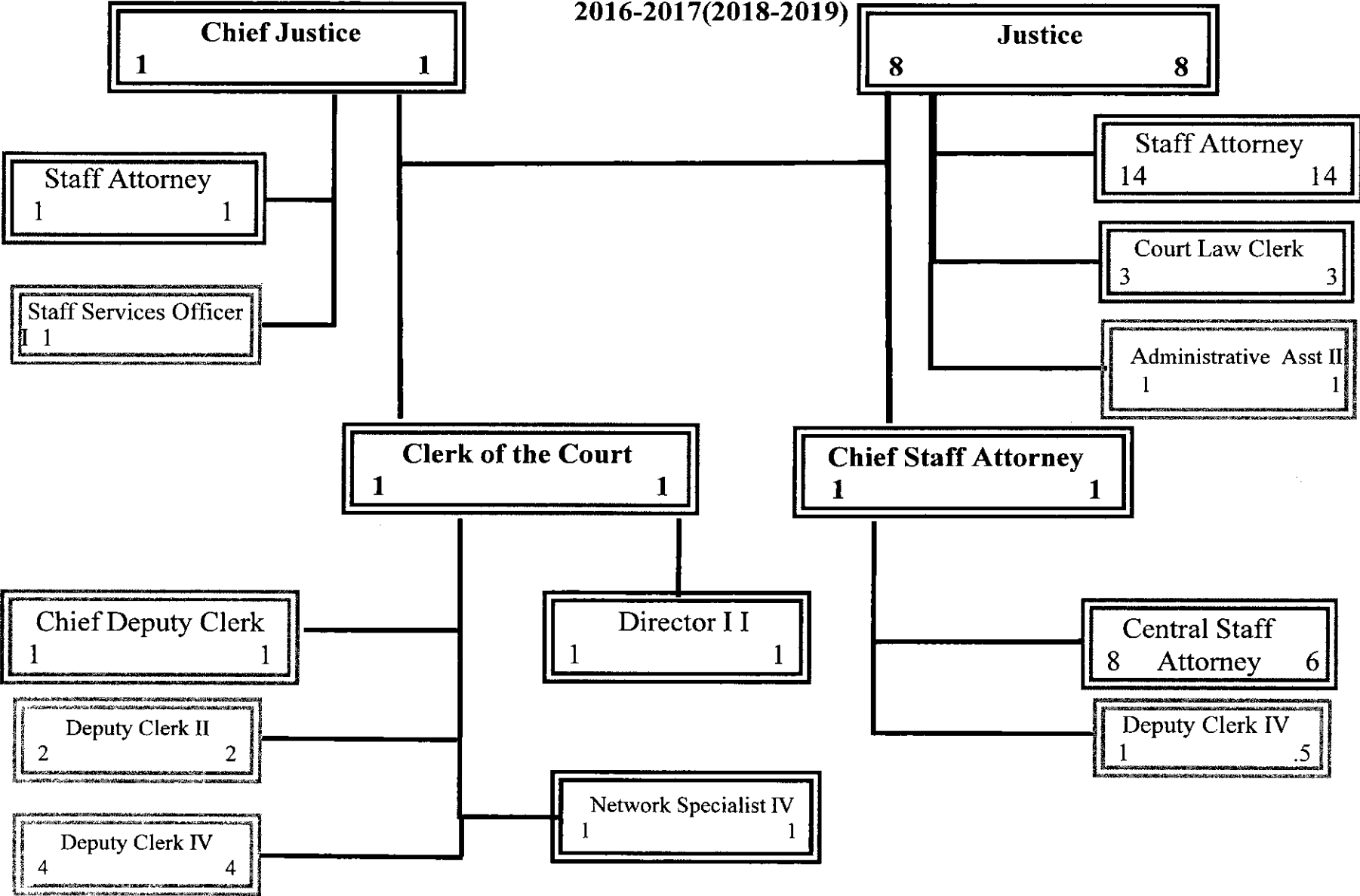
The courts of appeals have been able to streamline operations by utilizing many services consolidated through the Office of Court Administration. As such, the courts wish to express support for exceptional item number 1 put forth by the Office of Court Administration. If the OCA's request is not fully funded for the 2018-19 biennium, the individual appellate courts would need additional funds to compensate for the services OCA now provides. For example, rather than each court maintaining its own separate technology support network, the courts rely on consolidated technology services provided by OCA.

Finally, the courts of appeals wish to express appreciation to and support for the Judicial Compensation Commission and the Legislature's efforts to strengthen the justice system by increasing judicial salaries to attract and retain a strong judiciary. The courts stand ready to work with the Legislature and provide any information that may be helpful to this, and any other aspect, of the budgeting process.

Sincerely,
Sherry Radack, Chief Justice
First Court of Appeals

Note: on Appropriated Receipts – At the direction of the LBB & Governor's Office, this court has included appropriated receipts in the amount of \$8,700, reflecting reimbursement for copies of opinions and other court documents. These amounts are merely an offset for additional expenses incurred by the court, and do not constitute additional funds available for general expenditures for the court. The amount can vary significantly from year to year.

