



JUDICIAL COUNCIL OF CALIFORNIA

JUDICIAL BRANCH BUDGET
COMMITTEE

JUDICIAL BRANCH BUDGET COMMITTEE

MATERIALS FOR DECEMBER 7, 2021

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JUDICIAL COUNCIL OF CALIFORNIA

JUDICIAL BRANCH BUDGET
COMMITTEE

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JUDICIAL BRANCH BUDGET COMMITTEE

NOTICE AND AGENDA OF OPEN MEETING

Open to the Public (Cal. Rules of Court, rule 10.75(c)(1) and (e)(1))

THIS MEETING IS BEING CONDUCTED BY ELECTRONIC MEANS

THIS MEETING IS BEING RECORDED

Date: December 7, 2021
Time: 1:00 p.m. - 3:30 p.m.
Public Videocast: <https://jcc.granicus.com/player/event/1477>

Meeting materials will be posted on the advisory body web page on the California Courts website at least three business days before the meeting.

Members of the public seeking to make an audio recording of the meeting must submit a written request at least two business days before the meeting. Requests can be e-mailed to JBBC@jud.ca.gov.

Agenda items are numbered for identification purposes only and will not necessarily be considered in the indicated order.

I. OPEN MEETING (CAL. RULES OF COURT, RULE 10.75(C)(1))

Call to Order and Roll Call

Approval of Minutes

Approve minutes of the November 4, 2021, Judicial Branch Budget Committee meeting.

II. PUBLIC COMMENT (CAL. RULES OF COURT, RULE 10.75(K)(1))

This meeting will be conducted by electronic means with a listen only conference line available for the public. As such, the public may submit comments for this meeting only in writing. In accordance with California Rules of Court, rule 10.75(k)(1), written comments pertaining to any agenda item of a regularly noticed open meeting can be submitted up to one complete business day before the meeting. For this specific meeting, comments should be e-mailed to JBBC@jud.ca.gov attention: Angela Cowan. Only written comments received by 1 p.m. on Monday, December 6, 2021 will be provided to advisory body members prior to the start of the meeting.

III. DISCUSSION AND POSSIBLE ACTION ITEMS (ITEMS 1-8)

Item 1

\$7 million ongoing Court Reporter Funding Allocation Methodology (Action Required)

Consideration of a recommendation from the Trial Court Budget Advisory Committee (TCBAC) on an allocation methodology for \$7 million included in the Budget Act of 2021 to cover costs associated with increased transcript rates.

Presenter(s)/Facilitator(s): Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee
Ms. Rebecca Fleming, Cochair, Trial Court Budget Advisory Committee

Item 2

\$30 million ongoing Court Reporter Funding Allocation Methodology (Action Required)

Consideration of a recommendation from the TCBAC on an allocation methodology for \$30 million included in the Budget Act of 2021 to increase the number of court reporters in family and civil law case types.

Presenter(s)/Facilitator(s): Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee
Ms. Rebecca Fleming, Cochair, Funding Methodology Subcommittee

Item 3

Court Interpreter Program (CIP) Allocation Methodology (Action Required)

Consideration of a recommendation from the TCBAC of an allocation methodology for CIP funding effective July 1, 2022.

Presenter(s)/Facilitator(s): Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee
Mr. Catrayel Wood, Senior Analyst, Judicial Council Budget Services

Item 4

Base Funding Floor Increase Requests (Action Required)

Consideration of a recommendation from the TCBAC on a base funding floor increase for the Superior Courts of Alpine and Sierra Counties, effective July 1, 2022.

Presenter(s)/Facilitator(s): Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee
Ms. Oksana Tuk, Senior Analyst, Judicial Council Budget Services

Item 5

2021-22 State Trial Court Improvement and Modernization Fund (IMF) Allocation Adjustment for the Judicial Council Information Technology Office (Action Required)

Consideration of a recommendation from the TCBAC to adjust the 2021-22 IMF allocation for Information Technology telecommunications, statewide planning, and development support programs.

Presenter(s)/Facilitator(s): Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee
Ms. Heather Pettit, Chief Information Officer/Director, Judicial Council Information Technology Services
Mr. Jason Haas, Senior Analyst, Judicial Council Budget Services

Item 6

Delegation of Trial Court Trust Fund (TCTF) Authority (Action Required)

Consideration of a recommendation from the TCBAC to delegate authority to the Judicial Council Administrative Director to transfer TCTF funding allocations approved by the Judicial Council between programs or projects.

Presenter(s)/Facilitator(s): Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee
Ms. Oksana Tuk, Senior Analyst, Judicial Council Budget Services

Item 7

2020-21 Final One-Time Reduction for 3 Percent Fund Balance Cap (Action Required)

Consideration of a recommendation from the TCBAC on final one-time reductions for 2020-21 fund balances related to the 3 percent fund balance cap.

Presenter(s)/Facilitator(s): Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee
Ms. Oksana Tuk, Senior Analyst, Judicial Council Budget Services

Item 8

2022 TCBAC Annual Agenda (Action Required)

Consideration of the 2022 annual agenda of the TCBAC.

Presenter(s)/Facilitator(s): Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee
Ms. Brandy Olivera, Manager, Judicial Council Budget Services

IV. INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

Info 1

Trial Court Trust Fund Funds Held on Behalf (FHOB) Expenditure Reporting

Quarterly report on the 2021-22 FHOB project expenditures and planned expenditures that are complete.

Presenter(s)/Facilitator(s): Hon. Jonathan B. Conklin, Chair, Trial Court Budget
Advisory Committee
Mr. Catrayel Wood, Senior Analyst, Judicial Council Budget
Services

V. ADJOURNMENT

Adjourn



JUDICIAL COUNCIL OF CALIFORNIA

JUDICIAL BRANCH BUDGET
COMMITTEE

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JUDICIAL BRANCH BUDGET COMMITTEE

MINUTES OF OPEN MEETING

November 4, 2021

1:00 p.m. to 2:00 p.m.

<http://jcc.granicus.com/player/event/1456>

Advisory Body Members Present: Hon. David. M. Rubin, Chair; Hon. Ann Moorman, Vice Chair; Hon. Carin T. Fujisaki, Hon. Brad R. Hill; Hon. C. Todd Bottke; Hon. Harold W. Hopp; Mr. Kevin Harrigan

Advisory Body Members Absent: n/a

Others Present: Mr. John Wordlaw, Mr. Zlatko Theodorovic, Ms. Fran Mueller; Hon. Jonathan Conklin, Ms. Rebecca Fleming, Ms. Angela Cowan, Ms. Charlene Depner, Ms. Audrey Fancy, Ms. Kelly Meehleib, Ms. Gricelda Luna

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 1:02 p.m. and took roll call.

Approval of Minutes

The advisory body reviewed and approved the minutes of the August 13, 2021 Judicial Branch Budget Committee (Budget Committee) meeting.

DISCUSSION AND POSSIBLE ACTION ITEMS (ITEMS 1)

Item 1 - Federally Funded Dependency Representation Program: Funding Allocation Methodology for General Fund Supplement to Address Shortfall (Action Required)

Consideration of a Trial Court Budget Advisory Committee recommendation on an allocation methodology for up to \$30 million in support of court-appointed counsel in dependency cases.

Presenter(s)/Facilitator(s): Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee
Ms. Audrey Fancy, Principal Managing Attorney, Judicial Council Center for Families, Children & the Courts

Action: *The Budget Committee unanimously approved the following recommendations:*

1. Approve the allocation and distribution methodology for 2021-22 which funds all providers with Federal Funded Dependency Representation Program (FFDRP) contracts for the full amount of the shortfall between their contract and total billing in one lump sum payment, provided that they submit invoices for each month of the contract or demonstrate extenuating circumstances preventing them from invoicing;
2. Revise this approach for future years to make the payments on a quarterly basis;
3. Approve a proportional allocation approach with each provider receiving their share of the \$30 million based on their contract share of total FFDRP funding up to their full contract amount if the shortfall exceeds \$30 million; and
4. Direct CFCC staff to monitor FFDRP invoicing to ensure that this allocation methodology is maximizing the drawdown of Federal Title IV-E funds.

INFORMATION ONLY ITEMS (NO ACTION REQUIRED ITEMS 1-2)

Info 1 - \$30 Million One-Time Court Interpreter Employee Incentive Grant Funding

Discussion of the 2021-22 one-time funding included in SB 170.

Presenter(s)/Facilitator(s): Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee

Action: No action taken

Info 2 – \$37 Million in Ongoing Funding for Court Reporters in Family Law and Civil Cases and for Increased Transcript Rates

Discussion of the 2021-22 ongoing funding included in SB 170.

Presenter(s)/Facilitator(s): Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee

Action: No action taken

A D J O U R N M E N T

There being no further business, the meeting was adjourned at 1:35 p.m.

Approved by the advisory body on enter date

JUDICIAL COUNCIL OF CALIFORNIA
BUDGET SERVICES
Report to the Judicial Branch Budget Committee
(Action Item)

Title: SB 170 Ongoing \$7 Million Increased Transcript Rate Funding Allocation
Methodology

Date: 11/30/2021

Contact: Chris Belloli, Manager, Business Management Services
415-865-7658 | chris.belloli@jud.ca.gov

Issue

Consideration of a recommendation from the Trial Court Budget Advisory Committee (TCBAC) for a methodology to allocate \$7 million included in the 2021 Budget Act to cover the costs associated with increased transcript rates effective 2021-22.

Background

Budget Language

On September 23, 2021, the Governor signed SB 170 which amended the 2021 Budget Act and included \$7 million ongoing General Fund to the Judicial Council for establishing a methodology to allocate the funding to all trial courts to cover the costs associated with increased transcript rates pursuant to AB 177 (Committee on Budget; ch. 257, stats. 2021).

The actual budget language for SB 170 relating to this funding for increased transcript rates is included below.

\$7,000,000 shall be available for the Judicial Council to establish a methodology to allocate a share of resources to all courts to cover the costs associated with the increased transcript rates.

Ad Hoc Court Reporter Funding Subcommittee

An ad hoc subcommittee was established to develop an allocation methodology recommendation, consisting of members from the TCBAC, outlined in Table 1.

JUDICIAL COUNCIL OF CALIFORNIA
 BUDGET SERVICES
 Report to the Judicial Branch Budget Committee
 (Action Item)

Table 1 – Ad Hoc Court Reporter Funding Subcommittee Membership

#	Member Name and Court
1	Hon. Jonathan B. Conklin, Fresno Superior Court
2	Ms. Rebecca Fleming, Santa Clara Superior Court
3	Mr. Kevin Harrigan, Tehama Superior Court
4	Mr. James Kim, Marin Superior Court
5	Mr. Brandon E. Riley, San Joaquin Superior Court

Allocation Methodology

Through ad hoc subcommittee deliberations, a recommendation was developed for implementation that helps courts cover increased transcript costs and was presented to the Funding Methodology Subcommittee at its November 17, 2021 meeting and to the TCBAC at its November 30, 2021 meeting. Focusing on an equitable approach for allocating funds to all trial courts, consistent with the budget language, the methodology includes:

- a) Averaging actual transcript expenditures by court for the last three fiscal years (i.e., 2018-19, 2019-20, and 2020-21);
- b) Applying a proportional allocation of the \$7 million appropriation to each court based on the three-year average of transcript expenditures. This allocation methodology would provide each court with additional funding representing the same 44 percent increase for each court from their historical three-year average expenditures; and
- c) Funds would be allocated in one lump sum upon approval by the Judicial Council.

Details of this approach are outlined in Attachment 1A.

The three-year average would be updated each year based on the most recent data available for actual expenditures on court reporter transcripts, which is consistent with other workload methodologies for other funding sources.

Annual True Up Process

Because this funding is intended solely to cover the costs associated with increased transcript rates, any unspent funds are required to revert to the General Fund each fiscal year. The actual expenditures for each court from 2020-21 will be used to establish a baseline from which cost increases eligible to be covered by these funds will be determined for each court. Based on the historical baseline amount and the actual expenditures for the current fiscal year, a true up process will occur at the end of each fiscal year to pull back any remaining funds.

JUDICIAL COUNCIL OF CALIFORNIA
 BUDGET SERVICES
 Report to the Judicial Branch Budget Committee
 (Action Item)

For this first year of funding, the true up process will account for the September 23, 2021 effective date of the increased transcript rate. Expenditures on or after this date in the current fiscal year will be part of the true up process for 2021-22, and the baseline amount will be adjusted accordingly to reflect a similar time period (i.e., from September 23, 2021 through June 30, 2022, or approximately 77% of the fiscal year). This process and adjustments for 2021-22 are outlined in Table 2 below.

Table 2 – Annual Reversion Calculation for 2021-22

Court	Actual Expenditures			3-Year Average	2021-22 Allocation from \$7M	2021-22 Actuals (on/after Sept 23, 2021)	Adjusted Baseline (77% of 2020-21)	GF Reversion
	2018-19	2019-20	2020-21 (Baseline)					
A	\$110,000	\$85,000	\$100,000	\$98,333	\$43,260	\$110,000	77,000	\$10,260

Based on the example in Table 2, Court A would receive an allocation of \$43,260 from the 2021-22 \$7 million court reporter transcript appropriation. In this example, the court’s actual expenditures on or after September 23 for 2021-22 would be \$110,000, which is a \$33,000 increase from the adjusted 2020-21 baseline amount for 2021-22 (\$110,000 - \$77,000 = \$33,000). Comparing the \$33,000 increase to the \$43,260 allocation from the 2021-22 appropriation, the court would be required to revert the remaining \$10,260 (\$43,260 - \$33,000 = \$10,260) to the General Fund.

Recommendation

The TCBAC recommends the following for approval, to be considered by the Judicial Council at its January 20-21, 2022 business meeting:

1. Approve an allocation methodology that allocates the \$7 million appropriation to each trial court proportionally, based on an average of the prior three-year transcript expenditures;
2. Establish 2020-21 actual expenditures, adjusted to reflect the September 23, 2021 effective date of the increased transcript rate outlined in Attachment 1B, as a baseline to determine cost increases and identify unspent funds for General Fund reversion each fiscal year as necessary; and
3. Direct staff to update the three-year average for the allocation methodology each year based on the most recent data available for actual expenditures on transcripts.

JUDICIAL COUNCIL OF CALIFORNIA
BUDGET SERVICES
Report to the Judicial Branch Budget Committee
(Action Item)

Attachments

Attachment 1A: 2021-22 \$7 Million Increased Transcript Rate Funding Allocation Methodology

Attachment 1B: Adjusted Baseline Amount for 2021-22 True Up Process

Actual Expenditures for Court Reporter Transcripts: FY 2018-19, FY 2019-20, and FY 2020-21

Cluster	Court	Actual Expenditures on Court Reporter Transcripts				Proportion of Average Expenditures	Proportional Allocation of \$7M	New Funding as a Percent of Expenditures
		FY 2018-19	FY 2019-20	FY 2020-21	Average			
	Statewide	\$18,850,026	\$15,996,562	\$12,739,717	\$15,862,102	100.00%	\$7,000,000	44%
4	Alameda	\$539,125	\$462,789	\$316,575	\$439,496	2.77%	\$193,951	44%
1	Alpine	\$229	\$71	\$139	\$146	0.00%	\$65	44%
1	Amador	\$28,347	\$32,387	\$18,321	\$26,352	0.17%	\$11,629	44%
2	Butte	\$103,922	\$91,273	\$97,894	\$97,696	0.62%	\$43,114	44%
1	Calaveras	\$19,108	\$27,309	\$26,846	\$24,421	0.15%	\$10,777	44%
1	Colusa	\$25,190	\$14,533	\$8,008	\$15,910	0.10%	\$7,021	44%
3	Contra Costa	\$569,397	\$509,894	\$405,961	\$495,084	3.12%	\$218,482	44%
1	Del Norte	\$18,301	\$81,558	\$53,391	\$51,083	0.32%	\$22,543	44%
2	El Dorado	\$97,744	\$85,149	\$49,904	\$77,599	0.49%	\$34,245	44%
3	Fresno	\$550,703	\$502,569	\$431,683	\$494,985	3.12%	\$218,439	44%
1	Glenn	\$9,211	\$10,673	\$7,650	\$9,178	0.06%	\$4,050	44%
2	Humboldt	\$3,158	\$3,742	\$7,435	\$4,778	0.03%	\$2,109	44%
2	Imperial	\$31,734	\$22,759	\$23,298	\$25,930	0.16%	\$11,443	44%
1	Inyo	\$10,118	\$11,028	\$10,357	\$10,501	0.07%	\$4,634	44%
3	Kern	\$811,377	\$797,067	\$709,145	\$772,530	4.87%	\$340,920	44%
2	Kings	\$363,241	\$316,901	\$275,882	\$318,675	2.01%	\$140,632	44%
2	Lake	\$52,709	\$30,351	\$32,336	\$38,465	0.24%	\$16,975	44%
1	Lassen	\$43,485	\$36,511	\$30,822	\$36,939	0.23%	\$16,301	44%
4	Los Angeles	\$5,858,268	\$4,589,304	\$3,433,513	\$4,627,028	29.17%	\$2,041,923	44%
2	Madera	\$89,024	\$75,441	\$83,123	\$82,529	0.52%	\$36,421	44%
2	Marin	\$64,540	\$64,012	\$45,711	\$58,088	0.37%	\$25,634	44%
1	Mariposa	\$5,122	\$1,737	\$4,709	\$3,856	0.02%	\$1,702	44%
2	Mendocino	\$147,058	\$148,140	\$134,226	\$143,142	0.90%	\$63,169	44%
2	Merced	\$138,701	\$122,600	\$156,237	\$139,179	0.88%	\$61,420	44%
1	Modoc	\$22,153	\$28,306	\$7,155	\$19,204	0.12%	\$8,475	44%
1	Mono	\$2,955	\$5,300	\$2,806	\$3,687	0.02%	\$1,627	44%
3	Monterey	\$147,536	\$165,151	\$127,556	\$146,748	0.93%	\$64,760	44%
2	Napa	\$146,790	\$135,651	\$90,806	\$124,416	0.78%	\$54,905	44%
2	Nevada	\$55,593	\$35,114	\$23,786	\$38,164	0.24%	\$16,842	44%
4	Orange	\$1,185,057	\$1,015,335	\$982,451	\$1,060,947	6.69%	\$468,200	44%
2	Placer	\$144,479	\$170,553	\$148,518	\$154,517	0.97%	\$68,189	44%
1	Plumas	\$8,238	\$4,740	\$2,104	\$5,027	0.03%	\$2,219	44%
4	Riverside	\$20,206	\$24,959	\$11,186	\$18,784	0.12%	\$8,289	44%
4	Sacramento	\$880,868	\$754,751	\$623,902	\$753,173	4.75%	\$332,378	44%
1	San Benito	\$6,405	\$6,206	\$3,766	\$5,459	0.03%	\$2,409	44%
4	San Bernardino	\$824,927	\$737,088	\$636,886	\$732,967	4.62%	\$323,461	44%

