



JUDICIAL COUNCIL
OF CALIFORNIA

JUDICIAL BRANCH BUDGET
COMMITTEE

JUDICIAL BRANCH BUDGET COMMITTEE

MATERIALS JULY 27, 2022

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JUDICIAL COUNCIL OF CALIFORNIA

JUDICIAL BRANCH BUDGET
COMMITTEE

www.courts.ca.gov/jbbc.htm
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JUDICIAL BRANCH BUDGET COMMITTEE

NOTICE AND AGENDA OF OPEN MEETING WITH CLOSED SESSION

Open to the Public Unless Indicated as Closed (Cal. Rules of Court, rule 10.75(c), (d), and (e)(1))

THIS MEETING IS BEING CONDUCTED BY ELECTRONIC MEANS

OPEN PORTION OF THIS MEETING IS BEING RECORDED

Date: July 27, 2022
Time: 3:00 – 5:00 p.m.
Public Videocast: <https://jcc.granicus.com/player/event/1877>

Meeting materials for open portions of the meeting 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 open meeting portion 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 June 28, 2022, 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 videocast available for the public. As such, 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 3:00 p.m. on Tuesday, July 26, 2022, will be provided to advisory body members prior to the start of the meeting.

III. DISCUSSION AND POSSIBLE ACTION ITEMS (ITEMS 1-2)

Item 1

2022-23 AB 177 Allocation Methodology (Action Required)

Consideration of a Trial Court Budget Advisory Committee recommendation on an allocation methodology for trial court backfill funding related to the repeal of fees authorized by AB 177.

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

Ms. Oksana Tuk, Senior Analyst, Judicial Council Budget Services

Item 2

Annual Funding Methodology Subcommittee (FMS) Work Plan Update (Action Required)

Consideration of an FMS recommendation to update items on the annual work plan.

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

Ms. Michele Allan, Supervisor, Judicial Council Budget Services

IV. ADJOURNMENT

Adjourn to Closed Session

V. CLOSED SESSION (CAL. RULES OF COURT, RULE 10.75 (D))

Call to Order and Roll Call

Approval of Minutes

Approve of closed meeting minutes of the May 18, 2022, Judicial Branch Budget Committee meeting.

Item 1

Innovations Grant Program (California Rules of Court, Rule 10.75 (D)(9))

Program Status Updates

Review and discussion of administrative matters regarding Innovation Grants.

VI. ADJOURNMENT

Adjourn Closed Session



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JUDICIAL BRANCH BUDGET
COMMITTEE

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JUDICIAL BRANCH BUDGET COMMITTEE

MINUTES OF OPEN MEETING

June 28, 2022

12:00 p.m. to 1:30 p.m.

<http://icc.granicus.com/player/event/1828>

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

Advisory Body Members Absent: Hon. Brad R. Hill

Others Present: Mr. John Wordlaw, Mr. Zlatko Theodorovic, Ms. Fran Mueller; Hon. Jonathan Conklin, Ms. Rebecca Fleming, Ms. Angela Cowan, Ms. Oksana Tuk, and Ms. Donna Newman

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 12:15 p.m. and took roll call.

Approval of Minutes

The advisory body proposed revisions to the minutes and subsequently approved the minutes, as revised, from the June 1, 2022, Judicial Branch Budget Committee (Budget Committee) meeting.

DISCUSSION AND POSSIBLE ACTION ITEMS (ITEM 1-2)

Item 1- 2022-23 Civil Assessment Allocation Methodology (Action Required)

Consideration of a recommendation from the Trial Court Budget Advisory Committee on a new methodology for 2022-23 civil assessment allocations.