**Organizational Chart
First Court of Appeals
2016-2017(2018-2019)**



Budget Overview - Biennial Amounts
 85th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

221 First Court of Appeals District, Houston
 Appropriation Years: 2018-19

	GENERAL REVENUE FUNDS		GR DEDICATED		FEDERAL FUNDS		OTHER FUNDS		ALL FUNDS		EXCEPTIONAL ITEM FUNDS
	2016-17	2018-19	2016-17	2018-19	2016-17	2018-19	2016-17	2018-19	2016-17	2018-19	2018-19
	Goal: 1. Appellate Court Operations										
1.1.1. Appellate Court Operations	8,762,154	8,411,668					664,182	649,100	9,426,336	9,060,768	350,486
Total, Goal	8,762,154	8,411,668					664,182	649,100	9,426,336	9,060,768	350,486
Total, Agency	8,762,154	8,411,668					664,182	649,100	9,426,336	9,060,768	350,486
Total FTEs									47.0	41.5	2.5

2.A. Summary of Base Request by Strategy

8/9/2016 10:59:50AM

85th Regular Session, Agency Submission, Version 1

Automated Budget and Evaluation System of Texas (ABEST)

221 First Court of Appeals District, Houston

Goal / Objective / STRATEGY	Exp 2015	Est 2016	Bud 2017	Req 2018	Req 2019
<u>1</u> Appellate Court Operations					
<u>1</u> Appellate Court Operations					
1 APPELLATE COURT OPERATIONS	4,382,653	4,725,351	4,700,985	4,530,384	4,530,384
TOTAL, GOAL 1	<u>\$4,382,653</u>	<u>\$4,725,351</u>	<u>\$4,700,985</u>	<u>\$4,530,384</u>	<u>\$4,530,384</u>
TOTAL, AGENCY STRATEGY REQUEST	\$4,382,653	\$4,725,351	\$4,700,985	\$4,530,384	\$4,530,384
TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST*				\$0	\$0
GRAND TOTAL, AGENCY REQUEST	<u>\$4,382,653</u>	<u>\$4,725,351</u>	<u>\$4,700,985</u>	<u>\$4,530,384</u>	<u>\$4,530,384</u>

2.A. Summary of Base Request by Strategy

8/9/2016 10:59:50AM

85th Regular Session, Agency Submission, Version 1

Automated Budget and Evaluation System of Texas (ABEST)

221 First Court of Appeals District, Houston

Goal / Objective / STRATEGY	Exp 2015	Est 2016	Bud 2017	Req 2018	Req 2019
METHOD OF FINANCING:					
General Revenue Funds:					
1 General Revenue Fund	4,022,573	4,381,077	4,381,077	4,205,834	4,205,834
SUBTOTAL	\$4,022,573	\$4,381,077	\$4,381,077	\$4,205,834	\$4,205,834
Other Funds:					
573 Judicial Fund	273,350	273,350	273,350	273,350	273,350
666 Appropriated Receipts	44,230	33,066	8,700	8,700	8,700
777 Interagency Contracts	42,500	37,858	37,858	42,500	42,500
SUBTOTAL	\$360,080	\$344,274	\$319,908	\$324,550	\$324,550
TOTAL, METHOD OF FINANCING	\$4,382,653	\$4,725,351	\$4,700,985	\$4,530,384	\$4,530,384

*Rider appropriations for the historical years are included in the strategy amounts.

2.B. Summary of Base Request by Method of Finance
 85th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

8/9/2016 10:59:50AM

Agency code: 221 Agency name: First Court of Appeals District, Houston

METHOD OF FINANCING	Exp 2015	Est 2016	Bud 2017	Req 2018	Req 2019
<u>GENERAL REVENUE</u>					
<u>1</u> General Revenue Fund					
<i>REGULAR APPROPRIATIONS</i>					
Regular Appropriations from MOF Table (2014-15 GAA)	\$3,783,548	\$0	\$0	\$0	\$0
Regular Appropriations from MOF Table (2016-17 GAA)	\$0	\$4,320,198	\$4,320,198	\$0	\$0
Regular Appropriations from MOF Table (2018-19 GAA)	\$0	\$0	\$0	\$4,205,834	\$4,205,834
<i>TRANSFERS</i>					
Art IX, Sec 17.06 Salary Increase for General State Employees (2014-15 GAA)	\$18,030	\$0	\$0	\$0	\$0
Art IX, Sec 18.02, Salary Increase for General State Employees (2016-17)	\$0	\$60,879	\$60,879	\$0	\$0
Sec. 11, Article IV Special Provisions, Appn for Judicial Compensation (2014-2015 GAA)	\$148,500	\$0	\$0	\$0	\$0

2.B. Summary of Base Request by Method of Finance
 85th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

8/9/2016 10:59:50AM

Agency code: **221** Agency name: **First Court of Appeals District, Houston**

METHOD OF FINANCING	Exp 2015	Est 2016	Bud 2017	Req 2018	Req 2019
<u>GENERAL REVENUE</u>					
<i>LAPSED APPROPRIATIONS</i>					
Lapsed Appropriations	\$ (1,241)	\$ 0	\$ 0	\$ 0	\$ 0
<i>UNEXPENDED BALANCES AUTHORITY</i>					
Strategy A.1.1, Appellate Court Operations (2014-2015 GAA)	\$ 73,736	\$ 0	\$ 0	\$ 0	\$ 0
TOTAL, General Revenue Fund	\$ 4,022,573	\$ 4,381,077	\$ 4,381,077	\$ 4,205,834	\$ 4,205,834
TOTAL, ALL GENERAL REVENUE	\$ 4,022,573	\$ 4,381,077	\$ 4,381,077	\$ 4,205,834	\$ 4,205,834

OTHER FUNDS

573 Judicial Fund No. 573

REGULAR APPROPRIATIONS

Regular Appropriations from MOF Table (2014-15 GAA)

\$ 273,350	\$ 0	\$ 0	\$ 0	\$ 0
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Regular Appropriations from MOF Table (2016-17 GAA)

2.B. Summary of Base Request by Method of Finance
 85th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

8/9/2016 10:59:50AM

Agency code: 221 Agency name: First Court of Appeals District, Houston

METHOD OF FINANCING	Exp 2015	Est 2016	Bud 2017	Req 2018	Req 2019
<u>OTHER FUNDS</u>					
	\$0	\$273,350	\$273,350	\$0	\$0
Regular Appropriations from MOF Table (2018-19 GAA)	\$0	\$0	\$0	\$273,350	\$273,350
TOTAL, Judicial Fund No. 573	\$273,350	\$273,350	\$273,350	\$273,350	\$273,350
<u>666 Appropriated Receipts</u>					
<i>REGULAR APPROPRIATIONS</i>					
Regular Appropriations from MOF Table (2014-15 GAA)	\$8,700	\$0	\$0	\$0	\$0
Regular Appropriations from MOF Table (2016-17 GAA)	\$0	\$8,700	\$8,700	\$0	\$0
Regular Appropriations from MOF Table (2018-19 GAA)	\$0	\$0	\$0	\$8,700	\$8,700
<i>RIDER APPROPRIATION</i>					
Art IX, Sec 8.02, Reimbursements and Payments (2014-15 GAA)					