Actual Expenditures for Court Reporter Transcripts: FY 2018-19, FY 2019-20, and FY 2020-21

Cluster	Court	Actual Expenditures on Court Reporter Transcripts				Proportion of Average Expenditures	Proportional Allocation of \$7M	New Funding as a Percent of Expenditures
		FY 2018-19	FY 2019-20	FY 2020-21	Average			
	Statewide	\$18,850,026	\$15,996,562	\$12,739,717	\$15,862,102	100.00%	\$7,000,000	44%
4	San Diego	\$1,350,757	\$1,058,891	\$501,181	\$970,276	6.12%	\$428,186	44%
3	San Francisco	\$772,804	\$464,089	\$300,914	\$512,602	3.23%	\$226,213	44%
3	San Joaquin	\$350,016	\$330,322	\$349,811	\$343,383	2.16%	\$151,536	44%
2	San Luis Obispo	\$119,285	\$117,302	\$135,606	\$124,064	0.78%	\$54,750	44%
3	San Mateo	\$266,446	\$221,966	\$280,961	\$256,458	1.62%	\$113,176	44%
3	Santa Barbara	\$281,733	\$182,937	\$134,408	\$199,693	1.26%	\$88,125	44%
4	Santa Clara	\$631,761	\$706,321	\$497,743	\$611,941	3.86%	\$270,052	44%
2	Santa Cruz	\$164,718	\$145,513	\$100,255	\$136,829	0.86%	\$60,383	44%
2	Shasta	\$113,807	\$89,173	\$88,543	\$97,174	0.61%	\$42,883	44%
1	Sierra	\$0	\$2,256	\$698	\$985	0.01%	\$435	44%
2	Siskiyou	\$65,674	\$20,518	\$31,755	\$39,316	0.25%	\$17,350	44%
3	Solano	\$180,537	\$170,800	\$159,262	\$170,200	1.07%	\$75,110	44%
3	Sonoma	\$159,686	\$157,135	\$118,224	\$145,015	0.91%	\$63,996	44%
3	Stanislaus	\$198,821	\$152,415	\$239,016	\$196,751	1.24%	\$86,827	44%
2	Sutter	\$25,844	\$42,100	\$36,528	\$34,824	0.22%	\$15,368	44%
2	Tehama	\$25,810	\$19,604	\$13,000	\$19,471	0.12%	\$8,593	44%
1	Trinity	\$17,362	\$29,273	\$7,875	\$18,170	0.11%	\$8,018	44%
3	Tulare	\$437,435	\$402,174	\$298,604	\$379,404	2.39%	\$167,432	44%
2	Tuolumne	\$61,968	\$47,574	\$90,624	\$66,722	0.42%	\$29,445	44%
3	Ventura	\$310,421	\$292,846	\$168,224	\$257,164	1.62%	\$113,487	44%
2	Yolo	\$264,625	\$197,301	\$138,545	\$200,157	1.26%	\$88,330	44%
2	Yuba	\$25,498	\$25,100	\$23,853	\$24,817	0.16%	\$10,952	44%

GL Accounts

- 938701 Court Transcripts
- 938702 Non-Felony Appeals
- 938703 Felony Appeals
- 938705 Civil Transcripts
- 938711 Electronic Reporting

Adjusted Baseline Amount for FY 2021-22 True Up Process

Cluster	Court	Proportional Allocation of \$7M	Adjustment of FY 2020-21 Expenditures to Establish Baseline		
			FY 2020-21 Expenditures	Adjustment Factor*	Adjusted Baseline
	Statewide	\$7,000,000	\$12,739,717		
4	Alameda	\$193,951	\$316,575	77%	\$243,587
1	Alpine	\$65	\$139	77%	\$107
1	Amador	\$11,629	\$18,321	77%	\$14,097
2	Butte	\$43,114	\$97,894	77%	\$75,324
1	Calaveras	\$10,777	\$26,846	77%	\$20,657
1	Colusa	\$7,021	\$8,008	77%	\$6,161
3	Contra Costa	\$218,482	\$405,961	77%	\$312,364
1	Del Norte	\$22,543	\$53,391	77%	\$41,081
2	El Dorado	\$34,245	\$49,904	77%	\$38,399
3	Fresno	\$218,439	\$431,683	77%	\$332,156
1	Glenn	\$4,050	\$7,650	77%	\$5,887
2	Humboldt	\$2,109	\$7,435	77%	\$5,721
2	Imperial	\$11,443	\$23,298	77%	\$17,927
1	Inyo	\$4,634	\$10,357	77%	\$7,969
3	Kern	\$340,920	\$709,145	77%	\$545,648
2	Kings	\$140,632	\$275,882	77%	\$212,276
2	Lake	\$16,975	\$32,336	77%	\$24,881
1	Lassen	\$16,301	\$30,822	77%	\$23,716
4	Los Angeles	\$2,041,923	\$3,433,513	77%	\$2,641,897
2	Madera	\$36,421	\$83,123	77%	\$63,958
2	Marin	\$25,634	\$45,711	77%	\$35,172
1	Mariposa	\$1,702	\$4,709	77%	\$3,624
2	Mendocino	\$63,169	\$134,226	77%	\$103,280
2	Merced	\$61,420	\$156,237	77%	\$120,216
1	Modoc	\$8,475	\$7,155	77%	\$5,505
1	Mono	\$1,627	\$2,806	77%	\$2,159
3	Monterey	\$64,760	\$127,556	77%	\$98,148
2	Napa	\$54,905	\$90,806	77%	\$69,870
2	Nevada	\$16,842	\$23,786	77%	\$18,302
4	Orange	\$468,200	\$982,451	77%	\$755,941
2	Placer	\$68,189	\$148,518	77%	\$114,277
1	Plumas	\$2,219	\$2,104	77%	\$1,619
4	Riverside	\$8,289	\$11,186	77%	\$8,607
4	Sacramento	\$332,378	\$623,902	77%	\$480,058
1	San Benito	\$2,409	\$3,766	77%	\$2,898
4	San Bernardino	\$323,461	\$636,886	77%	\$490,049

Adjusted Baseline Amount for FY 2021-22 True Up Process

Cluster	Court	Proportional Allocation of \$7M	Adjustment of FY 2020-21 Expenditures to Establish Baseline		
			FY 2020-21 Expenditures	Adjustment Factor*	Adjusted Baseline
	Statewide	\$7,000,000	\$12,739,717		
4	San Diego	\$428,186	\$501,181	77%	\$385,631
3	San Francisco	\$226,213	\$300,914	77%	\$231,536
3	San Joaquin	\$151,536	\$349,811	77%	\$269,160
2	San Luis Obispo	\$54,750	\$135,606	77%	\$104,341
3	San Mateo	\$113,176	\$280,961	77%	\$216,184
3	Santa Barbara	\$88,125	\$134,408	77%	\$103,419
4	Santa Clara	\$270,052	\$497,743	77%	\$382,985
2	Santa Cruz	\$60,383	\$100,255	77%	\$77,141
2	Shasta	\$42,883	\$88,543	77%	\$68,129
1	Sierra	\$435	\$698	77%	\$537
2	Siskiyou	\$17,350	\$31,755	77%	\$24,434
3	Solano	\$75,110	\$159,262	77%	\$122,543
3	Sonoma	\$63,996	\$118,224	77%	\$90,967
3	Stanislaus	\$86,827	\$239,016	77%	\$183,910
2	Sutter	\$15,368	\$36,528	77%	\$28,107
2	Tehama	\$8,593	\$13,000	77%	\$10,003
1	Trinity	\$8,018	\$7,875	77%	\$6,059
3	Tulare	\$167,432	\$298,604	77%	\$229,759
2	Tuolumne	\$29,445	\$90,624	77%	\$69,730
3	Ventura	\$113,487	\$168,224	77%	\$129,439
2	Yolo	\$88,330	\$138,545	77%	\$106,603
2	Yuba	\$10,952	\$23,853	77%	\$18,354

* Adjustment factor of 77% represents proportion of fiscal year from September 23, 2021 through June 30, 2022.

JUDICIAL COUNCIL OF CALIFORNIA
BUDGET SERVICES
Report to the Judicial Branch Budget Committee
(Action Item)

Title: SB 170 Ongoing \$30 Million Court Reporter Funding Allocation
Methodology

Date: 11/30/2021

Contact: Chris Belloli, Manager, Business Management Services
415-865-7658 | chris.belloli@jud.ca.gov

Issue

Consideration of a recommendation from the Trial Court Budget Advisory Committee (TCBAC) for a methodology to allocate \$30 million included in the 2021 Budget Act to increase the number of court reporters in family law and civil law case types effective 2021-22.

Background

Budget Language

On September 23, 2021, the Governor signed SB 170 which amended the 2021 Budget Act and included \$30 million ongoing General Fund to the Judicial Council to be utilized exclusively for establishing a methodology to allocate funding to all trial courts to increase the number of court reporters in family law and civil cases. The funding shall not supplant existing trial court expenditures on court reporters in family law and civil law cases.

The actual budget language for SB 170 relating to this \$30 million funding for increasing the number of court reporters in family law and civil cases is included below.

\$30,000,000 shall be allocated by the Judicial Council in a manner that ensures all courts are allocated funds to be utilized exclusively to increase the number of court reporters in family law and civil law cases. This funding shall not supplant existing trial court expenditures on court reporters in family law and civil law cases.

Ad Hoc Court Reporter Funding Subcommittee

An ad hoc subcommittee was established to develop a methodology recommendation, consisting of members from the TCBAC, outlined in Table 1.

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Table 1 – Ad Hoc Court Reporter Funding Subcommittee Membership

#	Member Name and Court
1	Hon. Jonathan B. Conklin, Fresno Superior Court
2	Ms. Rebecca Fleming, Santa Clara Superior Court
3	Mr. Kevin Harrigan, Tehama Superior Court
4	Mr. James Kim, Marin Superior Court
5	Mr. Brandon E. Riley, San Joaquin Superior Court

Allocation Methodology

Through ad hoc subcommittee deliberations, a recommendation was developed for an allocation methodology based on the 2020 Judicial Needs Assessment (JNA) for consideration by the Funding Methodology Subcommittee on November 17, 2021 and by the TCBAC on November 30, 2021. Judicial workload, as described by the JNA is measured by a court’s Assessed Judicial Need (AJN), was identified by the subcommittee as the best metric for the allocation methodology because of the parallel workload drivers between judgeships and court reporters, and that the AJN data includes separate non-criminal and criminal judicial need by court (Attachment 2A)¹. Focusing on non-criminal judicial need, consistent with the requirements in the budget language, the proposed methodology for allocating funds to all trial courts includes:

- a) Identifying the proportion of judicial workload, as measured by the AJN, for non-criminal need by court;
- b) Applying a \$25,000 funding floor to all courts. This would result in an increased amount, compared to using a purely proportional calculation, to 11 of the 15 Cluster 1 courts², totaling \$275,000, which represents an approximate 0.25 full-time equivalent (FTE) using the average salary for court reporters from the 2020-21 Schedule 7A. This would provide funding for these courts to increase the number of court reporters in family law and civil law case types through the hiring of a part-time court reporter position, increasing the time for an existing part-time court reporter position, or utilizing shared services among other Cluster 1 courts;
- c) After applying the funding floor amount to 11 Cluster 1 courts, allocating the remaining \$29.725 million proportionally to all other courts based on their non-criminal judicial need; and

¹ Criminal includes felony, misdemeanor, and infraction case types; non-criminal captures all other case types including civil, family, juvenile, probate, and mental health.

² Four Cluster 1 courts (Amador, Calaveras, Del Norte, and San Benito) would receive an amount above \$25,000, like for the other non-floor courts, based on the 2020 AJN data for non-criminal case types.

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d) Funds would be allocated in one lump sum upon approval by the Judicial Council.

Details of this approach are outlined in Attachment 2B.

Annual True Up Process

Because this funding is intended solely to cover the costs associated with increasing court reporters in family law and civil law cases, any unspent funds are required to revert to the General Fund each fiscal year. Judicial Council staff will work to confirm a true up process to occur at the end of each fiscal year to pull back any remaining funds not spent on new court reporters in family law and civil law cases effective July 1, 2021.

Recommendation

The TCBAC recommends the following for approval, to be considered by the Judicial Council at its January 20-21, 2022 business meeting:

1. Approve an allocation methodology that allocates the \$30 million funding proportionally to each trial court based on the most-recently published non-criminal AJN, and after a \$25,000 funding floor is provided to those courts that fall below the floor amount through the model;
2. Capture a baseline number and associated costs for court reporters in non-criminal case types, effective July 1, 2021, to ensure that these funds are not being used to supplant existing expenditures in these areas, consistent with the requirements in the budget language;
3. Update the AJN data and Schedule 7A data used each year based on the most recent information available at the time of allocation for each fiscal year³; and
4. Identify unspent funds for General Fund reversion each fiscal year as necessary.

Attachments

Attachment 2A: 2020-21 Assessed Judicial Workload and Pending \$30 Million Proportional Allocation

Attachment 2B: 2021-22 \$30 Million Court Reporter Allocation Methodology with Funding Floor

³ The AJN data is updated on a biennial basis and the Schedule 7A is updated annually.

Attachment 2A: 2020-21 Assessed Judicial Workload and \$30 Million Proportional Allocation

2020 Assessed Judicial Workload (AJN): Noncriminal and Criminal Case Types					Proportional Allocation of \$30M based on Noncriminal AJN		
Cluster	Court	Noncriminal AJN	Criminal AJN	Total AJN	Noncriminal AJN	Proportion of Statewide AJN	Proportion of \$30M
	Statewide	1,078	889	1,967	1,078	100%	\$30,000,000
4	Alameda	38.2	24.5	62.7	38.2	3.55%	\$1,064,209
1	Alpine	0.0	0.1	0.1	0.0	0.00%	\$1,056
1	Amador	1.1	1.7	2.8	1.1	0.10%	\$29,940
2	Butte	6.7	6.9	13.5	6.7	0.62%	\$185,420
1	Calaveras	1.4	1.1	2.5	1.4	0.13%	\$39,895
1	Colusa	0.6	1.2	1.7	0.6	0.05%	\$15,943
3	Contra Costa	24.3	14.9	39.2	24.3	2.25%	\$675,184
1	Del Norte	1.2	1.3	2.5	1.2	0.11%	\$34,109
2	El Dorado	4.5	3.2	7.7	4.5	0.42%	\$124,641
3	Fresno	30.7	31.2	61.9	30.7	2.85%	\$853,614
1	Glenn	0.8	1.2	2.0	0.8	0.08%	\$22,883
2	Humboldt	4.7	5.0	9.7	4.7	0.43%	\$130,079
2	Imperial	5.3	6.2	11.5	5.3	0.49%	\$147,796
1	Inyo	0.5	1.0	1.5	0.5	0.04%	\$13,180
3	Kern	25.3	33.6	58.9	25.3	2.34%	\$702,828
2	Kings	4.3	7.8	12.1	4.3	0.40%	\$120,811
2	Lake	2.4	3.5	5.9	2.4	0.22%	\$66,963
1	Lassen	0.8	1.4	2.3	0.8	0.08%	\$23,445
4	Los Angeles	334.8	188.5	523.3	334.8	31.06%	\$9,318,132
2	Madera	6.0	5.8	11.8	6.0	0.56%	\$167,487
2	Marin	5.4	3.9	9.3	5.4	0.50%	\$150,839
1	Mariposa	0.4	0.7	1.0	0.4	0.03%	\$10,012
2	Mendocino	3.1	4.3	7.4	3.1	0.29%	\$86,263
2	Merced	7.1	7.9	14.9	7.1	0.66%	\$197,033
1	Modoc	0.5	0.6	1.0	0.5	0.04%	\$13,360
1	Mono	0.3	0.7	1.0	0.3	0.03%	\$8,319
3	Monterey	9.6	12.0	21.6	9.6	0.89%	\$268,159
2	Napa	3.6	3.6	7.2	3.6	0.34%	\$101,506
2	Nevada	2.4	2.3	4.6	2.4	0.22%	\$65,450
4	Orange	77.8	65.5	143.3	77.8	7.22%	\$2,165,694
2	Placer	8.9	8.2	17.1	8.9	0.82%	\$247,425
1	Plumas	0.7	0.6	1.2	0.7	0.06%	\$18,230
4	Riverside	62.7	53.1	115.8	62.7	5.82%	\$1,746,095
4	Sacramento	45.1	43.9	89.0	45.1	4.19%	\$1,255,567
1	San Benito	1.4	1.5	2.9	1.4	0.13%	\$39,515
4	San Bernardino	69.7	67.9	137.7	69.7	6.47%	\$1,940,623