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

Action: *The Budget Committee unanimously voted to approve the following Trial Court Budget Advisory Committee recommendation for consideration by the Judicial Council at its July 15, 2022:*

1. *The allocation methodology, effective July 1, 2022, and in the order outlined below, of the civil assessment redistribution funding provided:*
 - a. *maintain the current allocation of the \$48.3 million maintenance of effort (MOE) in the Workload Formula;*
 - b. *Fund the remaining civil assessment obligations for those impacted courts from the amount of retained civil assessments after the MOE obligation is met;*
 - c. *Allocate the remaining amount of civil assessment revenue via the Workload Formula and without a security reduction;*
 - d. *Remove retained civil assessment dollars from the Workload Formula model's "Other Local Revenues" column and identify each courts' new position in the Workload Formula as it relates to percentage funded; and*
 - e. *Recalculate funding proposed in the 2022-23 Governor's Budget including inflationary, equity, and new judgeship funding, and then civil assessment redistribution funding.*

Item 2 – Civil Assessment Policy Rescission (Action Required)

Consideration of a recommendation that the Judicial Council rescind, as outdated, previously approved trial court collections statewide criteria related to civil assessments.

Presenter(s)/Facilitator(s): Ms. Donna Newman, Fiscal Supervisor, Judicial Council Budget Services

Action: *The Budget Committee unanimously voted to approve the following recommendation, to the Judicial Council for consideration at its July 15, 2022 business meeting:*

1. *Rescind the outdated August 2005 policy that approved statewide criteria related to the imposition of civil assessments. The documents listed as attachments and any others that relate to the rescinded policy will be revised, as needed.*

A D J O U R N M E N T

There being no further business, the meeting was adjourned at 12:35 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: 2022-23 AB 177 Allocation Methodology
Date: 7/27/2022
Contact: Oksana Tuk, Senior Analyst, Judicial Council Budget Services
916-643-8027 | oksana.tuk@jud.ca.gov

Issue

Consideration of a recommendation from the Trial Court Budget Advisory Committee (TCBAC) on an allocation methodology for trial court backfill funding related to the repeal of fees authorized by Assembly Bill (AB) 177 (Stats. 2021, ch. 257) for consideration by the Judicial Council at its September 20, 2022 business meeting.

Background

AB 177 repealed trial court authority to collect the following administrative fees, effective January 1, 2022, making any unpaid balance unenforceable and uncollectible and requiring any portion of a judgment imposing the fees to be vacated:¹

- Penal Code (PC) 1203.1 – Administrative fee (up to 15%) for collection of restitution orders, per subdivision (l);
- PC 1203.4a – Administrative fee (up to \$60) for seeking dismissal of infraction/misdemeanor convictions, per subdivision (e);
- PC 1203.9 – Courts receiving probation cases from other courts may not impose additional local fees, per subdivision (d)(2);
- PC 1205 (e) – Installment fee and accounts receivable fee; and
- Vehicle Code (VC) 40510.5 – Administrative fee (up to \$35) for processing installment accounts, per subdivision (g).

These fees were for the recovery of costs associated with various administrative activities performed at the court. To ensure that the backfill funding included in the 2022 Budget Act would sufficiently cover the loss of these fees for court administrative costs, Judicial Council Budget Services staff surveyed trial courts in February and March 2022. The survey reported total fees charged by the trial courts for these activities for the eliminated code sections from 2018–19 through 2020–21.² The reported revenue only included the amount retained by the court

¹ AB 177 bill information, https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB177. PC 1203.9 had \$0 revenue impact on the trial courts,

https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=1203.9&lawCode=PEN.

² Six trial courts reported \$0 revenue loss; Lake, Mendocino, Placer, Trinity, Tuolumne, and Ventura. Plumas Superior Court did not participate in the survey.

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(Action Item)

for its administrative costs, and excluded fees or revenue collected by the court and passed on to the county, or fees retained by the court for the collection of any county fees.

Due to the impact of COVID-19 on trial court operations, the revenues collected in 2020-21 totaling \$7.7 million were excluded as they were atypical compared to revenue collections during the prior two pre-pandemic fiscal years.

