



JUDICIAL COUNCIL
OF CALIFORNIA

TRIAL COURT BUDGET
ADVISORY COMMITTEE

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TRIAL COURT BUDGET ADVISORY COMMITTEE

MINUTES OF OPEN MEETING

September 26, 2014

11:00 a.m. to 2:00 p.m.

Administrative Office of the Courts, 2860 Gateway Oaks Drive, Suite 400, Sacramento

Advisory Body Members Present: Judges: Laurie M. Earl (Chair), Thomas J. Borris, C. Don Clay, Mark Cope, Thomas DeSantos, Barry P. Good, Lloyd L. Hicks, Laura J. Masunaga, Marsha Slough, Robert J. Trentacosta, Brian Walsh, and David Wesley; Executive Officers: Sherri R. Carter, Jake Chatters, Richard D. Feldstein, John Fitton, Rebecca Fleming, Kimberly Flener, Shawn C. Landry, Deborah Norrie, Michael D. Planet, Michael M. Roddy, Brian Taylor, Mary Beth Todd, Tania Ugrin-Capobianco, Christina M. Volkers, and David Yamasaki; Judicial Council staff advisory members: Curt Child, Jody Patel, Curt Soderlund, and Zlatko Theodorovic (Co-Chair).

Advisory Body Members Absent: Judges: Loretta M. Begen, Rene Chouteau, and Elizabeth Johnson; Executive Officers: None; Judicial Council staff advisory members: None.

Others Present: Hon. Lesley Holland, Hon. Harold Hopp, Hon. Carolyn Kuhl, Kim Kampling, Linda Romero-Soles, Keri Brasil, Rosa Junqueiro, Rena Amin, Angel Chan, Sam Hamrick, Ronna Uliana, Jarrod Orr, Leslie Heimov, Cory Jaspersen, Steven Chang, Patrick Ballard, Valerie Vindici, Vicki Muzny, Andi Liebenbaum, and Olivia Lawrence.

OPEN MEETING

Call to Order and Roll Call

The meeting was called to order at 11:00 a.m. and roll was taken.

Approval of Minutes

The advisory body reviewed and approved the minutes of the July 7, 2014, Trial Court Budget Advisory Committee (TCBAC) meeting.

Public Comment

Leslie Heimov, Executive Director of the Children's Law Center of California, spoke with regard to Item 4 concerning the current caseload crisis facing dependency appointed counsel and to request that the TCBAC take any and all steps necessary to ensure that all cost recovery monies are distributed to the neediest counties as reflected in attachment 4B of the meeting materials.

DISCUSSION AND ACTION ITEMS (ITEMS 1–10)

Item 1

Update on the Trial Court Trust Fund (TCTF) and Improvement Fund (IMF) Ending Fund Balances in 2013–2014

Action: A motion was made that the TCBAC approve a recommendation to the Judicial Council that the \$22.7 million one-time reduction allocated by the council be reduced by \$2.66 million, and that the difference be distributed to the courts using the same methodology that was used in the original \$22.7 million reduction. The motion was not approved. Judge Earl indicated that the unrestricted fund balance would be put on the agenda in January 2015 for discussion.

Item 2

Consideration of the Judicial Council’s July 29, 2014 Action on the TCTF Funding Shortfall

Action: The TCBAC unanimously approved a motion supporting the WAFM Subcommittee recommendation that the TCBAC (1) not recommend an alternative allocation formula for the Judicial Council to consider and (b) recommend that the council restore the \$22.7 million reduction such that each court receives back the same amount that it was reduced if and when funding to backfill the revenue shortfall is provided.

Item 3

Allocation of Funding Reductions

Action: The TCBAC approved unanimously a motion supporting the WAFM Subcommittee recommendation that the TCBAC not adopt a formula for allocating any future funding reduction. Funding reductions can vary (e.g., one-time vs. ongoing) so any allocation formula that is recommended should be developed on a case-by-case basis, taking into consideration the type and nature of the reduction and other relevant factors.

Item 4

Court-Appointed Dependency Counsel Collections Program Allocation for 2014–2015

(See Public Comment above. A letter was received from Ms. Leslie Heimov and attached to the meeting materials.)