2020 Assessed Judicial Workload (AJN): Noncriminal and Criminal Case Types					Proportional Allocation of \$30M based on Noncriminal AJN		
Cluster	Court	Noncriminal AJN	Criminal AJN	Total AJN	Noncriminal AJN	Proportion of Statewide AJN	Proportion of \$30M
	Statewide	1,078	889	1,967	1,078	100%	\$30,000,000
4	San Diego	76.6	58.1	134.6	76.6	7.10%	\$2,131,223
3	San Francisco	26.5	15.1	41.6	26.5	2.45%	\$736,281
3	San Joaquin	20.1	22.4	42.5	20.1	1.87%	\$560,019
2	San Luis Obispo	6.1	8.9	15.0	6.1	0.57%	\$169,996
3	San Mateo	13.9	13.6	27.5	13.9	1.29%	\$386,101
3	Santa Barbara	9.6	12.4	22.1	9.6	0.89%	\$268,360
4	Santa Clara	35.1	33.2	68.3	35.1	3.26%	\$976,843
2	Santa Cruz	5.3	7.4	12.7	5.3	0.49%	\$147,972
2	Shasta	6.1	9.1	15.3	6.1	0.57%	\$170,783
1	Sierra	0.1	0.2	0.2	0.1	0.01%	\$1,947
2	Siskiyou	1.5	2.2	3.7	1.5	0.14%	\$41,458
3	Solano	11.3	10.9	22.3	11.3	1.05%	\$315,413
3	Sonoma	10.7	11.2	21.9	10.7	0.99%	\$296,871
3	Stanislaus	15.0	14.4	29.4	15.0	1.39%	\$417,851
2	Sutter	3.2	3.9	7.1	3.2	0.29%	\$87,725
2	Tehama	2.3	3.5	5.8	2.3	0.21%	\$63,377
1	Trinity	0.7	0.9	1.5	0.7	0.06%	\$18,335
3	Tulare	12.9	15.2	28.1	12.9	1.20%	\$359,582
2	Tuolumne	2.0	2.9	4.9	2.0	0.19%	\$56,372
3	Ventura	18.7	17.3	36.0	18.7	1.73%	\$519,490
2	Yolo	5.4	7.2	12.6	5.4	0.50%	\$151,000
2	Yuba	2.6	2.8	5.3	2.6	0.24%	\$71,295

2020 Assessed Judicial Need (AJN): based on the Biennial Report to the Legislature on Judicial Need submitted by the Judicial Council in November 2020 (https://www.courts.ca.gov/documents/2020_Update_of_the_Judicial_Needs_Assessment.pdf)

Noncriminal case types: Civil, Family, Juvenile, Probate, Mental Health

Criminal case types: Felony, Misdemeanors, Infractions

Cluster	Court	Initial Allocation of \$30M (AJN Only)	Modified Allocation of \$30M with Funding Floor of \$25,000*					
			Funding Floor Court?	Floor Funding	Revised AJN Proportion for Non-floor Courts	Allocation of Non floor Funding	Final Allocation	Change with Floor
	Statewide	\$30,000,000		\$275,000		\$29,725,000	\$30,000,000	\$0
4	Alameda	\$1,064,209			3.56%	\$1,059,636	\$1,059,636	(\$4,573)
1	Alpine	\$1,056	X	\$25,000			\$25,000	\$23,944
1	Amador	\$29,940			0.10%	\$29,812	\$29,812	(\$129)
2	Butte	\$185,420			0.62%	\$184,623	\$184,623	(\$797)
1	Calaveras	\$39,895			0.13%	\$39,724	\$39,724	(\$171)
1	Colusa	\$15,943	X	\$25,000			\$25,000	\$9,057
3	Contra Costa	\$675,184			2.26%	\$672,283	\$672,283	(\$2,901)
1	Del Norte	\$34,109			0.11%	\$33,962	\$33,962	(\$147)
2	El Dorado	\$124,641			0.42%	\$124,106	\$124,106	(\$536)
3	Fresno	\$853,614			2.86%	\$849,946	\$849,946	(\$3,668)
1	Glenn	\$22,883	X	\$25,000			\$25,000	\$2,117
2	Humboldt	\$130,079			0.44%	\$129,520	\$129,520	(\$559)
2	Imperial	\$147,796			0.50%	\$147,161	\$147,161	(\$635)
1	Inyo	\$13,180	X	\$25,000			\$25,000	\$11,820
3	Kern	\$702,828			2.35%	\$699,807	\$699,807	(\$3,020)
2	Kings	\$120,811			0.40%	\$120,292	\$120,292	(\$519)
2	Lake	\$66,963			0.22%	\$66,675	\$66,675	(\$288)
1	Lassen	\$23,445	X	\$25,000			\$25,000	\$1,555
4	Los Angeles	\$9,318,132			31.21%	\$9,278,089	\$9,278,089	(\$40,043)
2	Madera	\$167,487			0.56%	\$166,767	\$166,767	(\$720)
2	Marin	\$150,839			0.51%	\$150,191	\$150,191	(\$648)
1	Mariposa	\$10,012	X	\$25,000			\$25,000	\$14,988
2	Mendocino	\$86,263			0.29%	\$85,892	\$85,892	(\$371)
2	Merced	\$197,033			0.66%	\$196,186	\$196,186	(\$847)
1	Modoc	\$13,360	X	\$25,000			\$25,000	\$11,640
1	Mono	\$8,319	X	\$25,000			\$25,000	\$16,681
3	Monterey	\$268,159			0.90%	\$267,006	\$267,006	(\$1,152)
2	Napa	\$101,506			0.34%	\$101,069	\$101,069	(\$436)
2	Nevada	\$65,450			0.22%	\$65,169	\$65,169	(\$281)
4	Orange	\$2,165,694			7.25%	\$2,156,387	\$2,156,387	(\$9,307)
2	Placer	\$247,425			0.83%	\$246,362	\$246,362	(\$1,063)
1	Plumas	\$18,230	X	\$25,000			\$25,000	\$6,770
4	Riverside	\$1,746,095			5.85%	\$1,738,592	\$1,738,592	(\$7,504)
4	Sacramento	\$1,255,567			4.21%	\$1,250,171	\$1,250,171	(\$5,396)
1	San Benito	\$39,515			0.13%	\$39,346	\$39,346	(\$170)
4	San Bernardino	\$1,940,623			6.50%	\$1,932,284	\$1,932,284	(\$8,339)

Cluster	Court	Initial Allocation of \$30M (AJN Only)	Modified Allocation of \$30M with Funding Floor of \$25,000*					
			Funding Floor Court?	Floor Funding	Revised AJN Proportion for Non-floor Courts	Allocation of Non floor Funding	Final Allocation	Change with Floor
Statewide		\$30,000,000		\$275,000		\$29,725,000	\$30,000,000	\$0
4	San Diego	\$2,131,223			7.14%	\$2,122,064	\$2,122,064	(\$9,159)
3	San Francisco	\$736,281			2.47%	\$733,117	\$733,117	(\$3,164)
3	San Joaquin	\$560,019			1.88%	\$557,613	\$557,613	(\$2,407)
2	San Luis Obispo	\$169,996			0.57%	\$169,265	\$169,265	(\$731)
3	San Mateo	\$386,101			1.29%	\$384,442	\$384,442	(\$1,659)
3	Santa Barbara	\$268,360			0.90%	\$267,207	\$267,207	(\$1,153)
4	Santa Clara	\$976,843			3.27%	\$972,645	\$972,645	(\$4,198)
2	Santa Cruz	\$147,972			0.50%	\$147,336	\$147,336	(\$636)
2	Shasta	\$170,783			0.57%	\$170,049	\$170,049	(\$734)
1	Sierra	\$1,947	X	\$25,000			\$25,000	\$23,053
2	Siskiyou	\$41,458			0.14%	\$41,280	\$41,280	(\$178)
3	Solano	\$315,413			1.06%	\$314,057	\$314,057	(\$1,355)
3	Sonoma	\$296,871			0.99%	\$295,596	\$295,596	(\$1,276)
3	Stanislaus	\$417,851			1.40%	\$416,055	\$416,055	(\$1,796)
2	Sutter	\$87,725			0.29%	\$87,348	\$87,348	(\$377)
2	Tehama	\$63,377			0.21%	\$63,104	\$63,104	(\$272)
1	Trinity	\$18,335	X	\$25,000			\$25,000	\$6,665
3	Tulare	\$359,582			1.20%	\$358,037	\$358,037	(\$1,545)
2	Tuolumne	\$56,372			0.19%	\$56,130	\$56,130	(\$242)
3	Ventura	\$519,490			1.74%	\$517,258	\$517,258	(\$2,232)
2	Yolo	\$151,000			0.51%	\$150,351	\$150,351	(\$649)
2	Yuba	\$71,295			0.24%	\$70,989	\$70,989	(\$306)

* \$25,000 represents approximately 0.25 FTE of the average salary for court reporters from Schedule 7A.

JUDICIAL COUNCIL OF CALIFORNIA
BUDGET SERVICES
Report to the Judicial Branch Budget Committee

(Action Item)

Title: Court Interpreters Program (CIP) Allocation Methodology
Date: 12/7/2021
Contact: Catrayel Wood, Senior Analyst, Budget Services
916-643-7008 | catrayel.wood@jud.ca.gov

Issue

Consider recommendations by the Trial Court Budget Advisory Committee (TCBAC) on an ongoing, workload-based methodology for allocation of CIP funding, including video remote interpreting (VRI), cross assignments, benefit cost changes, and unspent funds effective July 1, 2022, for consideration by the Judicial Council at its January 21, 2022 business meeting.

Background

Interpreter Services

A fundamental goal of the California judicial branch is to provide equal access to justice and to the courts, regardless of an individual’s ability to communicate in English. With over 200 languages spoken in California, court interpreters play a critical role in achieving this goal by accurately interpreting for persons who are limited English proficient (LEP).

Article I, section 14 of the California Constitution was amended in 1974 to provide that “[a] person unable to understand English who is charged with a crime has a right to an interpreter throughout the proceedings.” This provision established a mandate for courts to provide interpreters in criminal matters to all defendants who have limited proficiency in English. The constitutional mandate and subsequent case law have been interpreted to include proceedings related to criminal, misdemeanor, and delinquency matters as well as certain civil matters such as divorce or separation involving a protective order and child custody and visitation proceedings.

Effective January 1, 2015, the enactment of Assembly Bill 1657 (Stats. 2014, ch. 721) through Evidence Code section 756 authorized courts to provide interpreters to all parties in civil matters, regardless of income, and presented a priority and preference order when courts have insufficient resources to provide interpreters for all persons.

With adoption of the Judicial Council’s *Strategic Plan for Language Access in the California Courts* in 2015, the council has approved budget change proposals (BCPs) to augment the CIP to support expansion of interpreter services to all case types under the plan.

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Expenditures

Expenditure increases in the CIP are a result of multiple factors, including wage growth on ratified agreements, expansion of interpreter services to all case types, increases in the number of mandated staff interpreters and mandated contractor use, and merit salary adjustments. The use of savings, BCP augmentations, and TCTF unrestricted fund balance has allowed courts to cover cost increases and maintain service levels. These increases required the use of CIP savings, and subsequently Trial Court Trust Fund (TCTF) unrestricted fund balance through 2019–20, to fully reimburse court costs and provide courts the opportunity to cover cost increases and maintain service levels. Before 2020–21, the CIP fully reimbursed trial courts for all eligible trial court interpreter expenses, and until recently the CIP carried a funding surplus. In recent years, the CIP has been faced with a shortfall, with expenditures exceeding allocations. To address the shortfalls, CIP savings were first used, and then TCTF unrestricted fund balance was used, as approved by the council.

The change from a reimbursement to an allocation methodology, effective 2020–21, recognized the need to address insufficient funding to reimburse trial courts based on actual expenditures.

Judicial Council Action

The council took action at its business meetings on September 21, 2018¹ and May 17, 2019², approving allocations of unrestricted fund balance from the TCTF on a one-time basis to address anticipated shortfalls in the CIP.

At its business meeting on September 25, 2020, the council approved the TCBCAC's recommendation for a one-time allocation methodology for 2020–21, not to exceed the 2020 Budget Act appropriation, while its Ad Hoc Interpreter Subcommittee continued development of an ongoing workload-based allocation methodology for implementation beginning in 2021–22³. The recommended change from a reimbursement to an allocation methodology addresses

¹ Judicial Council meeting report (September 21, 2018), [https://jcc.legistar.com/View.ashx?M=F&ID=6613659&GUID=D8DDBB1D-D123-410A-80B7-124C840672DB](https://jcc.legistar.com/View.ashx?M=F&ID=6613659&GUID=D8DDBB1D-D123-410A-80B7-124C840672DB;); Judicial Council meeting minutes (September 21, 2018), <https://jcc.legistar.com/View.ashx?M=M&ID=559788&GUID=1AF2481A-79EE-44AD-A8E6-1D5F9E02CC7A>.

² Judicial Council meeting report (May 17, 2019), <https://jcc.legistar.com/View.ashx?M=F&ID=7213051&GUID=C4A81071-30F9-4D1C-B10A-1F56A047C3BA>; Judicial Council meeting minutes (May 17, 2019), <https://jcc.legistar.com/View.ashx?M=M&ID=640297&GUID=9C71CADA-D8FB-4AA9-A887-0260DB284273>.

³ Judicial Council meeting report (September 25, 2020), <https://jcc.legistar.com/View.ashx?M=F&ID=8762604&GUID=C880B7EF-7FC5-4703-A20F-A48A84C108D8>.

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funding shortfalls previously addressed using program savings and unrestricted TCTF fund balance, which is not a viable, ongoing fund source. The council-approved 2020–21 allocation methodology was effective immediately.

On May 21, 2021, the Judicial Council approved a TCBAC recommendation for a one-time CIP allocation methodology for 2021–22 to allocate the same \$130.977 million in funding provided to trial courts in 2020–21; to return unspent 2020–21 funds for use in offsetting shortfalls that some courts experienced in 2020–21; and to revert remaining funds to the TCTF as restricted program funding⁴. The approved recommendation, which is now the second year of this appropriation shifting from a reimbursement to an allocation methodology, recognized the need to address insufficient funding to reimburse trial courts based on actual expenditures.

The funding methodology used for current and prior year was an interim approach to allocate available funds to provide the subcommittee additional time to develop an ongoing, workload-based methodology. This approach used available data on projected staff costs (with an added three-year Bureau of Labor statistics average) and actual contractor costs to identify projected need, and then allocated the appropriation on a proportional basis to each court as CIP expenditures have consistently exceeded the annual appropriation provided in the Budget Act.

FMS Ad Hoc Interpreter Subcommittee

To ensure adequate, statewide representation dedicated to the ongoing development of the workload-based allocation methodology, the subcommittee, a subset of court executive officers of the TCBAC, was expanded effective September 15, 2021 to include additional members from the TCBAC and includes members of small, medium, and large courts as well as urban, rural, and suburban locales. A current list of subcommittee members is included in Table 1.

Judicial Council meeting minutes (September 25, 2020),
<https://jcc.legistar.com/View.ashx?M=M&ID=711584&GUID=760102E7-3D1B-4C00-9CA8-0A7AA617BF8B>.

⁴ Judicial Council meeting report (May 21, 2021),
<https://jcc.legistar.com/View.ashx?M=F&ID=9331635&GUID=0A165B73-BAD7-4575-8D64-2A3240E3BEF2>;
Judicial Council meeting minutes (May 21, 2021),
<https://jcc.legistar.com/View.ashx?M=M&ID=803678&GUID=183ADEA3-1A53-4ED1-9E95-A43E3C390D21>.

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Table 1 – Ad Hoc Interpreter Subcommittee Membership

#	Member Name and Court
1	Mr. Chad Finke, Alameda Superior Court
2	Mr. Shawn Landry, Yolo Superior Court
3	Ms. Krista LeVier, Lake Superior Court
4	Mr. Neal Taniguchi, San Mateo Superior Court
5	Mr. Brian Taylor, Solano Superior Court
6	Mr. David Yamasaki, Orange Superior Court

Allocation Methodology – Through subcommittee deliberations, a recommendation was developed for implementation of an allocation methodology beginning in 2022-23. Due to the lack of available and consistent data in both the Court Interpreter Data Collection System (CIDCS) and courts’ case management systems (CMS) for a more focused workload-based approach, the subcommittee referred to historical spending to identify CIP need by court, applied a three-year average of each court’s total eligible CIP expenditures, and then recommended allocating dollars on a proportional basis up to the CIP appropriation.

Cross Assignments – In addressing cross assignments, it was determined that the current practice of a court receiving interpreter services from another “home court”, and the “home court” paying for the costs, needed to be considered and this process changed effective 2022-23 so that the receiving court reimburses the “home court” for extraordinary costs (e.g., travel costs and mileage). No updates were made to the historical figures used in the allocation methodology as there is no cost data currently available on historical cross assignment usage. Instead, the recommendation for receiving courts to reimburse “home courts” for interpreter services will be prospective and covered out of courts’ recommended allocation amount, with a process to be determined upon approval.

Video Remote Interpreting – In addressing VRI, it was determined that adjustments to the methodology would not be made. The goal is to provide courts with a defined allocation amount for planning purposes and VRI efficiencies are still being assessed and analyzed.

Benefit Cost Changes – A new consideration was made as it relates to cost benefit changes (i.e., health and retirement) for interpreters. Currently, these cost changes are tracked separately for non-interpreter and interpreter staff cost changes. The non-interpreter cost changes are adjusted to each court dollar-for-dollar, while the interpreter cost change adjustment was rolled into the appropriation amount and then allocated to courts not based on their dollar-for-dollar change but rolled into the appropriation and allocated based on the reimbursement or allocation methodology in place at that time. Effective 2022-23, the recommendation is to treat these cost changes consistent with non-interpreters and provide courts their dollar-for-dollar change for interpreters going forward.

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Finally, the same approach of courts returning unspent funds is included in this methodology recommendation and is recommended for the current 2021-22 allocation as well. Returned funds can be used for reallocation as needed for courts facing a shortfall; however, courts will be responsible for their interpreter costs out of their operating budgets should the reallocation amount not be sufficient to cover the shortfall.

Attachment A provides details on the recommended methodology as if applied to the current year's allocations.

Future Allocation Methodology Items to Address

It was determined that this recommended approach is a starting point for the methodology and would need to be fine-tuned to take into consideration the COVID-19 pandemic and impact, and what data can be utilized and considered from courts' current case management systems and reporting capabilities. These items can assist in more clearly defining interpreter need by court, can provide support for future funding requests as needed, and will be considered for a recommendation as needed beginning 2023-24 and ongoing.