Budget Services staff, in consultation with the Department of Finance, adopted a methodology recommendation using the average of 2018–19 and 2019–20 revenue collections as outlined in Table 1 below and presented this information to the TCBAC at its July 18, 2022 meeting:³

Table 1 – Revenue Collections by Code Section

Code Section	2018-19	2019-20	Two-Year Average
PC 1203.1	\$335,000	\$356,000	\$346,000
PC 1203.4a	351,000	275,000	313,000
PC 1203.9	0	0	0
PC 1205 (e)	5,280,000	5,206,000	5,243,000
VC 4010.5	4,547,000	4,303,000	4,425,000
Total	\$10,513,000	\$10,140,000	\$10,327,000

The allocation methodology, as outlined in Attachment 1A, provides the two-year average breakdown by court for revenue collected in 2018–19 and 2019–20, and then proportionally allocates the remaining funding resulting in an annual backfill appropriation and allocation amount of \$10.3 million.

Recommendation

The TCBAC recommends approving the two-year average revenue collection methodology for allocation of the \$10.3 million backfill funding to trial courts for consideration by the Judicial Council effective September 20, 2022.

Attachments

Attachment 1A: Trial Court AB 177 Revenue Collections and Allocation

³ TCBAC meeting report (July 18, 2022), <https://www.courts.ca.gov/documents/tcbac-20220718-materials.pdf>.

Trial Court AB 177 Revenue Collections and Allocation

Court	Revenue Collected		Two Year Average	% of Average	Allocation of Remaining Funds	Total Allocation
	2018-19	2019-20				
	A	B	C (AVG (A,B))	D (C / Total C)	E (D * \$97)	F (C + E)
Alameda	\$ 444,833	\$ 331,500	\$ 388,166	3.8%	\$ 4	\$ 388,170
Alpine	989	557	773	0.0%	0	773
Amador	3,245	2,031	2,638	0.0%	0	2,638
Butte	39,800	31,267	35,534	0.3%	0	35,534
Calaveras	8,991	7,720	8,355	0.1%	0	8,355
Colusa	17,512	19,002	18,257	0.2%	0	18,257
Contra Costa	578,962	580,337	579,649	5.6%	5	579,655
Del Norte	15,463	11,793	13,628	0.1%	0	13,628
El Dorado	71,318	74,391	72,855	0.7%	1	72,855
Fresno	494,372	488,301	491,336	4.8%	5	491,341
Glenn	16,995	10,833	13,914	0.1%	0	13,914
Humboldt	16,873	25,892	21,382	0.2%	0	21,383
Imperial	50,783	52,028	51,406	0.5%	0	51,406
Inyo	13,014	9,932	11,473	0.1%	0	11,473
Kern	751,806	589,296	670,551	6.5%	6	670,557
Kings	103,551	85,616	94,584	0.9%	1	94,584
Lake	-	-	-	0.0%	-	-
Lassen	33,030	35,070	34,050	0.3%	0	34,050
Los Angeles	1,071,143	998,228	1,034,686	10.0%	10	1,034,695
Madera	-	112,206	56,103	0.5%	1	56,104
Marin	19,505	14,924	17,214	0.2%	0	17,214
Mariposa	6,473	4,343	5,408	0.1%	0	5,408
Mendocino	-	-	-	0.0%	-	-
Merced	231,296	250,461	240,879	2.3%	2	240,881
Modoc	2,834	3,844	3,339	0.0%	0	3,339
Mono	9,321	11,234	10,278	0.1%	0	10,278
Monterey	64,890	84,643	74,767	0.7%	1	74,767
Napa	107,975	97,261	102,618	1.0%	1	102,619
Nevada	59,571	56,625	58,098	0.6%	1	58,099
Orange	1,203,199	1,300,527	1,251,863	12.1%	12	1,251,875
Placer	-	-	-	0.0%	-	-
Plumas	-	-	-	0.0%	-	-
Riverside	1,920,376	1,882,070	1,901,223	18.4%	18	1,901,241
Sacramento	99,098	85,114	92,106	0.9%	1	92,107
San Benito	18,450	6,450	12,450	0.1%	0	12,450
San Bernardino	974,857	815,654	895,256	8.7%	8	895,264
San Diego	9,832	25,245	17,538	0.2%	0	17,539
San Francisco	80,415	129,416	104,915	1.0%	1	104,916
San Joaquin	136,811	196,441	166,626	1.6%	2	166,628
San Luis Obispo	99,596	78,673	89,134	0.9%	1	89,135
San Mateo	132,938	101,190	117,064	1.1%	1	117,065
Santa Barbara	33,456	22,016	27,736	0.3%	0	27,736
Santa Clara	344,857	289,479	317,168	3.1%	3	317,171
Santa Cruz	79,346	80,616	79,981	0.8%	1	79,982
Shasta	251,626	311,539	281,582	2.7%	3	281,585
Sierra	2,145	1,987	2,066	0.0%	0	2,066
Siskiyou	12,561	13,350	12,956	0.1%	0	12,956
Solano	191,388	186,336	188,862	1.8%	2	188,863
Sonoma	122,600	90,798	106,699	1.0%	1	106,700
Stanislaus	93,793	86,293	90,043	0.9%	1	90,044
Sutter	57,351	49,379	53,365	0.5%	1	53,365
Tehama	49,037	73,189	61,113	0.6%	1	61,114
Trinity	-	-	-	0.0%	-	-
Tulare	247,832	221,862	234,847	2.3%	2	234,849
Tuolumne	-	-	-	0.0%	-	-
Ventura	-	-	-	0.0%	-	-
Yolo	88,025	76,196	82,110	0.8%	1	82,111
Yuba	28,731	27,789	28,260	0.3%	0	28,260
Total	\$ 10,512,864	\$ 10,140,942	\$ 10,326,903	100.0%	\$ 97	\$ 10,327,000