2.B. Summary of Base Request by Method of Finance
 85th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

8/9/2016 10:59:50AM

Agency code: 221		Agency name: First Court of Appeals District, Houston				
METHOD OF FINANCING		Exp 2015	Est 2016	Bud 2017	Req 2018	Req 2019
<u>OTHER FUNDS</u>		\$35,530	\$24,366	\$0	\$0	\$0
TOTAL,	Appropriated Receipts	\$44,230	\$33,066	\$8,700	\$8,700	\$8,700
<u>777</u> Interagency Contracts						
<i>REGULAR APPROPRIATIONS</i>						
	Regular Appropriations from MOF Table (2014-15 GAA)	\$42,500	\$0	\$0	\$0	\$0
	Regular Appropriations from MOF Table (2016-17 GAA)	\$0	\$42,500	\$42,500	\$0	\$0
	Regular Appropriations from MOF Table (2018-19 GAA)	\$0	\$0	\$0	\$42,500	\$42,500
<i>LAPSED APPROPRIATIONS</i>						
	Lapsed Appropriations	\$0	\$(4,642)	\$(4,642)	\$0	\$0
TOTAL,	Interagency Contracts	\$42,500	\$37,858	\$37,858	\$42,500	\$42,500

2.B. Summary of Base Request by Method of Finance
 85th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

8/9/2016 10:59:50AM

Agency code: 221

Agency name: First Court of Appeals District, Houston

METHOD OF FINANCING	Exp 2015	Est 2016	Bud 2017	Req 2018	Req 2019
TOTAL, ALL OTHER FUNDS	\$360,080	\$344,274	\$319,908	\$324,550	\$324,550
GRAND TOTAL	\$4,382,653	\$4,725,351	\$4,700,985	\$4,530,384	\$4,530,384

FULL-TIME-EQUIVALENT POSITIONS

REGULAR APPROPRIATIONS

Regular Appropriations from MOF Table
 (2014-15 GAA)

48.0 0.0 0.0 0.0 0.0

Regular Appropriations from MOF Table
 (2016-17 GAA)

0.0 51.0 51.0 0.0 0.0

Regular Appropriations from MOF Table
 (2018-19 GAA)

0.0 0.0 0.0 41.5 41.5

UNAUTHORIZED NUMBER OVER (BELOW) CAP

Unauthorized Number Over (Below) Cap

(4.2) (4.0) (4.0) 0.0 0.0

TOTAL, ADJUSTED FTES **43.8** **47.0** **47.0** **41.5** **41.5**

NUMBER OF 100% FEDERALLY FUNDED FTEs

2.C. Summary of Base Request by Object of Expense
 85th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

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221 First Court of Appeals District, Houston

OBJECT OF EXPENSE	Exp 2015	Est 2016	Bud 2017	BL 2018	BL 2019
1001 SALARIES AND WAGES	\$3,823,675	\$4,161,913	\$4,182,068	\$4,006,825	\$4,006,825
1002 OTHER PERSONNEL COSTS	\$170,729	\$205,760	\$156,104	\$161,873	\$161,873
2001 PROFESSIONAL FEES AND SERVICES	\$129,405	\$134,504	\$124,504	\$124,504	\$124,504
2003 CONSUMABLE SUPPLIES	\$4,027	\$10,137	\$10,137	\$10,137	\$10,137
2005 TRAVEL	\$2,947	\$4,225	\$4,225	\$4,225	\$4,225
2006 RENT - BUILDING	\$41,536	\$43,003	\$48,376	\$48,376	\$48,376
2007 RENT - MACHINE AND OTHER	\$0	\$0	\$4,292	\$4,292	\$4,292
2009 OTHER OPERATING EXPENSE	\$205,257	\$165,809	\$171,279	\$170,152	\$170,152
5000 CAPITAL EXPENDITURES	\$5,077	\$0	\$0	\$0	\$0
OOE Total (Excluding Riders)	\$4,382,653	\$4,725,351	\$4,700,985	\$4,530,384	\$4,530,384
OOE Total (Riders)					
Grand Total	\$4,382,653	\$4,725,351	\$4,700,985	\$4,530,384	\$4,530,384

2.C.1. Operating Costs Detail ~ Base Request

Date: 8/9/2016
Time: 10:59:50AM85th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

Agency Code: 221 Agency: First Court of Appeals District, Houston

BASE REQUEST STRATEGY: 1-1-1 Appellate Court Operations

Code	Type of Expense	Expended 2015	Estimated 2016	Budgeted 2017	Requested 2018	Requested 2019
2	Postage	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000
6	Registrations/Training	425	1,375	2,517	2,517	2,517
7	Subscriptions/Periodicals	22,139	18,528	18,528	18,528	18,528
12	Maintenance & Repair - Equipment	0	0	1,850	1,850	1,850
13	Furniture & Equipment (Expensed)	5,130	4,658	3,692	3,692	3,692
24	Freight/Delivery	390	392	500	500	500
26	Books (expensed)	55,501	59,274	60,804	60,804	60,804
27	Membership Dues	12,060	14,022	15,937	15,937	15,937
28	Liability Insurance	6,136	6,250	6,250	6,250	6,250
37	Computer Software / Upgrades	8,800	798	1,995	1,995	1,995
38	Computer Parts and Supplies	2,813	1,059	525	525	525
45	Telephone/Communication Services	1,125	3,109	3,695	3,695	3,695
55	Computer Furn & Equip-Controlled	37,388	3,744	0	0	0
64	SORM Assessment	4,310	4,336	4,600	4,600	4,600
75	Maint. & Repair Computer Software	2,273	0	0	0	0
94	Awards	867	0	0	0	0
187	1% salary benefits fee	35,900	38,264	40,386	39,259	39,259
	Total, Operating Costs	\$205,257	\$165,809	\$171,279	\$170,152	\$170,152