Alternatives Considered

Consideration was made in relation to the data used for developing this methodology, with filings identified as a potential option. However, because filings data is not available at this time that distinguishes which cases included an interpreter, the recommendation was made to utilize actual, prior year's expenditures.

In addition, consideration was made in relation to funding courts that experience a shortfall using current year CIP savings. There was deliberation if courts should be funded using savings that exceeded the current year appropriation amount, and it was determined that the use of savings should not exceed the appropriation in an effort to encourage courts to work within their allocation and utilize efficiencies accordingly. Should a court need additional funding beyond CIP savings available in the same fiscal year, the court can make a request to use overall CIP savings for committee and council consideration.

Recommendations

The TCBAC recommends the following for approval, to be considered by the Judicial Council at its January 21, 2022, business meeting:

1. Approve a proportional allocation methodology based on a three-year average of expenditure data available (2017-18, 2018-19, and 2019-20), up to the CIP appropriation amount effective 2022-23, while the subcommittee continues review of pandemic impact and reporting data considerations effective in 2023-24;

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2. Require courts to return to the Judicial Council all unspent 2021-22, 2022-23 and ongoing CIP-allocated funds, which will first reimburse courts with a shortfall in each respective year not to exceed the overall appropriation amount, with any remaining funds reverting to the TCTF as restricted program funding;
3. Allocate staff interpreter benefits dollar-for-dollar to courts reporting cost benefit changes effective 2022-23; and
4. Require receiving courts to offset extraordinary interpreter expenses to courts providing cross-assignments (or “home courts”) and charge the subcommittee with working with Judicial Council staff on development of a payment/reimbursement method.

Attachments

Attachment 3A: 2022-23 CIP Allocation Methodology

RECOMMENDED METHODOLOGY EFFECTIVE 2022 - 23

SCENARIO BASED ON CURRENT YEAR INFORMATION

Court	Total Reimbursed Expenditures ¹			3-Year Average D (Avg. A, B, C)	% of Total E (D / Total D)
	2017-18	2018-19	2019-20 ²		
	A	B	C		
Alameda	\$ 4,994,709	\$ 5,491,760	\$ 5,360,994	\$ 5,282,488	4.414%
Alpine	1,426	2,336	-	1,254	0.001%
Amador	24,773	64,824	56,206	48,601	0.041%
Butte	227,263	210,505	197,038	211,602	0.177%
Calaveras	26,354	60,955	74,633	53,981	0.045%
Colusa	97,888	124,806	134,759	119,151	0.100%
Contra Costa	2,637,825	3,333,363	3,182,989	3,051,392	2.550%
Del Norte	49,298	61,063	53,349	54,570	0.046%
El Dorado	246,609	249,962	207,363	234,645	0.196%
Fresno	2,017,712	2,383,506	2,131,639	2,177,619	1.820%
Glenn	95,045	130,134	114,266	113,148	0.095%
Humboldt	175,045	229,942	184,169	196,385	0.164%
Imperial	508,413	569,293	580,832	552,846	0.462%
Inyo	45,097	72,353	79,793	65,748	0.055%
Kern	3,224,330	3,646,134	3,957,861	3,609,441	3.016%
Kings	467,843	470,995	544,340	494,392	0.413%
Lake	91,889	114,989	134,433	113,770	0.095%
Lassen	43,511	48,414	54,935	48,953	0.041%
Los Angeles	35,688,712	38,540,226	39,032,884	37,753,941	31.547%
Madera	557,225	592,718	578,204	576,049	0.481%
Marin	558,335	691,846	667,907	639,363	0.534%
Mariposa	32,342	41,374	21,901	31,872	0.027%
Mendocino	359,279	376,616	418,321	384,739	0.321%
Merced	966,879	1,056,300	1,089,640	1,037,606	0.867%
Modoc	5,305	7,201	3,510	5,338	0.004%
Mono	43,654	48,056	55,533	49,081	0.041%
Monterey	1,146,230	1,292,899	1,409,995	1,283,041	1.072%
Napa	661,583	679,987	699,487	680,352	0.569%
Nevada	73,370	73,507	67,586	71,488	0.060%
Orange	10,886,950	10,734,638	10,058,682	10,560,090	8.824%
Placer	486,303	549,588	477,053	504,315	0.421%
Plumas	6,460	15,036	11,446	10,980	0.009%
Riverside	5,314,665	5,301,396	6,130,551	5,582,204	4.664%
Sacramento	4,083,870	4,345,704	4,336,528	4,255,367	3.556%
San Benito	106,006	116,488	99,671	107,388	0.090%
San Bernardino	5,653,715	6,074,705	6,157,161	5,961,860	4.982%
San Diego	5,924,143	6,024,074	6,178,018	6,042,078	5.049%
San Francisco	3,372,792	3,840,708	3,771,960	3,661,820	3.060%
San Joaquin	1,746,143	1,810,602	1,689,788	1,748,844	1.461%
San Luis Obispo	688,397	814,806	954,270	819,158	0.684%
San Mateo	2,318,537	2,591,358	2,666,320	2,525,405	2.110%
Santa Barbara	1,914,515	2,136,538	2,043,928	2,031,660	1.698%
Santa Clara	7,056,941	7,289,792	5,846,426	6,731,053	5.624%
Santa Cruz	820,068	911,406	993,481	908,318	0.759%
Shasta	318,164	365,959	353,929	346,017	0.289%
Sierra	4,997	371	-	1,789	0.001%
Siskiyou	58,183	52,207	45,377	51,923	0.043%
Solano	604,941	675,939	664,477	648,452	0.542%
Sonoma	1,172,567	1,538,376	1,772,234	1,494,393	1.249%
Stanislaus	1,341,709	1,552,478	1,483,286	1,459,158	1.219%
Sutter	274,046	344,883	297,890	305,606	0.255%
Tehama	169,600	189,229	178,745	179,191	0.150%
Trinity	52,512	49,184	70,962	57,553	0.048%
Tulare	1,780,095	1,733,140	1,587,507	1,700,247	1.421%
Tuolumne	50,913	61,415	51,198	54,509	0.046%
Ventura	2,001,836	2,067,841	1,987,149	2,018,942	1.687%
Yolo	836,195	943,340	902,632	894,056	0.747%
Yuba	68,737	75,057	64,094	69,296	0.058%
Total	\$ 114,181,943	\$ 122,872,321	\$ 121,969,330	\$ 119,674,531	100.0%

Allocation of Approp. Before Benefit Changes	2020-21 Current Year Benefit Cost Changes	2021 Budget Act Benefit Cost Changes	2021-22 Current Year Benefit Cost Changes	Total Allocation
F (E * \$130.977m)	G	H	I	J (SUM F-I)
\$ 5,781,384	\$ (31,753)	\$ 21,056	TBD	\$ 5,770,686
1,372	-	-	TBD	1,372
53,191	-	-	TBD	53,191
231,587	-	-	TBD	231,587
59,079	-	-	TBD	59,079
130,404	-	-	TBD	130,404
3,339,576	(5,361)	258	TBD	3,334,473
59,724	-	-	TBD	59,724
256,805	(1)	-	TBD	256,804
2,383,281	25,336	(19,190)	TBD	2,389,427
123,834	-	-	TBD	123,834
214,933	-	-	TBD	214,933
605,059	3,523	3,214	TBD	611,796
71,957	-	-	TBD	71,957
3,950,329	44,695	8,468	TBD	4,003,492
541,085	138	280	TBD	541,502
124,515	-	-	TBD	124,515
53,577	-	-	TBD	53,577
41,319,551	(15,121)	484,332	TBD	41,788,762
630,453	2,028	8,169	TBD	640,650
699,746	(6,767)	1,310	TBD	694,288
34,883	-	-	TBD	34,883
421,075	6,076	3,324	TBD	430,475
1,135,602	4,898	4,079	TBD	1,144,579
5,843	-	-	TBD	5,843
53,717	-	-	TBD	53,717
1,404,216	(20,051)	3,424	TBD	1,387,590
744,607	5,754	(1,787)	TBD	748,574
78,239	-	-	TBD	78,239
11,557,421	17,209	177,499	TBD	11,752,129
551,944	783	2,516	TBD	555,243
12,017	-	-	TBD	12,017
6,109,406	38,120	96,219	TBD	6,243,745
4,657,259	(18,546)	34,552	TBD	4,673,265
117,530	-	-	TBD	117,530
6,524,919	(13,967)	97,882	TBD	6,608,833
6,612,713	(3,488)	52,160	TBD	6,661,385
4,007,655	(20,239)	20,908	TBD	4,008,323
1,914,011	6,991	17,270	TBD	1,938,272
896,522	-	9,158	TBD	905,680
2,763,913	630	8,163	TBD	2,772,706
2,223,537	3,838	18,965	TBD	2,246,340
7,366,757	-	2,557	TBD	7,369,314
994,103	3,109	4,039	TBD	1,001,250
378,696	-	-	TBD	378,696
1,958	-	-	TBD	1,958
56,826	-	-	TBD	56,826
709,694	177	853	TBD	710,725
1,635,528	-	13,196	TBD	1,648,724
1,596,965	11,061	2,949	TBD	1,610,975
334,469	-	-	TBD	334,469
196,115	2,373	1,333	TBD	199,821
62,988	-	-	TBD	62,988
1,860,825	286	2,674	TBD	1,863,785
59,656	-	-	TBD	59,656
2,209,618	(2,491)	4,393	TBD	2,211,519
978,493	2,702	(4,247)	TBD	976,949
75,841	1,691	-	TBD	77,532
\$ 130,977,000	\$ 43,632	\$ 1,079,979	\$ -	\$ 132,100,611

Appropriation \$ 103,545,000 \$ 108,873,000 \$ 120,599,000

\$ 130,977,000

¹ Included mandated and non-mandated costs.

² Includes 4 months of the pandemic.

CURRENT ALLOCATION INFORMATION

Court	2020-21	2020-21	2021-22
	Interim Proxy ³	Allocation ³	Allocation ⁴
	K	L	M
Alameda	\$ 5,592,314	\$ 5,371,012	\$ 5,371,012
Alpine	2,593	2,490	2,490
Amador	71,947	69,100	69,100
Butte	537,620	516,345	516,345
Calaveras	75,023	72,054	72,054
Colusa	121,085	116,293	116,293
Contra Costa	3,151,013	3,026,319	3,026,319
Del Norte	67,773	65,091	65,091
El Dorado	306,114	294,001	294,001
Fresno	2,502,964	2,403,915	2,403,915
Glenn	120,494	115,726	115,726
Humboldt	298,465	286,654	286,654
Imperial	709,930	681,836	681,836
Inyo	81,386	78,166	78,166
Kern	3,960,639	3,803,906	3,803,906
Kings	584,030	560,918	560,918
Lake	127,593	122,544	122,544
Lassen	25,196	24,199	24,199
Los Angeles	44,226,256	42,476,106	42,476,106
Madera	893,625	858,262	858,262
Marin	836,604	803,498	803,498
Mariposa	45,920	44,103	44,103
Mendocino	273,595	262,768	262,768
Merced	1,420,816	1,364,591	1,364,591
Modoc	7,992	7,675	7,675
Mono	79,204	76,069	76,069
Monterey	1,739,629	1,670,788	1,670,788
Napa	711,931	683,758	683,758
Nevada	59,056	56,719	56,719
Orange	11,074,021	10,635,793	10,635,793
Placer	708,353	680,321	680,321
Plumas	7,939	7,625	7,625
Riverside	6,568,050	6,308,135	6,308,135
Sacramento	4,551,589	4,371,471	4,371,471
San Benito	129,288	124,171	124,171
San Bernardino	5,694,815	5,469,456	5,469,456
San Diego	6,693,831	6,428,939	6,428,939
San Francisco	4,146,658	3,982,564	3,982,564
San Joaquin	1,945,076	1,868,104	1,868,104
San Luis Obispo	726,452	697,704	697,704
San Mateo	4,000,365	3,842,060	3,842,060
Santa Barbara	2,090,634	2,007,902	2,007,902
Santa Clara	7,268,113	6,980,494	6,980,494
Santa Cruz	1,027,797	987,125	987,125
Shasta	518,049	497,548	497,548
Sierra	412	396	396
Siskiyou	57,944	55,651	55,651
Solano	761,559	731,422	731,422
Sonoma	1,921,932	1,845,876	1,845,876
Stanislaus	1,699,230	1,631,987	1,631,987
Sutter	305,544	293,453	293,453
Tehama	149,509	143,593	143,593
Trinity	26,337	25,295	25,295
Tulare	2,385,366	2,290,970	2,290,970
Tuolumne	45,301	43,508	43,508
Ventura	2,166,128	2,080,409	2,080,409
Yolo	1,012,921	972,837	972,837
Yuba	59,645	57,285	57,285
Total	\$ 136,373,665	\$ 130,977,000	\$ 130,977,000

³ Based on prior, one-time allocation approved by council.

⁴ Actual 2021-22 appropriation amount is \$132.145m.

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(Action Item)

Title: Base Funding Floor Adjustment Requests
Date: 12/7/2021
Contact: Ms. Oksana Tuk, Senior Analyst, Judicial Council Budget Services
916-643-8027 | oksana.tuk@jud.ca.gov

Issue

Each year, Alpine and Sierra Superior Courts have an opportunity to submit a request for an adjustment to the base funding floor amount for review by the Funding Methodology Subcommittee (FMS), and presentation to the Trial Court Budget Advisory Committee (TCBAC) no later than December, to determine whether an inflationary adjustment is needed. Both the FMS and the TCBAC have reviewed requests received this year and recommend a \$150,000 funding floor adjustment for Judicial Branch Budget Committee (Budget Committee) consideration and recommendation to the Judicial Council at its January 20-21, 2022 business meeting, effective July 1, 2022.

Background

Base funding is currently allocated to the two smallest trial courts based on the minimum level of staffing and necessary operational costs.

When the Workload Formula was first approved, a funding floor was established for the smallest courts as there was operational funding needed above that which the Workload Formula provided. Based on staffing needs and operational costs at the time, a base funding floor amount of \$750,000 was approved by the Judicial Council at its February 20, 2014 business meeting, effective 2014-15¹.

At its March 15, 2019, business meeting, the council approved a \$50,000 inflationary adjustment, increasing the base funding floor to \$800,000, effective 2019-20². At that time, there had not been any adjustments to the initial base funding floor amount.

This increase, based on inflationary adjustments as reported by the Department of Finance (DOF) at that time, helped to account for increases to employee salaries and operating expenses

¹ Judicial Council meeting report (February 20, 2014), www.courts.ca.gov/documents/jc-20140220-itemK.pdf;
Judicial Council meeting minutes (February 20, 2014), <https://www.courts.ca.gov/documents/jc-20140220-minutes.pdf>.

² Judicial Council meeting report (March 15, 2019), <https://jcc.legistar.com/View.ashx?M=F&ID=7058011&GUID=805D0070-0C38-40C7-A8CE-F08E82D8DDD5>;
Judicial Council meeting minutes (March 15, 2019), <https://jcc.legistar.com/View.ashx?M=M&ID=640295&GUID=4C88EDD5-7207-4839-BB72-89B184E22C9B>.

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and equipment. While these are factored into the Workload Formula for trial courts, the two base funding floor courts did not benefit from these adjustments in the model since base floor funding is allocated outside of the Workload Formula.

Base Funding Floor Requests

In July 2021, Judicial Council Budget Services staff contacted the court executive officers of Alpine and Sierra Superior Courts to ascertain the need to request an update to the base funding floor amount, and both courts expressed strong interest. The court executive officer of the Sierra Superior Court indicated an urgent need for a funding floor adjustment and is requesting a \$150,000 ongoing increase. Due to staffing challenges and the impact of wildfires in the area, Alpine Superior Court was unable to submit a formal request for a funding floor increase but was able to provide an email request absent a targeted dollar amount and expressed a desire to align with Sierra's request, which Sierra Superior Court supports.

Sierra Superior Court

Sierra Superior Court indicated the need for a funding floor increase driven by information technology (IT), case management system (CMS) costs, benefit cost increases, staffing, recruitment, retention, security, and the impact of inflation.

IT and CMS – It has been Sierra's past practice and only option to contract out for IT management and support. Due to its rural location and small pool for human resources, Sierra is unable to bring in an in-house specialist who can adequately support its IT needs. The cost for this service has increased from \$25,000 to \$54,000 per year.

Sierra's CMS is currently hosted by Placer Superior Court because the court does not have the internal appliances/servers and on-site staff expertise necessary to manage and maintain the system. As a result, the court pays a fee for these services as well as a fee for a licensing agreement which both have increased from 1 to 3 percent each year. The current annual licensing fee for the CMS and the annual cost to host the CMS is currently \$88,000 or 46 percent of Sierra's operational expenses.

Modernization Projects – Recently, Sierra was able to participate in some court modernization projects due to the reprioritization of these critical efforts among limited court staff resources and with the additional assistance of a project manager from the Judicial Council Information Technology office. With IT management now in place, the court will use this resource to support the necessary security advancements required by the Judicial Council as well as advancements in technology to better serve the public. Sierra's cost for the project manager, labor, and equipment (not covered by grant money) is approximately \$33,000.

Benefits – The health costs for the court have increased more than 5 percent each year over the last seven years, and a recent County Board of Supervisors' decision approved the refinance of the current pension obligation bond to reduce the interest rate and shorten the repayment period.

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Once the bond is refinanced, the payment amount is expected to increase to \$107,000, which represents a 45 percent increase. Because both Sierra and Alpine are base funding floor courts, increases in benefit costs are not provided to the court dollar-for-dollar, as they are for the other 56 trial courts.

Staffing, Recruitment, and Retention – The court is currently operating with reduced staffing to stay within budget and left 1.5 positions vacant last year. This resulted in the court operating with 3.5 full-time equivalent employees instead of 5.0, which provides difficulty in covering sick and vacation time, and is impacting the quality of service provided. Additional funds for staffing and the opportunity to retain employees through regular step increases and negotiated cost-of-living adjustments are needed.