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

Title: Annual Funding Methodology Subcommittee (FMS) Work Plan Update
Date: 7/27/2022
Contact: Michele Allan, Supervisor, Budget Services
916-263-1374 | michele.allan@jud.ca.gov

Issue

Consideration of updates to the annual FMS Work Plan as approved by the Trial Court Budget Advisory Committee (TCBAC) at its July 18, 2022 meeting.¹

Background

The FMS prepares an annual work plan to direct its efforts in developing and refining the Workload Formula as well as other methodologies including self-help, court-appointed dependency counsel, and interpreter funding for approval by the TCBAC every July.

Last year's work plan as approved by the TCBAC on August 5, 2021 is provided as Attachment 2A.

Work Plan Ongoing Updates – Existing Items

Updates to the work plan approved by the TCBAC are outlined below:

1. Judicial Council-Provided Services
 - a. The TCBAC approved to keep this item on the work plan for 2022-23 and for Judicial Council staff to begin researching internally what services are used by which trial courts, including Judicial Council-provided services and services funded by local trial court operations funding, and bring the information back to the FMS for further analysis to assist in determining if any recommended changes are warranted.
2. Court Interpreter Program (CIP) Funding
 - a. This item is to develop an ongoing, workload-based methodology for allocation of CIP funding. Given that the Ad Hoc Interpreter Subcommittee is in the process of further development of a workload-based allocation methodology effective 2023-24, the TCBAC approved moving this work plan item to 2022-23.
3. Initiate an ad hoc subcommittee to reevaluate the cluster system and floor funding.
 - a. The TCBAC approved to separate this item into two parts for further focus and move them both to 2022-23.

¹TCBAC meeting materials (July 18, 2022), <https://www.courts.ca.gov/documents/tcbac-20220718-materials.pdf>.

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- b. A separate reevaluation of the cluster system would provide time for the new Data Analytics Advisory Committee to be established as it is taking on the work of the prior Workload Assessment Advisory Committee and allow time to consider the impact of new judgeship funding provided in the 2022 Budget Act on courts' cluster placement.
 - c. A separate reevaluation of the base funding floor process would provide time for the development of options by Judicial Council staff as requested by FMS for providing these eligible courts with inflationary increases similar to all other courts.
4. Family and Juvenile Law Advisory Committee Work
- a. The work plan included an item to track the work of this committee to ensure implementation of an allocation methodology for the AB 1058 Child Support Family Law Facilitator Program, which has been completed.