2.D. Summary of Base Request Objective Outcomes
 85th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation system of Texas (ABEST)

8/9/2016 10:59:51AM

221 First Court of Appeals District, Houston

Goal/ Objective / Outcome	Exp 2015	Est 2016	Bud 2017	BL 2018	BL 2019
1 Appellate Court Operations					
1 Appellate Court Operations					
KEY 1 Clearance Rate	102.44%	104.00%	100.00%	98.00%	98.00%
KEY 2 Percentage of Cases Under Submission for Less Than One Year	98.41%	99.25%	99.75%	97.75%	97.75%
KEY 3 Percentage of Cases Pending for Less Than Two Years	99.48%	99.75%	99.91%	97.90%	97.90%

2.E. Summary of Exceptional Items Request
 85th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/9/2016
 TIME : 10:59:51AM

Agency code: 221

Agency name: **First Court of Appeals District, Houston**

Priority	Item	2018			2019			Biennium		
		GR and GR/GR Dedicated	All Funds	FTEs	GR and GR Dedicated	All Funds	FTEs	GR and GR Dedicated	All Funds	
1	Restore 4% Budget Cut	\$175,243	\$175,243	2.5	\$175,243	\$175,243	2.5	\$350,486	\$350,486	
Total, Exceptional Items Request		\$175,243	\$175,243	2.5	\$175,243	\$175,243	2.5	\$350,486	\$350,486	
Method of Financing										
	General Revenue	\$175,243	\$175,243		\$175,243	\$175,243		\$350,486	\$350,486	
	General Revenue - Dedicated									
	Federal Funds									
	Other Funds									
		\$175,243	\$175,243		\$175,243	\$175,243		\$350,486	\$350,486	
Full Time Equivalent Positions				2.5				2.5		
Number of 100% Federally Funded FTEs										

2.F. Summary of Total Request by Strategy
 85th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE : 8/9/2016
 TIME : 10:59:51AM

Agency code: 221 Agency name: First Court of Appeals District, Houston

<u>Goal/Objective/STRATEGY</u>	<u>Base 2018</u>	<u>Base 2019</u>	<u>Exceptional 2018</u>	<u>Exceptional 2019</u>	<u>Total Request 2018</u>	<u>Total Request 2019</u>
1 Appellate Court Operations						
1 Appellate Court Operations						
1 APPELLATE COURT OPERATIONS	\$4,530,384	\$4,530,384	\$175,243	\$175,243	\$4,705,627	\$4,705,627
TOTAL, GOAL 1	\$4,530,384	\$4,530,384	\$175,243	\$175,243	\$4,705,627	\$4,705,627
TOTAL, AGENCY STRATEGY REQUEST	\$4,530,384	\$4,530,384	\$175,243	\$175,243	\$4,705,627	\$4,705,627
TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST						
GRAND TOTAL, AGENCY REQUEST	\$4,530,384	\$4,530,384	\$175,243	\$175,243	\$4,705,627	\$4,705,627

2.F. Summary of Total Request by Strategy
 85th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE : 8/9/2016
 TIME : 10:59:51AM

Agency code: 221		Agency name: First Court of Appeals District, Houston				
Goal/Objective/STRATEGY	Base 2018	Base 2019	Exceptional 2018	Exceptional 2019	Total Request 2018	Total Request 2019
General Revenue Funds:						
1 General Revenue Fund	\$4,205,834	\$4,205,834	\$175,243	\$175,243	\$4,381,077	\$4,381,077
	\$4,205,834	\$4,205,834	\$175,243	\$175,243	\$4,381,077	\$4,381,077
Other Funds:						
573 Judicial Fund	273,350	273,350	0	0	273,350	273,350
666 Appropriated Receipts	8,700	8,700	0	0	8,700	8,700
777 Interagency Contracts	42,500	42,500	0	0	42,500	42,500
	\$324,550	\$324,550	\$0	\$0	\$324,550	\$324,550
TOTAL, METHOD OF FINANCING	\$4,530,384	\$4,530,384	\$175,243	\$175,243	\$4,705,627	\$4,705,627
FULL TIME EQUIVALENT POSITIONS	41.5	41.5	2.5	2.5	44.0	44.0

2.G. Summary of Total Request Objective Outcomes
 85th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation system of Texas (ABEST)

Date : 8/9/2016
 Time: 10:59:52AM

Agency code: 221 Agency name: First Court of Appeals District, Houston

Goal/ Objective / Outcome

	BL 2018	BL 2019	Excp 2018	Excp 2019	Total Request 2018	Total Request 2019
1 Appellate Court Operations						
1 Appellate Court Operations						
KEY 1 Clearance Rate						
	98.00%	98.00%	100.00%	100.00%	100.00%	100.00%
KEY 2 Percentage of Cases Under Submission for Less Than One Year						
	97.75%	97.75%	99.75%	99.75%	99.75%	99.75%
KEY 3 Percentage of Cases Pending for Less Than Two Years						
	97.90%	97.90%	99.90%	99.90%	99.90%	99.90%

3.A. Strategy Request
 85th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

8/9/2016 10:59:52AM

221 First Court of Appeals District, Houston

GOAL: 1 Appellate Court Operations
 OBJECTIVE: 1 Appellate Court Operations
 STRATEGY: 1 Appellate Court Operations

Service Categories:

Service: 01 Income: A.2 Age: B.3

CODE	DESCRIPTION	Exp 2015	Est 2016	Bud 2017	BL 2018	BL 2019
Output Measures:						
1	Number of Civil Cases Disposed	668.00	632.00	700.00	686.00	686.00
2	Number of Criminal Cases Disposed	549.00	601.00	600.00	588.00	588.00
Explanatory/Input Measures:						
1	Number of Civil Cases Filed	561.00	590.00	600.00	612.00	624.00
2	Number of Criminal Cases Filed	440.00	450.00	500.00	510.00	520.00
3	Number of Cases Transferred in	55.00	8.00	45.00	45.00	45.00
4	Number of Cases Transferred out	3.00	15.00	5.00	5.00	5.00
Objects of Expense:						
1001	SALARIES AND WAGES	\$3,823,675	\$4,161,913	\$4,182,068	\$4,006,825	\$4,006,825
1002	OTHER PERSONNEL COSTS	\$170,729	\$205,760	\$156,104	\$161,873	\$161,873
2001	PROFESSIONAL FEES AND SERVICES	\$129,405	\$134,504	\$124,504	\$124,504	\$124,504
2003	CONSUMABLE SUPPLIES	\$4,027	\$10,137	\$10,137	\$10,137	\$10,137
2005	TRAVEL	\$2,947	\$4,225	\$4,225	\$4,225	\$4,225
2006	RENT - BUILDING	\$41,536	\$43,003	\$48,376	\$48,376	\$48,376
2007	RENT - MACHINE AND OTHER	\$0	\$0	\$4,292	\$4,292	\$4,292
2009	OTHER OPERATING EXPENSE	\$205,257	\$165,809	\$171,279	\$170,152	\$170,152
5000	CAPITAL EXPENDITURES	\$5,077	\$0	\$0	\$0	\$0

221 First Court of Appeals District, Houston

GOAL: 1 Appellate Court Operations
 OBJECTIVE: 1 Appellate Court Operations
 STRATEGY: 1 Appellate Court Operations

Service Categories:

Service: 01 Income: A.2 Age: B.3

CODE	DESCRIPTION	Exp 2015	Est 2016	Bud 2017	BL 2018	BL 2019
TOTAL, OBJECT OF EXPENSE		\$4,382,653	\$4,725,351	\$4,700,985	\$4,530,384	\$4,530,384
Method of Financing:						
1	General Revenue Fund	\$4,022,573	\$4,381,077	\$4,381,077	\$4,205,834	\$4,205,834
SUBTOTAL, MOF (GENERAL REVENUE FUNDS)		\$4,022,573	\$4,381,077	\$4,381,077	\$4,205,834	\$4,205,834
Method of Financing:						
573	Judicial Fund	\$273,350	\$273,350	\$273,350	\$273,350	\$273,350
666	Appropriated Receipts	\$44,230	\$33,066	\$8,700	\$8,700	\$8,700
777	Interagency Contracts	\$42,500	\$37,858	\$37,858	\$42,500	\$42,500
SUBTOTAL, MOF (OTHER FUNDS)		\$360,080	\$344,274	\$319,908	\$324,550	\$324,550
TOTAL, METHOD OF FINANCE (INCLUDING RIDERS)					\$4,530,384	\$4,530,384
TOTAL, METHOD OF FINANCE (EXCLUDING RIDERS)		\$4,382,653	\$4,725,351	\$4,700,985	\$4,530,384	\$4,530,384
FULL TIME EQUIVALENT POSITIONS:		43.8	47.0	47.0	41.5	41.5

STRATEGY DESCRIPTION AND JUSTIFICATION:

221 First Court of Appeals District, Houston

GOAL: 1 Appellate Court Operations
 OBJECTIVE: 1 Appellate Court Operations
 STRATEGY: 1 Appellate Court Operations

Service Categories:
 Service: 01 Income: A.2 Age: B.3

CODE	DESCRIPTION	Exp 2015	Est 2016	Bud 2017	BL 2018	BL 2019
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The First Court of Appeals was created in 1891 by an amendment to Article 1817, V.T.C.S., pursuant to authority granted by Article V Section 1, Texas Constitution. This Court has intermediate appellate jurisdiction of civil and criminal cases appealed from lower courts in civil cases where judgments exceed \$100, exclusive of costs, and other civil proceedings as provided by law; and in criminal cases, except post-conviction writs of habeas corpus, and where the death penalty has been imposed. This Court has jurisdiction over 10 counties.

EXTERNAL/INTERNAL FACTORS IMPACTING STRATEGY:

Courts of appeals are, by nature, small entities with a highly specialized staff. Courts of appeals have no discretion to decline appellate review of any case filed, and no control over the number of cases filed. The primary factor which drives the strategy is the need to attract and retain highly trained and knowledgeable staff to maintain the Court's ability to dispose of cases in as effective and efficient manner as possible in order to meet the Legislature's performance measures and the expectations of Texas citizens.

EXPLANATION OF BIENNIAL CHANGE (includes Rider amounts):

<u>STRATEGY BIENNIAL TOTAL - ALL FUNDS</u>		<u>BIENNIAL CHANGE</u>	<u>EXPLANATION OF BIENNIAL CHANGE</u>	
Base Spending (Est 2016 + Bud 2017)	Baseline Request (BL 2018 + BL 2019)		\$ Amount	Explanation(s) of Amount (must specify MOFs and FTEs)
\$9,426,336	\$9,060,768	\$(365,568)	\$(365,568)	The difference reflects a 4% percent budget reduction of \$350,486 and adjustments to our reimbursements and payments due to collections.
			\$(365,568)	Total of Explanation of Biennial Change

SUMMARY TOTALS:

OBJECTS OF EXPENSE:	\$4,382,653	\$4,725,351	\$4,700,985	\$4,530,384	\$4,530,384
METHODS OF FINANCE (INCLUDING RIDERS):				\$4,530,384	\$4,530,384
METHODS OF FINANCE (EXCLUDING RIDERS):	\$4,382,653	\$4,725,351	\$4,700,985	\$4,530,384	\$4,530,384
FULL TIME EQUIVALENT POSITIONS:	43.8	47.0	47.0	41.5	41.5

3.A.1. PROGRAM-LEVEL REQUEST SCHEDULE
 85th Regular Session, Agency Submission, Version 1