The court must carefully balance its obligation to provide access to justice to the public with the rising operational costs of providing critical services. Investments in IT access are essential for small courts in rural areas to support public access given the unique challenges of rural locations. These include the lack of economy of scale for key services given the small size of the court, and the travel distance to the courthouse and the impact of inclement weather for court users. Adequate financial resources for staffing and IT support will ensure continued public access to justice and safety for court users and staff.

Alpine Superior Court

Alpine Superior Court has expressed a need to address deficiencies in areas of IT management and support, including a CMS upgrade, managing the ongoing cost impact of Judicial Council court modernization projects, security, disaster recovery; human resources, including training, cost-of-living adjustments, and benefits; jury and grand jury management; and accounting, finance, and audit support. The court is currently operating with three clerks instead of four to stay within budget, which is not sustainable.

Consumer Price Index (CPI)

A funding augmentation of \$150,000 represents an approximate 19 percent increase to the current base funding floor amount of \$800,000. This is intended to reflect adjustments for CPI as well as increased operational costs for managing IT, CMS, and unfunded accrued liability. For reference, the percent change in the CPI for California from 2018-19, the year following information used for the last funding floor increase, through 2022-23 is 12.3 percent for the Los Angeles region and 13.1 percent for the San Francisco region (see Table 1 below).

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Table 1: CPI Information as Available from the DOF³

Fiscal Year	Los Angeles % Change	San Francisco % Change
2018-19	3.4	4.0
2019-20	2.5	2.4
2020-21	2.0	2.1
2021-22	1.9	2.1
2022-23	2.5	2.5
Total	12.3%	13.1%

Information as of April 2021; fiscal years 2021-22 and 2022-23 are forecasted.

Fund Balances

Fund balance information over the last three years was provided to the FMS and the TCBAC and is outlined below in Table 2. Both the subcommittee and the committee determined that the balances each court has been carrying are not sufficient to cover their ongoing cost increases and funding needs.

Table 2: Fund Balance Information

Fiscal Year	Fund Balance Subject to Cap		Total Fund Balance Reduction	
	Alpine	Sierra	Alpine	Sierra
2018-19	\$9,927	\$4,783	\$2,097	\$0
2019-20	\$25,837	\$19,575	\$1,183	\$0
2020-21	\$11,716	\$27,423	\$5	\$0

Recommendation

The TCBAC recommends approval of a \$150,000 increase to the current base funding floor amount of \$800,000 effective July 1, 2022, for both Alpine and Sierra Superior Courts, for consideration by the Judicial Council at its January 20-21, 2022 business meeting.

³ Department of Finance, Consumer Price Indices, May 2021 Revision Forecast, <http://www.dof.ca.gov/Forecasting/Economics/Indicators/Inflation/>.

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(Action Item)

Title: **2021-22 State Trial Court Improvement and Modernization Fund (IMF)
Allocation Adjustment for the Judicial Council Information Technology
Office**

Date: 11/30/2021

Contact: Jason Haas, Senior Analyst, Judicial Council Budget Services
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Heather Pettit, Chief Information Officer/Director, Judicial Council Information
Technology
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Issue

Consider a recommendation from the Trial Court Budget Advisory Committee of a net zero adjustment to the Information Technology (IT) 2021-22 Judicial Council-approved allocation from the IMF. This adjustment consists of an increase of \$168,667 to the Statewide Planning and Development Support (SPDS) program and an increase of \$195,750 to the Telecommunications Support program State Operations (SO) allocations, which will be offset by reductions in a corresponding amount from the Local Assistance (LA) budget for each program.

Background

Statewide Planning and Development Support Program – The Judicial Council’s IT SPDS program began in 2010-11 and supports the trial courts by providing software licensing and services including database solutions, voice to text translation solutions, on-line chat software, data analytics software, text and email messaging solutions, and reporting solutions. Software licenses and use are provided to courts without any direct court costs. In addition, the program supports branch-wide enterprise architecture, including networking, cloud services, and software design, to facilitate business and technology alignment throughout the branch.

From 2010 through the present, the SPDS program has almost exclusively been supported by consultant resources. In 2020, a 0.5 full-time equivalent (FTE) IT Enterprise Architect was added to the program. However, the council continues to rely on consultant resources to provide consulting and technological expertise, standard infrastructure, application development, and cloud integration architecture support as well as to provide business analysis and requirements gathering, program fiscal analysis and administration, and contractual support for the program.

The IT SPDS program is requesting the permanent conversion of two Enterprise Architects, one Senior Technical Analyst and one Senior Business Analyst from consultants to 4.0 FTEs. The

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cost associated with this request is a net zero (see Table 1). The start date of these four positions is estimated to be phased in starting April 1, 2022 through June 1, 2022.

Table 1 – Proposed 2021-22 SPDS Funding

SPDS Staff	Start Date	Salary	Benefits	Total	OE&E ¹ (Std. Comp.)	Total 2021-22
(new) IT Architect	4/1/22	\$33,250	\$23,500	\$56,750	\$9,250	\$66,000
(new) Sr. Tech Analyst	5/1/22	17,667	12,500	30,167	8,167	38,333
(new) Sr. BSA	5/1/22	17,667	12,500	30,167	8,167	38,333
(new) IT Architect	6/1/22	11,083	7,833	18,917	7,083	26,000
Total		\$79,667	\$56,333	\$136,000	\$32,667	\$168,667

Permanent positions for this program are needed to provide a foundational level of support and ensure that institutional knowledge is maintained with full-time resources rather than consultants that may leave the projects at any time. In addition, technical standards and policies for the SPDS program are complex and need to be updated frequently to match industry best practices and changing technologies. It is in the best interest of the council to have this institutional knowledge reside with FTEs rather than consultants. The program will continue to use consultants for project specific and short-term needs.

Telecommunications Support Program - The council’s IT Telecommunications Support program began in 2000-01. In 2015-16, additional baseline funding was received from a budget change proposal (BCP) to ensure the program was able to support all 58 courts. The program supports the trial courts by providing refresh and maintenance of network technology, network security services, local court IT staff training, and funding for consultant resources required for project management, implementation, and coordination with courts and vendors. Annually, court equipment that is replaced include routers, switches, wireless local area network controllers, and Wi-Fi access points. Thousands of pieces of court equipment are replaced each year and are tracked to ensure that support warranties on devices do not lapse. Timely replacement of network infrastructure devices is extremely important to ensure that courts have equipment with current warranties and immediate vendor support if any device fails. Having devices that are under current support warranties, including patching, which is essential to branch information security, ensures business continuity and maximum up-time for critical trial court applications like case management systems, Phoenix financial and Human Resources system, intranet, Wi-Fi, and email systems.

¹ OE&E: Operating expenditures and equipment.

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From 2001 through the present, the Telecommunications Support program has exclusively been supported by consultant resources. The 2015-16 BCP for the Telecommunications program (BCP 0250-008-BCP-BP-2015-A1) allocates \$1.1 million in annual funding for five contractor resources to provide consulting and technological expertise, project management, and program management. The Telecommunications Support program is requesting the permanent conversion of consultants to FTEs needed to support the program. The positions requested include one Manager, two Senior Technical Analysts, one Senior Business Systems Analyst, 0.5 IT Architect, and one Fiscal Services Coordinator, which totals 5.5 FTEs. The costs associated with this request is a net zero (see Table 2). The start date of the positions is estimated to be phased in starting April 1, 2022 through June 1, 2022.

Table 2 – Proposed 2021-22 Telecommunications Support Funding

Telecommunications Support Staff	Start Date	Salary	Benefits	Total	OE&E (Std. Comp.)	Total 2021-22
(new) Manager	4/1/22	\$33,250	\$23,500	\$56,750	\$9,250	\$66,000
(new) Sr. Tech Analyst	5/1/22	17,667	12,500	30,167	8,167	38,333
(new) Sr. Tech Analyst	5/1/22	17,667	12,500	30,1667	8,167	38,333
(new) Fiscal Svc. Coord.	6/1/22	6,333	4,500	10,833	7,083	17,917
(new) Sr. BSA	6/1/22	8,833	6,250	15,083	7,083	22,167
(new) IT Architect (0.5)	6/1/22	5,542	3,917	9,458	3,542	13,000
Total		\$89,292	\$63,167	\$152,458	\$43,2912	\$195,750

Permanent positions for this program are needed to provide a foundational level of support and ensure that institutional knowledge is maintained with full-time resources rather than consultants that may leave the projects at any time. In addition, the projects the Telecommunications Support program undertakes are extremely large and complex. Each one includes 35-50 courts, replaces hundreds to thousands of devices, and typically have an 18-month duration from start to finish. These projects are planned on a rolling five-year basis and have overlapping schedules and resource requirements for design, procurement, and implementation. The loss of one resource could impact as many as three project cycles while that position is being filled and the new resources come up to speed on the projects. It is in the best interest of the council to have this institutional knowledge reside with FTEs rather than consultants. The program will continue to use consultants for project specific and short-term needs.

In 2020-21, permanent savings of approximately \$577,000 per year was achieved in the SPDS program by permanently reducing two consultants. The Telecommunications Support program will be able to reduce overall consulting expenditures to cover the cost of transition to 5.5 FTEs.

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The estimated costs for this request for the remainder of 2021-22 and 2022-23 are in Table 3 below. It is important to note that the request for 2021-22 is for a shift in already approved allocation authority from LA to SO (Table 4) and does not increase the overall approved program allocation amounts. The estimated costs for 2022-23 will also result in a net zero change from previously estimated program expenditures. There is sufficient excess SO authority to approve this request in 2021-22 as the difference between the 2021 Budget Act authority and Judicial Council approved allocation is more than the amount being requested (see Table 5).

Table 3 – Estimated 2022-23 SPDS and Telecommunications Support Funding

SPDS Consultants	Annual Consulting Cost	New FTE Position	Annual FTE Cost
Enterprise Architect 1	\$256,880	IT Architect	\$251,000
Enterprise Architect 2	256,680	IT Architect	251,000
IT Tech. Proj. Manager	219,880	Sr. Tech Analyst	205,000
Sr. Bus. Systems Analyst	178,560	Sr. BSA	205,000
Total	\$912,000		\$912,000

\$0 overall cost to convert 4 consultants from LA to 4.0 FTEs and SO.

Telecom Support Consultants (from BCP)	Annual Consulting Cost	New FTE Position	Annual FTE Cost
IT Consultant 1	\$225,000	Manager	\$247,000
IT Consultant 2	225,000	Sr. Tech Analyst	201,000
IT Consultant 3	225,000	Sr. Tech Analyst	201,000
IT Consultant 4	225,000	0.5 IT Architect	125,000
IT Consultant 5	225,000	Sr. BSA	201,000
		Fisc. Svcs. Coord.	150,000
Total	\$1,125,000		\$1,125,000

\$0 overall cost to convert 5 consultants from LA to 5.5 FTEs and SO.

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Table 4 – Local Assistance and State Operations IMF Impact

2021-22 SPDS/Telecom	Local Assistance	State Ops	Total
Approved Allocation	\$9,273,000	\$123,000	\$9,396,000
Requested Change	-364,417	364,417	-
Total	\$8,908,583	\$487,417	\$9,396,000

Table 5 – Expenditure Authority

Description	2021-22
Budget Act – State Operations Authority	\$6,078,000
Less State Operations Approved Allocation	-5,532,000
Excess Authority Before Request	\$546,000
Less Requested Authority Increase (Rounded)	-365,000
Excess Authority if Request is Approved	\$181,000

Recommendation

The following recommendation is presented to the Judicial Branch Budget Committee for approval to be considered by the Judicial Council at its March 12, 2022 business meeting:

Approve a change to the 2021-22 approved LA allocation from the IT SPDS program (\$168,667) and the IT Telecommunications Support program (\$195,750), totaling \$364,417, shifting this amount to SO to allow for the hire of 4.0 FTE positions for the SPDS program and 5.5 FTE positions for the Telecommunications Support program. Approval of this funding shift request for 2021-22 allocations carries the understanding that future year allocation requests for these positions will be the same. Long-term funding for the 9.5 FTEs will result in no additional cost to the previous 2022-23 IT SPDS and Telecommunications Support program estimated expenditures.

Attachments

Attachment 5A: Judicial Council 2021-22 Approved Allocations from the IMF – State Operations and Local Assistance Appropriations

Attachment 5B: IMF – Fund Condition Statement

**Judicial Council of California
Approved 2021-22 Allocations
State Trial Court Improvement and Modernization Fund
State Operations and Local Assistance Appropriations**

#	Program Name	Office	Approved 2021-22 Allocations		
			State Operations	Local Assistance	Total
A	B	C	D	E	F = (D + E)
Program Adjustments					
1	Audit Services	AS	\$ 360,000		\$ 360,000
2	Trial Court Master Agreements	BAP	\$ 157,000		\$ 157,000
3	Workload Assessment Advisory Committee	BMS		\$ 9,000	\$ 9,000
4	Juror Source List Update	BMS		\$ 200,000	\$ 200,000
5	Budget Focused Training and Meetings	BS		\$ 30,000	\$ 30,000
6	Treasury Services - Cash Management	BS	\$ 319,000		\$ 319,000
7	Revenue Distribution Training	BS		\$ 10,000	\$ 10,000
8	Domestic Violence Forms Translation	CFCC		\$ 17,000	\$ 17,000
9	Interactive Software - Self-Rep Electronic Forms	CFCC		\$ 60,000	\$ 60,000
10	Self-Help Center	CFCC		\$ 5,000,000	\$ 5,000,000
11	Statewide Multidisciplinary Education	CFCC		\$ 67,000	\$ 67,000
12	Shriver Civil Counsel- cy près Funding	CFCC		\$ 1,289,000	\$ 1,289,000
13	Statewide Support for Self-Help Programs	CFCC		\$ 100,000	\$ 100,000
14	Court Interpreter Testing etc.	CFCC		\$ 143,000	\$ 143,000
15	CJER Faculty	CJER		\$ 48,000	\$ 48,000
16	Essential Court Management Education	CJER		\$ 40,000	\$ 40,000
17	Essential Court Personnel Education	CJER		\$ 130,000	\$ 130,000
18	Judicial Education	CJER	\$ 40,000	\$ 808,000	\$ 848,000
19	Trial Court Labor Relations Academies and Forums	HR		\$ 23,000	\$ 23,000
20	Data Center and Cloud Service	IT	\$ 2,103,000	\$ 6,479,000	\$ 8,582,000
21	Uniform Civil Filing Services	IT	\$ 421,000	\$ 16,000	\$ 437,000
22	California Courts Protective Order Registry (CCPOR)	IT	\$ 406,000	\$ 794,000	\$ 1,200,000
23	Telecommunications	IT		\$ 12,470,000	\$ 12,470,000
24	Enterprise Policy & Planning (Statewide Planning and Dev Support)	IT	\$ 123,000	\$ 3,764,000	\$ 3,887,000
25	Data Integration	IT	\$ 780,000	\$ 1,099,000	\$ 1,879,000
26	Jury Management System	IT		\$ 665,000	\$ 665,000
27	Case Management System Replacement	IT		\$ 3,053,000	\$ 3,053,000
28	Telecom	IT		\$ 5,509,000	\$ 5,509,000
29	Judicial Performance Defense Insurance	LS		\$ 1,509,000	\$ 1,509,000
30	Jury System Improvement Projects	LS		\$ 19,000	\$ 19,000
31	Regional Office Assistance Group	LS	\$ 823,000		\$ 823,000
32	Litigation Management Program	LS		\$ 6,119,000	\$ 6,119,000
33	Total		\$ 5,532,000	\$ 49,470,000	\$ 55,002,000

Totals by Office		Office	State Operations	Local Assistance	Total
Legend	C	E	F	G = (E + F)	
34	Audit Services	AS	\$ 360,000	\$ -	\$ 360,000
35	Branch Accounting and Procurement	BAP	\$ 157,000	\$ -	\$ 157,000
36	Business Management Services	BMS		\$ 209,000	\$ 209,000
37	Budget Services	BS	\$ 319,000	\$ 40,000	\$ 359,000
38	Center for Families, Children and the Courts	CFCC	\$ -	\$ 6,676,000	\$ 6,676,000
39	Center for Judicial Education and Research	CJER	\$ 40,000	\$ 1,026,000	\$ 1,066,000
40	Human Resources	HR	\$ -	\$ 23,000	\$ 23,000
41	Information Technology	IT	\$ 3,833,000	\$ 33,849,000	\$ 37,682,000
42	Legal Services	LS	\$ 823,000	\$ 7,647,000	\$ 8,470,000
Total Allocations			\$ 5,532,000	\$ 49,470,000	\$ 55,002,000

**State Trial Court Improvement and Modernization Fund
Fund Condition Statement
2022-23 Governor's Budget (estimated)**

Updated: October 29, 2021

#	Description	Estimated					
		2018-19 (Year-end Financial Statement)	2019-20 (Year-end Financial Statement)	2020-21 (Year-end Financial Statement)	2021-22	2022-23	2023-24
		A	B	C	D	E	F
1	Beginning Balance	14,796,514	15,864,292	21,152,288	16,886,263	9,082,006	2,673,749
2	Prior-Year Adjustments	-973,149	5,086,942	2,422,584	1,419,000	0	0
3	Adjusted Beginning Balance	13,823,364	20,951,234	23,574,872	18,305,263	9,082,006	2,673,749
4	REVENUES¹:						
5	Jury Instructions Royalties	648,480	693,156	465,860	575,000	604,000	604,000
6	Interest from Surplus Money Investment Fund	1,565,780	1,504,475	242,481	151,000	151,000	151,000
7	Escheat-Unclaimed Checks, Warrants, Bonds	244	0	64,648	0		
8	50/50 Excess Fines Split Revenue	11,177,463	6,982,134	7,288,250	4,325,000	4,143,000	3,864,000
9	2% Automation Fund Revenue	10,698,861	9,356,014	7,925,456	7,799,000	7,598,000	7,598,000
10	Other Revenues/State Controller's Office Adjustments	359,153	60,268	365,534	2,000	2,000	2,000
11	Class Action Residue	1,311,975	1,057,614	910,634	0	0	0
12	Subtotal Revenues	25,761,957	19,653,661	17,262,862	12,853,000	12,499,000	12,220,000
13	Transfers and Other Adjustments						
14	To Trial Court Trust Fund (Gov. Code, § 77209(j))	-13,397,000	-13,397,000	-13,397,000	-13,397,000	-13,397,000	-13,397,000
15	To Trial Court Trust Fund (Budget Act)	-594,000	-594,000	-594,000	-594,000	-594,000	-594,000
16	From State General Fund						
17	Total Revenues, Transfers, and Other Adjustments	11,770,957	5,662,661	3,271,862	-1,138,000	-1,492,000	-1,771,000
18	Total Resources	25,594,322	26,613,895	26,846,734	17,167,263	7,590,006	902,749
19	EXPENDITURES²:						
20	Judicial Branch Total State Operations	4,724,200	4,538,757	4,635,013	5,935,000	6,497,000	6,497,000
21	Judicial Branch Total Local Assistance	49,813,207	70,316,604	47,825,123	49,067,000	42,349,000	38,356,999
22	Pro Rata and Other Adjustments	305,622	105,746	288,335	355,257	355,257	355,257
24	Less funding provided by General Fund (Local Assistance)	-45,114,000	-69,501,000	-42,788,000	-47,272,000	-44,285,000	-44,285,000
25	Total Expenditures and Adjustments	9,729,029	5,460,608	9,960,471	8,085,257	4,916,257	924,256
26	Fund Balance	15,864,292	21,152,288	16,886,263	9,082,006	2,673,749	-21,507
27	Reserve Funds (June 24, 2016, Judicial Council)	2,000,000	2,000,000	2,000,000	2,000,000		
28	Restricted Funds - Jury Management	826,656	835,812	649,637	540,637	460,637	380,637
29	Restricted Funds - Sargent Shriver Civil Counsel	1,517,590	2,054,512	1,394,454	105,454	0	0
30	Restricted Funds - Case Management Systems (CMS)	1,659,989	0	250,000	0	0	0
31	Fund Balance - less restricted funds	9,860,057	16,261,964	12,592,172	6,435,915	2,213,112	-402,144
32	Structural Balance	2,041,928	202,054	-6,688,609	-9,223,257	-6,408,257	-2,695,256

¹ Revenue estimates include actuals through January 2021 and mirror the May Revise estimate provided to DOF. Estimates include the projected effects of COVID-19.