Work Plan Ongoing Updates – Added Items

- The Workload Formula Adjustment Request Process (ARP) policy requires the FMS to review ARP referrals from the TCBAC and prioritize these requests into its proposed work plan submitted to the TCBAC in July of each year. This was inadvertently excluded from prior work plan recommendations; therefore, the TCBAC approved adding a new item to capture the ARP submitted this year and referred it to the FMS for evaluation.
- The FMS approved adding a placeholder item for 2022-23 to develop a solution to the Maintenance of Effort obligation in relation to civil assessments, to be developed pending the outcome of the 2022-23 enacted budget. This item was not included in the work plan for consideration by the TCBAC as the civil assessment backfill funding included in the 2022 Budget Act resolves this issue.

Work Plan Annual Updates

- This item to review the base funding floor amounts annually, if requested by applicable courts, remains unchanged as item 3c, referenced above, is reviewed.

Recommendation

The TCBAC recommends updates to the annual work plan as follows:

- A. Move item 1, Judicial Council-provided services, and item 2, CIP funding methodology, to 2022-23;
- B. Separate item 3 into two parts, reevaluation of the cluster system and reevaluation of floor funding, and move to 2022-23;

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(Action Item)

- C. Mark item 4, tracking the work of the AB 1058 methodologies, as complete; and
- D. Add a new item for 2022-23 to evaluate the Workload Formula ARP request submitted in January 2022.

The updated work plan as approved by the TCBAC at its July 18, 2022 meeting is included as Attachment 2B.

Attachments

Attachment 2A: FMS Work Plan, Updated on August 5, 2021

Attachment 2B: FMS Work Plan, Approved on July 18, 2022

FUNDING METHODOLOGY SUBCOMMITTEE WORK PLAN
As Approved by the Trial Court Budget Advisory Committee on August 5, 2021

Charge of the Funding Methodology Subcommittee

Focus on the ongoing review and refinement of the Workload Formula, develop a methodology for allocations from the Trial Court Trust Fund Court Interpreter Program (0150037) in the event of a funding shortfall, and consider funding allocation methodologies for other non-discretionary dollars as necessary.

Ongoing Through 2021-22

1. Identify and evaluate the impact of Judicial Council-provided services versus those that are funded by local trial court operations funds.
2. Develop an ongoing, workload-based methodology for allocation of Court Interpreter Program funding, including but not limited to video remote interpreting and cross assignments, effective in 2022-23.
3. Initiate an ad hoc subcommittee to reevaluate the cluster system and floor funding.
4. Track the work of the Family and Juvenile Law Advisory Committee to ensure implementation of an allocation methodology for the AB 1058 Child Support Family Law Facilitator Program in 2022-23.

Annual Updates

5. Review the base funding floor amounts annually, if requested by the applicable courts, for presentation to the TCBAC no later than December, to determine whether an inflationary adjustment is needed.

FUNDING METHODOLOGY SUBCOMMITTEE WORK PLAN

As approved by the Trial Court Budget Advisory Committee on July 18, 2022

Charge of the Funding Methodology Subcommittee

Focus on the ongoing review and refinement of the Workload Formula, develop a methodology for allocations from the Trial Court Trust Fund Court Interpreter Program (0150037) in the event of a funding shortfall, and consider funding allocation methodologies for other non-discretionary dollars as necessary.

Ongoing Through 2022-23

1. Identify and evaluate the impact of Judicial Council-provided services versus those that are funded by local trial court operations funds, including Judicial Council staff internal research on what services are used by which trial courts.
2. Develop an ongoing, workload-based methodology for allocation of Court Interpreter Program funding, including but not limited to video remote interpreting and cross assignments, effective in 2023-24.
3. Initiate an ad hoc subcommittee to reevaluate the cluster system.
4. Initiate an ad hoc subcommittee to reevaluate the floor funding to include Judicial Council staff developed options for FMS consideration that provides an inflationary increase for the base funding floor courts not in excess of the inflationary percentage provided to all other courts and not to the base funding floor courts' detriment.
5. Evaluate the Workload Formula Adjustment Request Process request submitted in January 2022.

Annual Updates

6. Review the base funding floor amounts annually, if requested by the applicable courts, for presentation to the TCBAC no later than December, to determine whether an inflationary adjustment is needed.