Agency Code: 221		Agency: First Court of Appeals				Prepared By: Kelly McIntosh/Chris Prine					
Date:						16-17	Requested	Requested	Biennial	Biennial Difference	
Goal	Goal Name	Strateg	Strategy Name	Program	Program Name	Base	2018	2019	Total	\$	%
1.1.1	Appellate Court Operat	1	Appellate Court Operations	1	Appellate Court Operations	\$8,762,154	\$4,205,834	\$4,205,834	\$8,411,668	(\$350,486)	-4.0%

3.B. Rider Revisions and Additions Request

Agency Code: 221	Agency Name: First Court of Appeals	Prepared By: Kelly McIntosh/Chris Prine	Date: August 12, 2016	Request Level: Baseline
Current Rider Number	Page Number in 2016-17 GAA	Proposed Rider Language		
6	IV-41	<p>Interagency Contracts for Assigned Judges for Appellate Courts. Out of funds appropriated in this Article to Strategies A.1.1, Appellate Court Operations, the Supreme Court of Texas, the Court of Criminal Appeals, or any of the 14 Courts of Appeals may enter into a contract with the Office of the Comptroller for fiscal years 2016 2018 and 2017 2019, for the purpose of reimbursing the Comptroller for amounts expended for judges assigned under Chapter 74, Government Code to hear cases of the appellate courts. It is the intent of the Legislature that any amounts reimbursed under this contract for judges assigned to the appellate courts are in addition to amounts appropriated for the use of assigned judges in Strategy A.1.3, Visiting Judges - Appellate in the Judiciary Section, Comptroller's Department.</p> <p><i>Change years to reflect the new biennium.</i></p>		

The courts also request the following with regard to the across-the-board riders found in Article IV (p. IV-41):

- 1) Retain Article IV rider, Sec 4, Appellate Court Exemptions
- 2) Retain Article IV rider, Sec 6, Interagency Contracts for Assigned Judges for Appellate Courts.
- 3) Retain Article IV rider, Sec 7, Appellate Court Transfer Authority

Historically, the Legislature has granted the courts exemption from certain limitations in the General Appropriations Act. They have also granted the authority to carryover unexpended budget balances between years of the biennium as shown in the current bill pattern. The flexibility afforded by these measures enhances the courts' management ability, and we seek continuation of these budget features.

4.A. Exceptional Item Request Schedule
 85th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/10/2016
 TIME: 2:18:39PM

Agency code: 221

Agency name:
First Court of Appeals District, Houston

CODE	DESCRIPTION	Excp 2018	Excp 2019
	Item Name: Restore 4% Budget Cut Item Priority: 1 IT Component: No Anticipated Out-year Costs: Yes Involve Contracts > \$50,000: No Includes Funding for the Following Strategy or Strategies: 01-01-01 Appellate Court Operations		
OBJECTS OF EXPENSE:			
1001	SALARIES AND WAGES	175,243	175,243
	TOTAL, OBJECT OF EXPENSE	\$175,243	\$175,243
METHOD OF FINANCING:			
1	General Revenue Fund	175,243	175,243
	TOTAL, METHOD OF FINANCING	\$175,243	\$175,243
FULL-TIME EQUIVALENT POSITIONS (FTE):		2.50	2.50

DESCRIPTION / JUSTIFICATION:

The intermediate appellate courts' only collective exceptional item would restore leadership's 4% proposed budget reduction to the courts' appropriations for FY 2018-19. In the 84th Session, legislative leadership recognized the need, even in tough economic times, for the courts of appeals to be able to attract and retain qualified attorneys and to provide adequate levels of staffing for vital court functions. Appellate work requires attorneys with specialized knowledge to analyze cases on appeal, assist with court opinions, and facilitate the processing of appeals to conclusion. The courts need attorneys with strong academics, analytical skills, and professional experience. The ability to attract and retain experienced lawyers play a vital role in the courts' ability to fulfill their core function of timely processing and disposing of appeals while maintaining the high quality of justice to which the citizens of Texas are entitled.

EXTERNAL/INTERNAL FACTORS:

The court's budget predominantly goes toward salaries. Further, a 4% cut would in effect have an even greater impact on the court's support personnel budgets, given that the judicial salary portion of the courts' budgets are statutorily fixed. With a significant percentage of the court's budget dedicated to staffing, the court does not have the discretionary funds to absorb a 4% reduction without cutting integral staff, therefore a 4% reduction to the court's budgets would require a reduction of two staff attorneys and a cut of a full time deputy clerk to part-time status and directly impact the productivity of the court. A reduction in staffing will very likely result in (1) a reduction in dispositions of appeals, preventing the courts from clearing older cases and reaching the disposition target of 100% of new appeals filed in the biennium, and (2) an increase in the time for which appeals remain pending during the biennium. We estimate the court's clearance rate would fall and that the number of cases pending longer than projected would rise as a direct result of the proposed 4% cut.

4.A. Exceptional Item Request Schedule
85th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/10/2016
TIME: 2:18:39PM

Agency code: 221

Agency name:

First Court of Appeals District, Houston

CODE DESCRIPTION

Excp 2018

Excp 2019

DESCRIPTION OF ANTICIPATED OUT-YEAR COSTS :

Restoring staff positions lost as a result of the 4% proposed budget reduction.