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(Action Item)

Title: Delegation of Trial Court Trust Fund (TCTF) Authority
Date: 12/7/2021
Contact: Ms. Oksana Tuk, Senior Analyst, Judicial Council Budget Services
916-643-8027 | oksana.tuk@jud.ca.gov

Issue

Consider a recommendation from the Trial Court Budget Advisory Committee (TCBAC) to delegate TCTF 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.

Background

The Judicial Council has the authority to delegate functions to the Administrative Director, and the recommendations in this report are consistent with the council's past practice under this authority:

California Constitution, Article VI Judicial

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.

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)¹.

On November 30, 2021, the TCBAC approved a recommendation for consideration by the Judicial Branch Budget Committee to delegate authority to the Judicial Council Administrative

¹ Judicial Council meeting report (August 23, 2013), <https://www.courts.ca.gov/documents/jc-20130823-itemG.pdf>; Judicial Council meeting minutes (August 23, 2013), <https://www.courts.ca.gov/documents/jc-20130823-minutes.pdf>.

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Director to transfer TCTF funding allocations approved by the Judicial Council from one program or project to another, subject to any restrictions or conditions provided by the council².

Trial Court Trust Fund

For some programs and projects, annual allocations from the TCTF 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 in the past with similar instances of granting such authority, which provides accountability and promotes transparency of a Judicial Council delegate's actions.

This delegation of authority would result in no additional costs or extensive implementation requirements, can start immediately upon council approval, and would provide efficiencies to operational impacts as it would allow for immediate implementation to meet the critical needs of the trial courts and enable council staff to commit funding on a timely basis.

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

Recommendation

The TCBAC recommends approval of delegating authority to the Judicial Council Administrative Director to transfer TCTF funding allocations approved by the Judicial Council from one program or project to another, subject to any restrictions or conditions provided by the council, as necessary, to address unanticipated needs and contingencies, for consideration by the Judicial Council at its January 20-21, 2022 business meeting.

² Trial Court Budget Advisory Committee meeting report (November 30, 2021), www.courts.ca.gov/documents/TCBAC-20211130-Materials.pdf.

JUDICIAL COUNCIL OF CALIFORNIA
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Report to the Judicial Branch Budget Committee

(Action Item)

Title: Final One-Time Reduction for 2020-21 Fund Balances Above the 3% Cap
Date: 12/7/2021
Contact: Ms. Oksana Tuk, Senior Analyst, Judicial Council Budget Services
916-643-8027 | oksana.tuk@jud.ca.gov

Issue

The final, one-time reduction for trial courts' 2020-21 fund balance above the statutory 3 percent cap and prior year excluded funds is \$7,669,000. This is further reduced by \$7,437,000 in approved Trial Court Trust Fund (TCTF) funds held on behalf (FHOB) to \$232,000 and is provided for Judicial Branch Budget Committee (Budget Committee) consideration and recommendation to the Judicial Council at its January 20-21, 2022 business meeting.

Background

Government Code section 68502.5(c)(2)(A) requires the council to make a preliminary allocation reduction in July of each fiscal year and to finalize allocations in January of each fiscal year to be offset by the amount of fund balance (or reserves) in excess of the amount authorized by Government Code section 77203. Government Code section 77203 limited the amount of funds to be carried over from one year to the next beginning June 30, 2014.

At its July 29, 2014 business meeting, the council approved an annual process beginning in 2015-16 for courts to provide preliminary and final computations of the portion of their ending fund balance that is subject to the 1 percent statutory cap:

- Each year, courts will be required to submit the 1 percent computation form with preliminary year-end information by July 15. The information provided by courts will be used by the Judicial Council to make the preliminary allocation of reductions as required by statute. Courts would not be required to provide the details related to encumbrances, prepayments, and restricted revenue when submitting the form for the preliminary allocation.
- Each year, courts will be required to submit the 1 percent computation form with final year end information by October 15.
- Before February, the Judicial Council's Chief Financial Officer will report to the council the information provided by courts for the final allocation reduction, if any.

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Commencing June 30, 2014 and concluding June 30, 2019, a trial court could carry over unexpended funds in an amount not to exceed 1 percent of the court's operating budget from the prior fiscal year. Commencing June 30, 2020, a trial court may carry over unexpended funds in an amount not to exceed 3 percent of the court's operating budget from the prior fiscal year.

The figures in Attachment 7A reflect the trial courts' finalized and closed accounting records for 2020-21, which have been reviewed by the Judicial Council's Budget Services and Branch Accounting and Procurement staff:

- Column A displays the calculated fund balance cap amount for each court;
- Column H shows the court's 2020-21 fund balance amounts subject to the cap, excluding statutorily restricted funds per Government Code section 77203(b), encumbrances consistent with the state contracting process, prepayments, and approved FHOB returned to courts;
- Column I displays the courts' final computation of the amount above their 3 percent cap, totaling \$7.26 million;
- Column J shows FHOB returned to TCTF, totaling \$6,000;
- Column K provides those 2020-21 adjustments to the courts' 2018-19 and 2019-20 fund balance cap, totaling \$407,000; and
- Column L displays the courts' final total reduction computation, totaling \$7.67 million.

A total of 13 courts have submitted requests totaling \$7.4 million (Column M) under the Judicial Council-approved process for trial courts to request that TCTF-reduced allocations related to the fund balance cap be retained in the TCTF as restricted fund balance for the benefit of those courts. This retention allows the courts to prudently plan for and fund necessary court infrastructure projects such as technology or infrastructure improvements, facilities maintenance and repair allowed under rule 10.810 of the California Rules of Court, court efficiencies projects, and other court infrastructure projects that would not be possible as an unintended consequence of the 3 percent fund balance cap.

Attachment 7B provides detail on the final allocation adjustments for the 2020-21 3 percent cap adjustment and TCTF FHOB requests that will be distributed in the February 2022 distribution to the trial courts:

- Column A shows the preliminary 3 percent cap reductions. (Due to timing and when information becomes available, the preliminary reduction amounts related to trial court reserves above the 3 percent cap were set at \$0 for the Judicial Council's July 9, 2021 business meeting and deferred to be considered as the final allocation reductions for fund balances above the 3 percent cap prior to recommendation to the Judicial Council at its business meeting in January 2022);
- Column B displays the final reductions, affecting 24 courts;
- Column C shows the adjustment between the preliminary and final 3 percent cap calculations;

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- Column D reflects the preliminary TCTF FHOB requests returned to courts;
- Column E reflects the final TCTF FHOB requests totaling \$7.4 million. Of this amount, \$4.49 million will be allocated to trial courts for 2021-22 expenditures (Column F) and \$2.95 million will be held in the TCTF fund balance for the courts that are saving funds for expenditures in future years shown in Column G; and
- Column H displays the February 2022 allocation adjustment for TCTF FHOB of the trial courts.
- The Net Adjustment column displays the total net allocation adjustment for both the 3 percent cap and the TCTF FHOB returning to courts in 2020-21.

Recommendation

It is recommended that the Budget Committee approve the 3 percent fund balance cap reduction allocation of \$7,669,000 to match the trial courts' final calculations of the amount above the 3 percent fund balance cap, which nets to \$232,000 with offsetting FHOB requests, for consideration and recommendation to the council at its January 20-21, 2022 business meeting.

Attachments

Attachment 7A: Final One-Time Allocation Reduction for Fund Balance Above the 3% Cap

Attachment 7B: Final Allocation Adjustments for 2020-21 Fund Balance 3% Cap Adjustment and TCTF FHOB

Final One-Time Allocation Reduction for Fund Balance Above the 3% Cap

Table with 16 columns: Court, Fund Balance Cap, 2020-21 Ending Fund Balance, Encumbrance Reserves at June 30, Excluded Funds, Prepayments, Cannabis Conviction Resentencing, FHOB Returned to Court, Fund Balance Subject to Cap, Current Year Reduction, FHOB Returned to TCTF, Prior Year Disencumbrance, Total Final Reduction, Approved 2021-22 FHOB, Net Reduction after FHOB. Rows list courts from ALAMEDA to YUBA, followed by a TOTAL row.

1 Variance in total is due to rounding.

2 Approved TCTF FHOB Requests include those requests pending before the Judicial Council at its January 20-21, 2022 business meeting.

**Final Allocation Adjustments for 2020-21 Fund Balance
3% Cap Adjustment and TCTF Funds Held on Behalf**

Court	3% Cap Adjustments			TCTF FHOB					Net Adjustment (C + H)
	Preliminary Reduction for Fund Balance Above the 3% Cap	Final Reduction for Fund Balance Above the 3% Cap	Allocation Adjustment for Reduction for Fund Balance Above the 3% Cap	Preliminary TCTF FHOB of the Trial Courts Returned to Courts	Total Final TCTF FHOB of the Trial Courts	TCTF FHOB of the Trial Courts to be Returned for 2021-22	TCTF Funds Held in Reserve in the TCTF for Future Years ¹	Allocation Adjustment for TCTF FHOB of the Trial Courts	
	One-Time								
A	B	C (B - A)	D	E	F	G	H		
Alameda	-	(8,266)	(8,266)	-	-	-	-	-	(8,266)
Alpine	-	(5)	(5)	-	-	-	-	-	(5)
Amador	-	-	-	-	-	-	-	-	-
Butte	-	(7,500)	(7,500)	-	-	-	-	-	(7,500)
Calaveras	-	(35,916)	(35,916)	-	-	-	-	-	(35,916)
Colusa	-	(298,796)	(298,796)	-	283,796	125,000	158,796	125,000	(173,796)
Contra Costa	-	-	-	-	-	-	-	-	-
Del Norte	-	-	-	-	-	-	-	-	-
El Dorado	-	-	-	-	-	-	-	-	-
Fresno	-	-	-	-	-	-	-	-	-
Glenn	-	(62,414)	(62,414)	-	62,414	62,414	-	62,414	-
Humboldt	-	-	-	-	-	-	-	-	-
Imperial	-	(272,916)	(272,916)	-	272,916	272,916	-	272,916	-
Inyo	-	-	-	-	-	-	-	-	-
Kern	-	(1,152,436)	(1,152,436)	-	1,152,436	1,152,436	-	1,152,436	-
Kings	-	(380,546)	(380,546)	-	380,546	-	380,546	-	(380,546)
Lake	-	-	-	-	-	-	-	-	-
Lassen	-	-	-	-	-	-	-	-	-
Los Angeles	-	-	-	-	-	-	-	-	-
Madera	-	-	-	-	-	-	-	-	-
Marin	-	(17,650)	(17,650)	-	-	-	-	-	(17,650)
Mariposa	-	-	-	-	-	-	-	-	-
Mendocino	-	-	-	-	-	-	-	-	-
Merced	-	-	-	-	-	-	-	-	-
Modoc	-	(25,248)	(25,248)	-	-	-	-	-	(25,248)
Mono	-	(321,057)	(321,057)	-	321,057	90,000	231,057	90,000	(231,057)
Monterey	-	(806,537)	(806,537)	-	806,537	299,134	507,403	299,134	(507,403)
Napa	-	(55,761)	(55,761)	-	55,761	-	55,761	-	(55,761)
Nevada	-	-	-	-	-	-	-	-	-
Orange	-	(1,044)	(1,044)	-	-	-	-	-	(1,044)
Placer	-	(786,257)	(786,257)	-	715,000	715,000	-	715,000	(71,257)
Plumas	-	-	-	-	-	-	-	-	-
Riverside	-	-	-	-	-	-	-	-	-
Sacramento	-	(30,989)	(30,989)	-	-	-	-	-	(30,989)
San Benito	-	(1,503,404)	(1,503,404)	-	1,503,404	500,000	1,003,404	500,000	(1,003,404)
San Bernardino	-	-	-	-	-	-	-	-	-
San Diego	-	-	-	-	-	-	-	-	-
San Francisco	-	-	-	-	-	-	-	-	-
San Joaquin	-	-	-	-	-	-	-	-	-
San Luis Obispo	-	(6,918)	(6,918)	-	-	-	-	-	(6,918)
San Mateo	-	(4,942)	(4,942)	-	-	-	-	-	(4,942)
Santa Barbara	-	-	-	-	-	-	-	-	-
Santa Clara	-	-	-	-	-	-	-	-	-
Santa Cruz	-	-	-	-	-	-	-	-	-
Shasta	-	(1,117,292)	(1,117,292)	-	1,117,292	1,117,292	-	1,117,292	-
Sierra	-	-	-	-	-	-	-	-	-
Siskiyou	-	-	-	-	-	-	-	-	-
Solano	-	-	-	-	-	-	-	-	-
Sonoma	-	-	-	-	-	-	-	-	-
Stanislaus	-	-	-	-	-	-	-	-	-
Sutter	-	(559,848)	(559,848)	-	559,999	-	559,999	-	(559,848)
Tehama	-	(206,244)	(206,244)	-	205,914	155,914	50,000	155,914	(50,330)
Trinity	-	-	-	-	-	-	-	-	-
Tulare	-	-	-	-	-	-	-	-	-
Tuolumne	-	-	-	-	-	-	-	-	-
Ventura	-	-	-	-	-	-	-	-	-
Yolo	-	-	-	-	-	-	-	-	-
Yuba	-	(6,940)	(6,940)	-	-	-	-	-	(6,940)
Total	-	(7,668,926)	(7,668,926)	-	7,437,072	4,490,106	2,946,966	4,490,106	(3,178,820)

¹ Approved requests for TCTF FHOB will be held in reserve in the TCTF account for courts that have indicated they will incur expenditures in future years.

Trial Court Budget Advisory Committee
Annual Agenda¹—2022
Approved by Judicial Branch Budget Committee [Date]

I. COMMITTEE INFORMATION

Chair:	Hon. Jonathan B. Conklin, Judge, Superior Court of Fresno County
Lead Staff:	Ms. Brandy Olivera, Manager, Judicial Council Budget Services
<p>Committee’s Charge/Membership:</p> <p>Rule 10.64(a) of the California Rules of Court states the charge of the Trial Court Budget Advisory Committee, which is to make recommendations to the council on the preparation, development, and implementation of the budget for trial courts and provides input to the council on policy issues affecting trial court funding. Rule 10.64(b) sets forth additional duties of the committee.</p> <p>Rule 10.64(c) sets forth the membership position of the committee. The Trial Court Budget Advisory Committee currently has 24 members. The current committee roster is available on the committee’s web page.</p>	
<p>Subcommittees/Working Groups²: <i>List the names of each subcommittee or working group, including groups made up exclusively of committee/task force members and joint groups with other advisory committees/task forces. To request approval for the creation of a new subgroup, include “new” after the name of the proposed subgroup and describe its purpose.</i></p> <ol style="list-style-type: none"> 1. Fiscal Planning Subcommittee (FPS) – Reviews recommendations regarding trial court requests to set aside funds on their behalf that have reverted to the Trial Court Trust Fund (TCTF) pursuant to Government Code section 77203. This group also reviews requests from trial courts that relate to Children’s Waiting Room funding. 2. Funding Methodology Subcommittee (FMS) – Ongoing review and refinement of the Workload Formula, develop a methodology for allocations from the TCTF Court Interpreter Program (CIP) (0150037) in the event of a funding shortfall, and consider funding allocation methodologies for other non-discretionary dollars as necessary. 3. Revenue and Expenditure (R&E) Subcommittee – Ongoing review of TCTF and State Trial Court Improvement and Modernization Fund (IMF) allocations supporting trial court projects and programs as well as any systematic cash flow issues affecting the trial courts. 	

¹ The annual agenda outlines the work a committee will focus on in the coming year and identifies areas of collaboration with other advisory bodies and the Judicial Council staff resources.

² California Rules of Court, rule 10.30 (c) allows an advisory body to form subgroups, composed entirely of current members of the advisory body, to carry out the body’s duties, subject to available resources, with the approval of its oversight committee.

4. Ad Hoc Interpreter Subcommittee – To develop a methodology for allocations from the TCTF CIP in the event of a funding shortfall and review existing methodologies.
5. Ad Hoc COVID-19 Backlog Subcommittee – To develop more precise definitions and practices for documenting and reporting COVID-related backlog and workload to be funded by the \$50 million one-time augmentation in the 2020 Budget Act and the \$60 million one-time augmentation in the 2021 Budget Act.
6. Ad Hoc Court Reporter Funding Subcommittee (*New*) – To develop a methodology for allocations to all courts from the ongoing funding included in SB 170 that amended the 2021 Budget Act; \$7 million to cover the costs associated with increased transcript rates, and \$30 million to increase the number of court reports in family law and civil law case types.

Meetings Planned for 2022³ (Advisory body and all subcommittees and working groups)

Date/Time/Location or Teleconference:

The Trial Court Budget Advisory Committee usually holds four in-person meetings annually and the Funding Methodology Subcommittee holds two in-person meetings. A budget allocation is provided to the committee to cover the costs of travel and per diem to allow these budget discussions to occur in-person. Due to the COVID-19 pandemic and ongoing public health protocols that restrict in-person gatherings, the committee has not finalized its meeting schedule for 2022. Dates are estimated by month and the location is listed as “To Be Determined” where it would have been an in-person meeting. Additional meetings to address budget issues will be scheduled as needed.

Trial Court Budget Advisory Committee

January 2022/Videoconference; March 2022/TBD; April 2022/Videoconference; May 2022/TBD; July 2022/TBD; November 2022/TBD

Fiscal Planning Subcommittee

May 2022/Teleconference; October 2022/Teleconference; November 2022/TBD

Revenue and Expenditure Subcommittee

March 2022/Teleconference

Check here if exception to policy is granted by Executive Office or rule of court.

³ Refer to [Operating Standards for Judicial Council Advisory Bodies](#) for governance on in-person meetings.

COMMITTEE PROJECTS

#	New or One-Time Projects ⁴	
1.	Project Title: Federally Funded Dependency Representation Program Allocation Methodology	Priority 1⁵ Strategic Plan Goal⁶ VII
<p>Project Summary⁷: Part of the charge of the committee pursuant to rule 10.64. The project originated as a result of up to \$30 million General Fund included in the 2021 Budget Act for court-appointed counsel in dependency cases to address a shortfall between what was expected could be claimed from Federal Title IV-E funding and what was able to be claimed once federal guidance on eligible activities for Title IV-E reimbursement was provided. The Trial Court Budget Advisory Committee made a recommendation to the Judicial Branch Budget Committee that was approved on November 4, 2021 to proportionally allocate and distribute funds in 2021-22 to Federally Funded Dependency Representation Program providers based on invoicing and Judicial Council Center for Children, Families & the Courts (CFCC) monitoring criteria. The expected outcome is to address shortfalls timely and accurately.</p> <p>Status/Timeline: One-time; the item is schedule to be considered by the Judicial Council at its January 21, 2022 business meeting for 2021-22 implementation.</p> <p>Fiscal Impact/Resources: CFCC and Budget Services staff.</p> <p><input checked="" type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: External stakeholders include the trial courts.</p> <p>AC Collaboration: Judicial Branch Budget Committee.</p>		

⁴ All proposed projects for the year must be included on the Annual Agenda. If a project implements policy or is a program, identify it as *implementation* or a *program* in the project description and attach the Judicial Council authorization/assignment or prior approved Annual Agenda to this Annual Agenda.

⁵ For non-rules and forms projects, select priority level 1 (must be done) or 2 (should be done). For rules and forms proposals, select one of the following priority levels: 1(a) Urgently needed to conform to the law; 1(b) Urgently needed to respond to a recent change in the law; 1(c) Adoption or amendment of rules or forms by a specified date required by statute or council decision; 1(d) Provides significant cost savings and efficiencies, generates significant revenue, or avoids a significant loss of revenue; 1(e) Urgently needed to remedy a problem that is causing significant cost or inconvenience to the courts or the public; 1(f) Otherwise urgent and necessary, such as a proposal that would mitigate exposure to immediate or severe financial or legal risk; 2(a) Useful, but not necessary, to implement statutory changes; 2(b) Helpful in otherwise advancing Judicial Council goals and objectives.

⁶ Indicate which goal number of The Strategic Plan for California’s Judicial Branch the project most closely aligns.

⁷ A key objective is a strategic aim, purpose, or “end of action” to be achieved for the coming year.

#	New or One-Time Projects ⁴	
2.	Project Title: Court Reporter Funding	Priority 1⁵
		Strategic Plan Goal⁶ VII
<p>Project Summary⁷: Part of the charge of the committee pursuant to rule 10.64. The project originated as a result of new, ongoing funding included in the 2021 Budget Act; \$7 million to address cover the costs associated with increased transcript rates, and \$30 million to increase the number of court reporters in family law and civil law case types, both of which cannot be used to supplant existing expenditures in these areas. The Ad Hoc Court Reporter Funding Subcommittee was established to develop a methodology for allocating these funds to all trial courts, and a recommendation by the Trial Court Budget Advisory Committee to the Judicial Branch Budget Committee on December 7, 2021 was made to allocate the \$7 million proportionally in one lump sum using an average of the prior three-year transcript expenditures and an established baseline for identifying cost increases, and the \$30 million proportionally based on the most-recently published Assessed Judicial Need, and after a funding floor is provided, both beginning in 2021-22. The expected outcome is to assist the courts with costs for these defined areas.</p>		
<p>Status/Timeline: Ongoing; this item is schedule to be considered by the Judicial Council at its January 21, 2022 business meeting for 2021-22 implementation.</p>		
<p>Fiscal Impact/Resources: Business Management Services, Governmental Affairs, and Budget Services staff.</p>		
<p><input checked="" type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p>		
<p>Internal/External Stakeholders: External stakeholders include the trial courts.</p>		
<p>AC Collaboration: Judicial Branch Budget Committee.</p>		
3.	Project Title: Court Interpreter Employee Incentive Grant Funding	Priority 1⁵
		Strategic Plan Goal⁶ VII
<p>Project Summary⁷: Part of the charge of the committee pursuant to rule 10.64. The project originated as a result of new, one-time \$30 million included in the 2021 Budget Act for a new Court Interpreter Employee Incentive Grant program intended to increase the number of new interpreters in trial courts, and to increase language access services to court users inside courthouses. CFCC has notified courts of the funding and is developing an application process for interested courts to attest to qualification for grants under the provisions of the Budget Act and based on their interpreter expenditures over the past four fiscal years. Grant applications will be reviewed by CFCC staff with recommendations to be presented to the Trial Court Budget Committee, the Judicial Branch Budget Committee, and the Judicial Council for approval, including an allocation methodology in the event the total grant requests exceed the \$30 million in one-time funding. The expected outcome is to assist the courts with funding for staff interpreters based on approved grant applications.</p>		

#	New or One-Time Projects⁴	
	<p>Status/Timeline: One-time; targeted completion date is spring of 2022 for allocating funds to approved trial courts in 2021-22.</p> <p>Fiscal Impact/Resources: CFCC and Budget Services staff.</p> <p><input checked="" type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: External stakeholders include the trial courts.</p> <p>AC Collaboration: Judicial Branch Budget Committee.</p>	
4.	<p>Project Title: Base Funding Floor Adjustments</p>	<p>Priority 1⁵</p> <p>Strategic Plan Goal⁶ VII</p>
	<p>Project Summary⁸: Part of the charge of the committee pursuant to rule 10.64. The project originated from the FMS work plan to review the trial court base funding floor amounts annually, if requested by the applicable courts, for presentation to the Trial Court Budget Advisory Committee no later than December, to determine whether an inflationary adjustment is needed. In the summer of 2021, two requests were received by Alpine and Sierra Superior Courts for an ongoing increase effective July 1, 2022 and was recommended by the Trial Court Budget Advisory Committee to the Judicial Branch Budget Committee on December 7, 2021. The expected outcome is to assist these courts in providing the identified funding needed to maintain operations and provide access to justice.</p> <p>Status/Timeline: One-time; this item is schedule to be considered by the Judicial Council at its March 11, 2022 business meeting for 2022-23 implementation.</p> <p>Fiscal Impact/Resources: Budget Services staff.</p> <p><input checked="" type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: External stakeholders include the two smallest trial courts, Alpine and Sierra.</p> <p>AC Collaboration: Judicial Branch Budget Committee.</p>	
5.	<p>Project Title: State Trial Court Improvement and Modernization Fund Allocation Adjustment</p>	<p>Priority 1⁵</p>

⁸ A key objective is a strategic aim, purpose, or “end of action” to be achieved for the coming year.

#	New or One-Time Projects ⁴	
	<p>Project Summary⁷: Part of the charge of the committee pursuant to rule 10.64. The project originated from a request from Judicial Council Information Technology to transfer approved IMF funds from Local Assistance to State Operations, which the office will utilize for staff employees in lieu of contractors for telecommunications, statewide planning, and development support programs. A recommendation was made by the Trial Court Budget Advisory Committee to the Judicial Branch Budget Committee on December 7, 2021. The expected outcome is to hire and retain permanent positions for programs to provide a foundational level of support and maintain institutional knowledge in these areas.</p> <p>Status/Timeline: One-time; this item is schedule to be considered by the Judicial Council at its March 11, 2022 business meeting for 2022-23 implementation.</p> <p>Fiscal Impact/Resources: Information Technology and Budget Services staff.</p> <p><input type="checkbox"/> This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</p> <p>Internal/External Stakeholders: External stakeholders include the trial courts.</p> <p>AC Collaboration: Judicial Branch Budget Committee.</p>	<p><i>Strategic Plan Goal⁶ VII</i></p>
6.	<p>Project Title: Delegation of Trial Court Trust Fund Authority</p> <p>Project Summary⁷: Part of the charge of the committee pursuant to rule 10.64. The project originated from an identified opportunity to increase efficiencies to operational impacts in allowing for immediate implementation to meet the critical needs of trial courts and enable council staff to commit funding on a timely basis by delegating authority to the Judicial Council Administrative Director to transfer TCTF funding allocations approved by the Judicial Council between programs or projects. This approach is consistent with the council’s past practice in delegating limited authority to the Administrative Director to transfer allocations funded from the IMF, and a recommendation has been made by the Trial Court Budget Advisory Committee to the Judicial Branch Budget Committee on December 7, 2021. The expected outcome is to increase efficiencies in making timely transfers when available and as needed.</p> <p>Status/Timeline: One-time; this item is schedule to be considered by the Judicial Council at its March 11, 2022 business meeting for 2022-23 implementation.</p> <p>Fiscal Impact/Resources: Various Judicial Council offices that provides services to trial courts.</p>	<p><i>Priority 2⁵</i></p> <p><i>Strategic Plan Goal⁶ VII</i></p>

#	New or One-Time Projects⁴	
	<p><input checked="" type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: Internal stakeholders include various Judicial Council offices; external stakeholders include the R&E Subcommittee, Trial Court Budget Advisory Committee, Judicial Branch Budget Committee, and the Judicial Council.</p> <p>AC Collaboration: Judicial Branch Budget Committee.</p>	
7.	Project Title: Court Cluster System and Floor Funding	Priority 2⁵
	<p>Project Summary⁷: Part of the charge of the committee pursuant to rule 10.64. The project originated from an FMS recommendation on February 20, 2020 to initiate an ad hoc subcommittee to reevaluate the cluster system and floor funding to identify any opportunities for refinement or change. The expected outcome could impact the statewide four-cluster system and/or its criteria as well as updates to the funding floor determination process.</p> <p>Status/Timeline: One-time.</p> <p>Fiscal Impact/Resources: Budget Services and Business Management Services staff.</p> <p><input checked="" type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: External stakeholders include the trial courts.</p> <p>AC Collaboration: Workload Assessment Advisory Committee and Judicial Branch Budget Committee.</p>	
8.	Project Title: Trial Court Pension Trust Fund	Priority 2⁵
	<p>Project Summary⁹: Part of the charge of the committee pursuant to rule 10.64. The project originated from a January 2019 Senate Bill 1413 (Chapter 665, Statutes of 2018) creating Government Code 21711, which established the California Employers’ Pension Prefunding Trust (CEPPT). The CEPPT is a trust fund dedicated to prefunding employer contributions to defined benefit pension systems and works similarly to the existing California Employer’s Retiree Benefit Trust dedicated to prefunding other post-employment benefits. The Trial Court Budget Advisory Committee voted on July 16, 2020 to further research the cost benefit impact for developing a recommendation</p>	

⁹ A key objective is a strategic aim, purpose, or “end of action” to be achieved for the coming year.

#	New or One-Time Projects⁴	
	<p>regarding potential trial court participation in the CEPPT for consideration by the Judicial Council at a future business meeting. The expected outcome will inform the recommendation to the council.</p> <p>Status/Timeline: One-time.</p> <p>Fiscal Impact/Resources: Branch Accounting and Procurement and Budget Services staff.</p> <p><input checked="" type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: External stakeholders include the trial courts.</p> <p>AC Collaboration: Judicial Branch Budget Committee.</p>	
9.	Project Title: Judicial Council-Provided Services Review	Priority 2⁵ Strategic Plan Goal⁶ VII
	<p>Project Summary¹⁰: Part of the charge of the committee pursuant to rule 10.64. The project originated from the FMS work plan to identify and evaluate the impact of Judicial Council-provided services versus those that are funded by local trial court operations funds. The expected outcome is to determine if any services provided should be shifted or combined along with any associated funding.</p> <p>Status/Timeline: One-time.</p> <p>Fiscal Impact/Resources: Various Judicial Council offices that provides services to trial courts.</p> <p><input checked="" type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: Workload Assessment Advisory Committee.</p> <p>AC Collaboration: Various advisory bodies that have programs that provide various court services and the Judicial Branch Budget Committee.</p>	

¹⁰ A key objective is a strategic aim, purpose, or “end of action” to be achieved for the coming year.

#	Ongoing Projects and Activities ⁴	
1.	Project Title: Workload Formula Adjustment Request Process (ARP)	Priority 1⁵
Strategic Plan Goal⁶ VII		
<p>Project Summary⁷: Part of the charge of the committee pursuant to rule 10.64. At its August 22, 2013 meeting, the Judicial Council approved a recommendation made by the Trial Court Budget Advisory Committee to approve the Workload Formula Adjustment Request Process to allow courts an annual opportunity to submit recommendations for changes to the Workload Formula. The expected outcome is to assist the courts and the council with ongoing review and refinements to the Workload Formula.</p> <p>Status/Timeline: Ongoing.</p> <p>Fiscal Impact/Resources: Budget Services and Business Management Services staff.</p> <p><input checked="" type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: External stakeholders include the trial courts.</p> <p>AC Collaboration: The Workload Assessment Advisory Committee oversees the Resource Assessment Study model, which informs the Workload Formula and is often the area for recommendation submissions by trial courts.</p>		
2.	Project Title: Interpreter Funding Methodology	Priority X⁵
Strategic Plan Goal⁶ VII		
<p>Project Summary⁷: Part of the charge of the committee pursuant to rule 10.64. The project originated due to the declining fund balance in the TCTF CIP (0150037), and the Ad Hoc Interpreter Subcommittee was established to develop a methodology for allocations from the CIP in the event of a funding shortfall and to review existing methodologies. The Ad Hoc Interpreter Subcommittee made a recommendation to the Trial Court Budget Advisory Committee that was approved by the Judicial Council on July 24, 2020, to allocate the 2020 Budget Act appropriation to the trial courts, replacing the prior reimbursement process; the same methodology continued for 2021-22. The Trial Court Budget Advisory Committee made a recommendation to the Judicial Branch Budget Committee on December 7, 2021 on a proportional allocation methodology effective July 1, 2022 that incorporates the prior three years' interpreter expenditures and allocated funds up to the appropriation amount. Unspent funds will reimburse courts with a shortfall. The Ad Hoc Interpreter Subcommittee will continue its work to fine-tune the allocation methodology for Trial Court Budget Advisory Committee and Judicial Branch Budget Committee consideration for the 2023-24 fiscal year to consider what other data can be utilized and considered from current case management systems and reporting capabilities. The expected outcome is to continue to appropriately allocate funds that do not exceed the CIP appropriation via a methodology that takes workload into consideration, utilizing the best data available.</p>		

#	Ongoing Projects and Activities ⁴
	<p>Status/Timeline: Targeted completion date for further refinement of the ongoing allocation methodology is fiscal year 2022–23 for 2023-24 implementation.</p> <p>Fiscal Impact/Resources: Budget Services and CFCC staff.</p> <p><input checked="" type="checkbox"/> <i>The project includes allocations or distributions of funds to the courts, which have been reviewed and approved by Budget Service.</i></p> <p>Internal/External Stakeholders: External stakeholders include the trial courts.</p> <p>AC Collaboration: Judicial Branch Budget Committee.</p>