ESTIMATED ANTICIPATED OUT-YEAR COSTS FOR ITEM:

<u>2020</u>	<u>2021</u>	<u>2022</u>
\$175,243	\$175,243	\$175,243

4.B. Exceptional Items Strategy Allocation Schedule
 85th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/9/2016
 TIME: 10:59:53AM

Agency code: 221 Agency name: First Court of Appeals District, Houston

Code	Description	Excp 2018	Excp 2019
Item Name: Restore 4% Budget Cut			
Allocation to Strategy: 1-1-1 Appellate Court Operations			
STRATEGY IMPACT ON OUTCOME MEASURES:			
<u>1</u>	Clearance Rate	2.00%	2.00%
<u>2</u>	Percentage of Cases Under Submission for Less Than One Year	2.00%	2.00%
<u>3</u>	Percentage of Cases Pending for Less Than Two Years	2.00%	2.00%
OUTPUT MEASURES:			
<u>1</u>	Number of Civil Cases Disposed	14.00	14.00
<u>2</u>	Number of Criminal Cases Disposed	12.00	12.00
OBJECTS OF EXPENSE:			
1001	SALARIES AND WAGES	175,243	175,243
TOTAL, OBJECT OF EXPENSE		\$175,243	\$175,243
METHOD OF FINANCING:			
1	General Revenue Fund	175,243	175,243
TOTAL, METHOD OF FINANCING		\$175,243	\$175,243
FULL-TIME EQUIVALENT POSITIONS (FTE):		2.5	2.5

4.C. Exceptional Items Strategy Request
 85th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/9/2016
 TIME: 10:59:53AM

Agency Code: 221 Agency name: First Court of Appeals District, Houston

GOAL: 1 Appellate Court Operations
 OBJECTIVE: 1 Appellate Court Operations
 STRATEGY: 1 Appellate Court Operations

Service Categories:
 Service: 01 Income: A.2 Age: B.3

CODE DESCRIPTION	Excp 2018	Excp 2019
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STRATEGY IMPACT ON OUTCOME MEASURES:

<u>1</u> Clearance Rate	100.00 %	100.00 %
<u>2</u> Percentage of Cases Under Submission for Less Than One Year	99.75 %	99.75 %
<u>3</u> Percentage of Cases Pending for Less Than Two Years	99.90 %	99.90 %

OUTPUT MEASURES:

<u>1</u> Number of Civil Cases Disposed	14.00	14.00
<u>2</u> Number of Criminal Cases Disposed	12.00	12.00

OBJECTS OF EXPENSE:

1001 SALARIES AND WAGES	175,243	175,243
Total, Objects of Expense	\$175,243	\$175,243

METHOD OF FINANCING:

1 General Revenue Fund	175,243	175,243
Total, Method of Finance	\$175,243	\$175,243

FULL-TIME EQUIVALENT POSITIONS (FTE):

	2.5	2.5
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EXCEPTIONAL ITEM(S) INCLUDED IN STRATEGY:

Restore 4% Budget Cut

Agency Code: 221 Agency: First Court of Appeals District, Houston

COMPARISON TO STATEWIDE HUB PROCUREMENT GOALS

A. Fiscal Year 2014 - 2015 HUB Expenditure Information

Statewide HUB Goals	Procurement Category	% Goal	HUB Expenditures FY 2014			Total Expenditures FY 2014		HUB Expenditures FY 2015			Total Expenditures FY 2015	
			% Actual	Diff	Actual \$	% Goal	% Actual	Diff	Actual \$	FY 2015		
26.0%	Other Services	24.6 %	0.0%	-24.6%	\$0	\$8,765	26.0 %	44.2%	18.2%	\$867	\$1,960	
21.1%	Commodities	21.0 %	59.2%	38.2%	\$3,231	\$5,455	21.1 %	104.7%	83.6%	\$6,522	\$6,227	
	Total Expenditures		22.7%		\$3,231	\$14,220		90.3%		\$7,389	\$8,187	

B. Assessment of Fiscal Year 2014 - 2015 Efforts to Meet HUB Procurement Goals

Attainment:

The agency more than exceeded the applicable statewide HUB procurement goals in FY2014 and FY2015 in the categories where HUB's were available for use.

Applicability:

The "Heavy Construction," Building Construction," "Special Trade," and "Professional Service," categories are not applicable to agency operations in either fiscal year 2014 or fiscal year 2015 since the agency did not have any strategies or programs related to these categories.

Factors Affecting Attainment:

In fiscal year 2014, the goal of "Other Services" category were not met due to the following:

- printing expenditures are exempt from bidding for Judicial agencies per Texas Const. Sec. 21
- the lowest bid was from a non-hub vendor
- only source available

In fiscal year 2015 "Other Services" were exceeded due to the following:

- consistent repeat purchases to HUB vendors were utilized

In fiscal year 2014 and 2015, the goal of "Commodities" were exceeded due to the following:

- major purchases were made with HUB vendors
- consistent repeat purchases to HUB vendors were utilized

"Good-Faith" Efforts:

The agency made the following good faith efforts to comply with statewide HUB procurement goals per 1 TAC Section 111.13c:

- ensured that contract specifications, terms, and conditions reflected the agency's actual requirements, were clearly stated, and did not impose unreasonable or unnecessary contract requirements
- gathered information on HUB vendors from the on-line system and contacted the vendor directly for a bid
- used the Statewide Procurement Division where applicable, not always resulting in the use of a HUB vendor

**6.H. Estimated Total of All Agency Funds Outside the GAA Bill Pattern
First Court of Appeals**

ESTIMATED GRAND TOTAL OF AGENCY FUNDS OUTSIDE THE 2018-19 GAA BILL PATTERN	\$	804,000
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Fund Name		
Estimated Beginning Balance in FY 2016		
Estimated Revenues FY 2016	\$	395,000
Estimated Revenues FY 2017	\$	402,000
FY-2016-17 Total	\$	797,000
Estimated Beginning Balance in FY 2018		
Estimated Revenues FY 2018	\$	402,000
Estimated Revenues FY 2019	\$	402,000
FY 2018-19 Total	\$	804,000

Constitutional or Statutory Creation and Use of Funds:

Pursuant to section 22.202 of the Government code, counties other than Harris County composing the First and Fourteenth Court of Appeals Districts shall annually reimburse Harris County for the cost incurred by Harris County during its previous fiscal year for supplemental salaries and fringe benefits for the justices of those courts. In addition, these counties are also to provide reimbursement for furnishings, equipment, supplies, and utility expense for those courts.