DRAFT

LIST OF 2021 PROJECT ACCOMPLISHMENTS

#	Project Highlights and Achievements
1.	<p>COVID-19 Backlog Funding</p> <p>The 2020-21 \$50 million one-time COVID-19 backlog funding was allocated in two \$25 million installments for the 2020-21 fiscal year, with a redistribution that occurred prior to the end of the fiscal year. The first \$25 million was approved the Judicial Council at its July 24, 2020 business meeting, and allocated funding proportionally based on trial courts’ Workload Formula; the second \$25 million was first a presentation by the Trial Court Budget Advisory Committee to the Judicial Branch Budget Committee on November 12, 2020 and included a COVID-19 related backlog definition, reporting requirements, and methodology for allocation. The recommendation was subsequently approved by the Judicial Council on January 22, 2021.</p> <p>The Trial Court Budget Advisory Committee made a recommendation to the Judicial Branch Budget Committee on August 13, 2021 on an allocation methodology for the 2021-22 \$60 million one-time COVID-driven caseload backlog funding in one lump sum. The recommendation was adjusted by the Judicial Branch Budget Committee to include two separate \$30 million allocations; one in October 2021 and the other in January 2022 based on the most updated filings and clearance data available. The recommendation was subsequently approved by the Judicial Council on October 1, 2021; therefore; this item is not carried forward into the 2022 agenda.</p>
2.	<p>Child Support Commissioner and Family Law Facilitator (AB 1058) Funding</p> <p>The Trial Court Budget Advisory Committee made a recommendation to the Judicial Council that was approved on July 9, 2021 on a new, population-based funding methodology for the AB 1058 Family Law Facilitator program effective 2021-22, a continuation of fund reallocations for the AB 1058 Child Support Commissioner program, and base and federal drawdowns.</p>
3.	<p>Workload Formula, IMF, and TCTF Allocations</p> <p>The Judicial Branch Budget Committee and the Trial Court Budget Advisory Committee made 2021-22 recommendations to the Judicial Council that included IMF and TCTF allocations, a \$2.259 billion allocation to the trial courts from the TCTF, and an ongoing restoration of \$167.831 million that was approved on July 9, 2021. IMF and TCTF allocation adjustments were not needed as it was determined that both funds were in a position to support the allocation requests for 2021-22.</p> <p>The Trial Court Budget Committee made a recommendation to the Judicial Branch Budget Committee on May 18, 2021 on an allocation methodology for new, ongoing \$72.2 million included in the 2021 Budget Act for trial courts to address inflationary cost increases, which took a similar approach as the current Workload Formula. The recommendation was adjusted by the Judicial Branch Budget Committee to allocate the funds to all courts using a 3.7 percent Consumer Price Index-based increase which was subsequently approved by the Judicial Council on July 9, 2021. In addition, a request to fund courts below the Workload Formula average funding level and to bring them up to an 85-percent funding level is included in a 2022-23 budget change proposal.</p>

#	Project Highlights and Achievements
4.	<p>Interpreter Funding Methodology</p> <p>The Trial Court Budget Advisory Committee made a recommendation to the Judicial Council that was approved to May 21, 2021 on a one-time return of unspent Court Interpreters Program funding for 2020-21 as well as a one-time allocation methodology for 2021-22 while the Ad Hoc Interpreter Subcommittee continues development of a workload-based methodology recommendation for consideration effective July 1, 2022. The project continues into the 2022 agenda.</p>
5.	<p>Pretrial Release Funding and Allocation Methodology</p> <p>The Trial Court Budget Advisory Committee made a recommendation to the Judicial Branch Budget Committee that was approved on August 13, 2021 to allocate 2021-22 one-time and ongoing Pretrial Release funding of \$140 million in accordance with methodologies outlined in SB 129 and including minimum funding floors for trial courts to contract with probation departments or other county departments for the provision of pretrial monitoring and services. The recommendation was subsequently approved by the Judicial Council on October 1, 2021.</p>
6.	<p>AB 1058 Reimbursement Authority Increase</p> <p>The Trial Court Budget Advisory Committee made a recommendation to the Judicial Branch Budget Committee that was approved on August 13, 2021 to allocate 2021-22 an additional and ongoing \$4.45 million in base funding for the AB 1058 Child Support Commissioner and Family Law Facilitator program based on current funding methodologies as well as a technical adjustment to 2021-22 Child Support Commissioner base allocations. The recommendation was subsequently approved by the Judicial Council on October 1, 2021.</p>

JUDICIAL COUNCIL OF CALIFORNIA
BUDGET SERVICES
Report to the Trial Court Budget Advisory Committee

(Information Only)

Title: Trial Court Trust Fund (TCTF) Funds Held on Behalf Expenditure Reporting

Date: 11/16/2021

Contact: Catrayel Wood, Senior Analyst, Judicial Council Budget Services
916-643-7008 | Catrayel.Wood@jud.ca.gov

Issue

Upon completion of TCTF Funds Held on Behalf (FHOB) projects or planned expenditures, courts are required to report to the Trial Court Budget Advisory Committee (TCBAC) within 90 days on the project or planned expenditure and how the funds were expended.

Background

Government Code section 68502.5(c)(2)(A) requires the Judicial Council, when setting the allocations for trial courts, to set a preliminary allocation in July of each fiscal year. In January of each fiscal year, after review of available trial court reserves as of June 30 of the prior fiscal year, the Judicial Council is required to finalize allocations and each court's final allocation is offset by the amount of reserves that exceed the amount authorized to be carried over pursuant to Government Code section 77203(b). Under this section, a trial court may, beginning June 30, 2014 and concluding June 30, 2019, carryover unexpended funds in an amount not to exceed 1 percent of the court's operating budget from the prior fiscal year. Effective June 30, 2020, the carryover amount increased to 3 percent.

At its business meeting on July 29, 2014, the Judicial Council approved an annual process beginning in 2015-16 for courts to provide preliminary and final computations of the portion of their ending fund balance that is subject to the 1 percent cap.

At its business meeting on April 15, 2016, the Judicial Council adopted a process, criteria, and procedures for trial courts to request that TCTF-reduced allocations related to the 1 percent fund balance cap be retained in the TCTF as restricted fund balance for the benefit of those courts that make the request. The FHOB process is intended only for expenditures that cannot be funded by a court's annual budget or three-year encumbrance term and that require multiyear savings to implement. The process also requires reporting on the use of the funds.

The Judicial Council adopted revisions to the policy, including streamlining the submission schedule, making a change to the recipient of the request, and providing language corrections to better align with court year-end closing, trial court allocation offsets, and requests to amend previously reviewed requests at its business meeting on January 17, 2020 (Attachment 1A).

Judicial Council Budget Services staff submitted its initial expenditure report to the TCBAC at

JUDICIAL COUNCIL OF CALIFORNIA
BUDGET SERVICES
Report to the Trial Court Budget Advisory Committee

its July 25, 2019 meeting and established quarterly reporting on the status of FHOB projects or planned expenditures from those courts that indicate completion.

Report of Status

In November 2021, Judicial Council Budget Services staff requested a status on projects or planned expenditures from those courts that indicated completion through October 29, 2021. Two courts reported the following information:

Court	Council Approval Date	Project or Planned Expenditure	Completion Date	Approved FHOB	Expended FHOB	Unspent FHOB Returning to TCTF
Imperial	01/22/21	New printers	07/01/21	\$75,000	\$75,000	\$0
Napa	07/24/20	Case Management System	08/02/21	\$418,000	\$414,155	\$3,845
				\$493,000	\$489,155	\$3,845

Attachments

Attachment 1A: *Summary of Recommended Process, Criteria, and Required Information for Trial Court Trust Fund Fund Balance Held on Behalf of the Courts*

Attachment 1B: *Funds Held on Behalf of the Court Project Completion Reporting*

Summary of Recommended Process, Criteria, and Required Information for Trial Court Trust Fund Fund Balance Held on Behalf of the Courts

Recommended Process for Trial Court Trust Fund Fund Balance Held on Behalf of the Courts

1. Trial Court Trust Fund fund balance will be held on behalf of trial courts only for expenditures or projects that cannot be funded by a court's annual budget or three-year encumbrance term and that require multiyear savings to implement.
 - a. Categories or activities include, but are not limited to:
 - i) Projects that extend beyond the original planned three-year term process such as expenses related to the delayed opening of new facilities or delayed deployment of new information systems;
 - ii) Technology improvements or infrastructure such as installing a local data center, data center equipment replacement, case management system deployment, converting to a VoIP telephone system, desktop computer replacement, and replacement of backup emergency power systems;
 - iii) Facilities maintenance and repair allowed under rule 10.810 of the California Rules of Court such as flooring replacement and renovation as well as professional facilities maintenance equipment;
 - iv) Court efficiencies projects such as online and smart forms for court users and RFID systems for tracking case files; and
 - v) Other court infrastructure projects such as vehicle replacement and copymachine replacement.

2. The submission, review, and approval process is as follows:
 - a. All requests will be submitted to the Judicial Council for consideration.
 - b. Requests will be submitted to the *director of Budget Services* by the court's presiding judge or court executive officer.
 - c. *Budget Services* staff will review the request, ask the court to provide any missing or incomplete information, draft a preliminary report, share the preliminary report with the court for its comments, revise as necessary, and issue the report to the *Fiscal Planning Subcommittee* of the Trial Court Budget Advisory Committee (TCBAC); the *subcommittee* will meet to review the request, hear any presentation of the court representative, and ask questions of the representative if one participates on behalf of the court; and *Budget Services* office staff will issue a final report on behalf of the *subcommittee* for the council.
 - d. The final report to the *subcommittee* and the Judicial Council will be provided to the requesting court before the report is made publicly available on the California Courts website.
 - e. The court may send a representative to the *subcommittee* and Judicial Council meetings to present its request and respond to questions.

3. To be considered at a scheduled Judicial Council business meeting, requests must be submitted to the *director of Budget Services* at least 40 business days (approximately eight weeks) before that business meeting.
4. The Judicial Council may consider including appropriate terms and conditions that courts must accept for the council to approve designating TCTF fund balance on the court's behalf.
 - a. Failure to comply with the terms and conditions would result in the immediate change in the designation of the related TCTF fund balance from restricted to unrestricted and no longer held on behalf of the court unless the council specifies an alternative action.
5. Approved requests that courts subsequently determine need to be revised to reflect a change (1) in the amounts by year to be distributed to the court for the planned annual expenditures and/or encumbrances, (2) in the total amount of the planned expenditures, or (3) of more than 10 percent of the total request among the categories of expense will need to be amended and resubmitted following the submission, review, and approval process discussed in 1–3 above.
 - a. Denied revised requests will result in the immediate change in the designation of the related TCTF fund balance from restricted to unrestricted and no longer held on behalf of the court unless the council specifies an alternative action.
6. Approved requests that courts subsequently determine have a change in purpose will need to be amended and resubmitted following the submission, review, and approval process discussed in 1–3 above, along with a request that the TCTF funds held on behalf of the court for the previously approved request continue to be held on behalf of the court for this new purpose.
 - a. Denied new requests tied to previously approved requests will result in the immediate change in the designation of the related TCTF fund balance from restricted to unrestricted and no longer held on behalf of the court unless the council specifies an alternative action.
7. On completion of the project or planned expenditure, courts are required to report to the Trial Court Budget Advisory Committee within 90 days on the project or planned expenditure and how the funds were expended.
8. As part of the courts' audits in the scope of the normal audit cycle, a review of any funds that were held on behalf of the courts will be made to confirm that they were used for their stated approved purpose.

Recommended Criteria for Eligibility for TCTF Fund Balance Held on Behalf of the Courts

TCTF fund balance will be held on behalf of the trial courts only for expenditures or projects that cannot be funded by the court's annual budget or three-year encumbrance term and that require multiyear savings to implement.

Recommended Information Required to Be Provided by Trial Courts for TCTF Fund Balance Held on Behalf of the Courts

Below is the information required to be provided by trial courts on the *Application for TCTF Funds Held on Behalf of the Court*:

SECTION I

General Information

- Superior court
- Date of submission
- Person authorizing the request
- Contact person and contact information
- Time period covered by the request (includes contribution and expenditure)
- Requested amount
- A description providing a brief summary of the request

SECTION II

Amended Request Changes

- Sections and answers amended
- A summary of changes to request

SECTION III

Trial Court Operations and Access to Justice

- An explanation as to why the request does not fit within the court's annual operational budget process and the three-year encumbrance term
- A description of how the request will enhance the efficiency and/or effectiveness of court operations, and/or increase the availability of court services and programs
- If a cost efficiency, cost comparison (*table template provided*)
- A description of the consequences to the court's operations if the court request is not approved
- A description of the consequences to the public and access to justice if the court request is not approved
- The alternatives that the court has identified if the request is not approved, and the reason why holding funding in the TCTF is the preferred alternative

SECTION IV

Financial Information

- Three-year history of year-end fund balances, revenues, and expenditures (*table template provided*)
- Current detailed budget projections for the fiscal years during which the trial court would either be contributing to the TCTF fund balance held on the court's behalf or receiving distributions from the TCTF fund balance held on the court's behalf (*table template provided*)
- Identification of all costs, by category and amount, needed to fully implement the project (*table template provided*)
- A specific funding and expenditure schedule identifying the amounts to be contributed and expended, by fiscal year (*table template provided*)

FUNDS HELD ON BEHALF OF THE COURT PROJECT COMPLETION REPORTING

REQUEST NUMBER: 2

SECTION I: GENERAL INFORMATION

SUPERIOR COURT:

Imperial

JC APPROVED DATE:

1/22/2021

JC APPROVED AMOUNT:

\$75,000

REASON PROVIDED ON APPLICATION:

Request is for 13 new department multifunction copiers that have reached end of life in various departments across the court. We need the funds requested in this application so we can continue working efficiently in all departments.

SECTION II: PROJECT STATUS OF COMPLETION (TO BE COMPLETED BY COURT)

PROJECT COMPLETE

Per Judicial Council policy, "On completion of the project or planned expenditure, courts are required to report to the Trial Court Budget Advisory Committee within 90 days on the project or planned expenditure and how the funds were expended."

PLEASE PROVIDE A DESCRIPTION OF HOW THE FUNDS WERE EXPENDED: We replaced the appropriate printers in multiple Departments.

TOTAL COST OF PROJECT OR PLANNED EXPENDITURE: \$79,427.85

COMPLETION DATE OF PROJECT: 7/1/2021

PROJECT NOT COMPLETED

PLEASE PROVIDE A PROGRESS REPORT:

ESTIMATED DATE OF COMPLETION: Click here to enter a date.

CONTACT PERSON AND CONTACT INFO: **Rodolfo Quintero Marquez**, rquintero@imperial.courts.ca.gov, **Phone# 760-336-3520**

PERSON AUTHORIZING REQUEST (Presiding Judge or Court Executive Officer):

Manuel R. Rumbaut

11/2/2021

FUNDS HELD ON BEHALF OF THE COURT PROJECT COMPLETION REPORTING

REQUEST NUMBER: 28-2016-1

SECTION I: GENERAL INFORMATION

SUPERIOR COURT:

Napa

JC APPROVED DATE:

7/24/2020

JC APPROVED AMOUNT:

\$418,000

REASON PROVIDED ON APPLICATION:

Tyler Technologies to provide new Case Management Systems (CMS) for Napa, Monterey, and Santa Clara courts in the same project. The collaborative agreement was designed to share expertise among the courts, create a greater uniformity, and for all three courts to be able to share in some of the vendor costs, therefore reducing the overall costs to all three courts. During the project planning phases early in the project, Tyler determined that it did not have sufficient resources to meet the original timeline set out in the initially agreed upon project plan. Specifically, the implementation resources that Tyler needed to support all three courts were needed in one location at a time, and therefore we had to stagger the implementation of the first phase further out to give each of the courts more attention in the months both before and after our implementation dates. This caused significant delays in complete implementation of the system for all case types and pushed the completion of the project into the current fiscal year (2017/18). See amended requests for funds held from prior years.

In addition to the initial request described above, the court had planned for a number of Tyler CMS project related expenditures in FY 2016/17. These included costs related to:

- A. Technological enhancements necessary to keep the court from stepping backwards from the capabilities of its current CMS such as electronic reporting, interfaces with other local and state justice agencies, and attorney check-in system for the courtroom.

Current Request for 2020/21 (CMS Costs) – The court executed contracts and purchase orders for all CMS costs as described above. Some of the needed development could not be started until after we were fully functioning on the Tyler Odyssey (ODY) platform for criminal cases. Since we started using ODY for criminal cases in December 2017, we have accomplished all of the original work that we contracted for, with one exception. We have a contract with our IT vendor, Sierra Cedar Inc, from 2016/17, amended in 2017/18. We have spent all of the funds encumbered in this P.O. with the exception of the \$14,308 requested to be carried over into 2020/21. During the current 2019/20 fiscal year, Sierra Cedar notified the court that it is no longer providing IT professional services to the courts. Because of this, we are not able to complete our requests for additional development needed to have functionality and reporting capabilities that are not available to us currently. We will need to find a IT service provider and are requesting to take the \$14,038 that is currently encumbered and use those funds for their originally intended purpose with a new vendor in the 2020/21 fiscal year.

Update for Fiscal Year 2020/21:

We were able to enter into a new contract with Sierra Cybernetics, a vendor that has resources from the former Sierra Cedar vendor, for the remaining \$14,308. As of June 30, 2021, we were able to spend \$10,193 with Sierra Cybernetics to have them develop the custom reports we needed that were not available to us in the Tyler CMS system. The remaining \$3,845 reverted back to TCTF at the end of the year. We continue to have an ongoing relationship with Sierra Cybernetics for additional development work related to CMS processing and reporting.

SECTION II: PROJECT STATUS OF COMPLETION (TO BE COMPLETED BY COURT)

PROJECT COMPLETE

Per Judicial Council policy, "On completion of the project or planned expenditure, courts are required to report to the Trial Court Budget Advisory Committee within 90 days on the project or planned expenditure and how the funds were expended."

PLEASE PROVIDE A DESCRIPTION OF HOW THE FUNDS WERE EXPENDED:

The funds were expended on Professional IT Services, IT Software Maintenance and IT Software licenses.

TOTAL COST OF PROJECT OR PLANNED EXPENDITURE:

The total cost was \$414,155. This is the total amount requested less the \$3,845 returned at the end of fiscal year 20/21.

COMPLETION DATE OF PROJECT: 8/2/2021

PROJECT NOT COMPLETED

PLEASE PROVIDE A PROGRESS REPORT:

ESTIMATED DATE OF COMPLETION: [Click here to enter a date.](#)

CONTACT PERSON AND CONTACT INFO: Lisa Skinner, Court Financial Officer, lisa.skinner@napa.courts.ca.gov, 707-299-1126

PERSON AUTHORIZING REQUEST (*Presiding Judge or Court Executive Officer*): Robert E. Fleshman, CEO