Method of Calculation and Revenue Assumptions:

Each county is to pay a share based on the proportion of their population to the total population of all counties in these districts. To effectuate the billing and payment process, the Harris County Commissioners Court is required to furnish each county liable for expenses with a statement of that county's share. Furthermore, the statement must be approved by the Chief Justices of the Courts of Appeals.

6.I. Percent Biennial Base Reduction Options

10 % REDUCTION

85th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

Date: 8/9/2016

Time: 11:08:48AM

Agency code: 221 Agency name: **First Court of Appeals District, Houston**

Item Priority and Name/ Method of Financing	REVENUE LOSS			REDUCTION AMOUNT			TARGET
	2018	2019	Biennial Total	2018	2019	Biennial Total	
1 10% GR-RELATED DEDUCTION							
Category: Programs - Service Reductions (Contracted)							
Item Comment: A 10% reduction in the First Court's General Revenue (GR) will result in the additional loss of three permanent staff attorneys; the loss of two law clerk positions, one administrative assistant and one deputy clerk. The loss of five attorneys, along with the reduction of two attorneys as a result of the 4% reduction in the Court's general appropriations, represents 26% of the Court's legal staff. The loss of two of the Court's support staff represents 13% of the Court's upper-level administrative staff. As an alternative, the Court could implement across-the-board reductions in salaries. Such reductions would drop salaries significantly below those of other comparable positions in both the public and private sectors and would likely deter top candidates from applying with the Court.							
A reduction equates to \$841,167 of the Court's biennial funds. A reduction of this magnitude will severely impact the Court's ability to fulfill its mission of providing timely appellate review to the ten counties in its jurisdiction. Because a majority of the Court's funding is dedicated to salaries, and because the Court has previously reduced its operating expenses to the lowest possible amount, a 10% reduction can be achieved only through eliminating positions or lowering salaries. If such a plan were implemented, the Court no longer would have the resources needed to timely process and decide appeals and original proceedings. The cuts and reductions necessitated by a 10% reduction in GR would adversely affect clearance rates, contribute to a significant backlog in case dispositions, and clog the Court's docket with pending cases.							
Strategy: 1-1-1 Appellate Court Operations							
<u>General Revenue Funds</u>							
1 General Revenue Fund	\$0	\$0	\$0	\$420,584	\$420,583	\$841,167	
General Revenue Funds Total	\$0	\$0	\$0	\$420,584	\$420,583	\$841,167	
Item Total	\$0	\$0	\$0	\$420,584	\$420,583	\$841,167	
FTE Reductions (From FY 2018 and FY 2019 Base Request)							
AGENCY TOTALS							
General Revenue Total				\$420,584	\$420,583	\$841,167	\$841,167
Agency Grand Total	\$0	\$0	\$0	\$420,584	\$420,583	\$841,167	
Difference, Options Total Less Target							
Agency FTE Reductions (From FY 2018 and FY 2019 Base Request)							

Agency code: 221

Agency name: First Court of Appeals District, Houston

Strategy	Exp 2015	Est 2016	Bud 2017	BL 2018	BL 2019
1-1-1 Appellate Court Operations					
OBJECTS OF EXPENSE:					
1001 SALARIES AND WAGES	\$3,824	\$4,162	\$4,182	\$4,007	\$4,007
1002 OTHER PERSONNEL COSTS	171	206	156	162	162
2001 PROFESSIONAL FEES AND SERVICES	129	135	125	125	125
2003 CONSUMABLE SUPPLIES	40	101	101	101	101
2005 TRAVEL	29	42	42	42	42
2006 RENT - BUILDING	415	430	484	484	484
2007 RENT - MACHINE AND OTHER	0	0	43	43	43
2009 OTHER OPERATING EXPENSE	205	166	171	170	170
5000 CAPITAL EXPENDITURES	51	0	0	0	0
Total, Objects of Expense	\$4,864	\$5,242	\$5,304	\$5,134	\$5,134
METHOD OF FINANCING:					
1 General Revenue Fund	4,864	5,242	5,304	5,134	5,134
Total, Method of Financing	\$4,864	\$5,242	\$5,304	\$5,134	\$5,134
FULL-TIME-EQUIVALENT POSITIONS (FTE):	4.4	4.4	4.4	4.4	4.4
DESCRIPTION					
The administration and support cost in this strategy are related to the percentage of salaries and related operating cost of court personnel performing administrative functions.					

7.B. Direct Administrative and Support Costs
 85th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/9/2016
 TIME : 10:59:54AM

Agency code: 221

Agency name: **First Court of Appeals District, Houston**

	Exp 2015	Est 2016	Bud 2017	BL 2018	BL 2019
GRAND TOTALS					
Objects of Expense					
1001 SALARIES AND WAGES	\$3,824	\$4,162	\$4,182	\$4,007	\$4,007
1002 OTHER PERSONNEL COSTS	\$171	\$206	\$156	\$162	\$162
2001 PROFESSIONAL FEES AND SERVICES	\$129	\$135	\$125	\$125	\$125
2003 CONSUMABLE SUPPLIES	\$40	\$101	\$101	\$101	\$101
2005 TRAVEL	\$29	\$42	\$42	\$42	\$42
2006 RENT - BUILDING	\$415	\$430	\$484	\$484	\$484
2007 RENT - MACHINE AND OTHER	\$0	\$0	\$43	\$43	\$43
2009 OTHER OPERATING EXPENSE	\$205	\$166	\$171	\$170	\$170
5000 CAPITAL EXPENDITURES	\$51	\$0	\$0	\$0	\$0
Total, Objects of Expense	\$4,864	\$5,242	\$5,304	\$5,134	\$5,134
Method of Financing					
1 General Revenue Fund	\$4,864	\$5,242	\$5,304	\$5,134	\$5,134
Total, Method of Financing	\$4,864	\$5,242	\$5,304	\$5,134	\$5,134
Full-Time-Equivalent Positions (FTE)	4.4	4.4	4.4	4.4	4.4