Action: The TCBAC unanimously approved a motion supporting the recommendations of the Judicial Council staff to the Juvenile Dependency Counsel Collections Program (JDCCP) that:

- (1) The funds remitted through the JDCCP in FY 2013–2014 excluding administrative costs be allocated using the methodology approved by the council and outlined in Attachment 4B;***
- (2) When the final information on court eligibility and the amount of JDCCP funding for distribution is determined on October 3, 2014, staff should make***

any required changes to the allocations in Attachment 4B and bring the final allocation to the council for approval; and

- (3) If the recommended JDCCP funding allocation receives the council’s approval, the TCBAC recommends that the council direct staff to notify courts regarding the remaining balance of JDCCP funding allocated in FY 2013–2014, and the amount of any new allocations in FY 2014–2015. As is the case for funding allocated in 2013–2014, any portion of a court’s allocated funds not spent and distributed in FY 2014–2015 should be carried forward for distribution to the court in FY 2015–2016 and subsequent years.**

Judge Earl indicated that a TCBAC working group is being established to look into how these allocations are made. Don Will of the Judicial Council’s Center for Families, Children, and the Courts will staff the working group, Sherri Carter will be the lead, and other members will be Judge Cope, Judge Masunaga, Kim Flener, and David Yamasaki.

Item 5

Adjustments to IMF 2014–2015 Allocations for Education Programs

Action: The TCBAC unanimously approved a motion of the Judicial Council staff that the following adjustments (indicated in column C in the table below) to the IMF for FY 2014–2015 allocations for the Education Program be presented to the Judicial Council at its October 2014 meeting:

	Project and Program Title	Judicial Council Approved Allocation (4/25/2014)	CJER Proposed Allocation (5/15/2014)	Proposed Transfer Amount (\$)
		A	B	C
1	Advanced Education for Experienced Judges	34,000	56,000	22,000
2	Manager and Supervisor Training	34,000	46,000	12,000
3	Primary Assignment Orientation and Overviews	263,000	274,000	11,000
4	Judicial Institutes	150,000	159,000	9,000
5	Trial Court Faculty - Statewide Education Program	249,000	256,000	7,000
6	Regional and Local Court Staff Education Courses	11,000	15,000	4,000
7	Faculty Development	28,000	30,000	2,000
8	Curriculum Committee - Statewide Education Plan Development	1,000	2,000	1,000
9	Regional and Local Judicial Education Courses	9,000	6,000	(3,000)
10	B.E. Witkin Judicial College of CA	180,000	170,000	(10,000)

	<i>Project and Program Title</i>	Judicial Council Approved Allocation (4/25/2014)	CJER Proposed Allocation (5/15/2014)	Proposed Transfer Amount (\$)
		A	B	C
11	Court Personnel Institutes	132,000	77,000	(55,000)
12	Orientation for New Trial Court Judges	121,000	121,000	-
13	Leadership Training - Judicial	55,000	55,000	-
14	Distance Education - Satellite Broadcast	137,000	137,000	-
15	Distance Education - Online Video, Resources, Webinar	10,000	10,000	-
16	Total	1,414,000	1,414,000	-

Item 6

Changes to the Supplemental Funding Process and Trial Court Minimum Operating and Emergency Fund Balance Policy

Action: The TCBCAC approved unanimously presenting the following recommendations of its 2 Percent Reserve Process Working Group to the Judicial Council at its October 2014 meeting:

Supplemental Funding Process Changes in Current Year (2014–2015)

- In January, after the Judicial Council’s December business meeting, distribute 75 percent of the remaining TCTF 2 percent reserve funds. From January 1 through March 15, the remaining 25 percent of the 2 percent reserve would be available for court requests due to unforeseen emergencies or unanticipated expenses. Any remaining funds would be distributed back to the trial courts after March 15. The Judicial Council’s current approved supplemental funding process would need to be updated to reflect this change. These court requests would be reviewed and approved by a TCBCAC working group.***
- Approved court requests due to unforeseen emergencies or unanticipated expenses after March 15 until June 30, would be distributed to the court as a cash advance loan, until the following fiscal year when the court if necessary could apply for supplemental funding from the TCTF 2 percent reserve at the Judicial Council’s October business meeting in order to repay the cash advance loan. These court requests would be reviewed and approved by a TCBCAC working group.***

Supplemental Funding Process Changes in Budget Year (2015–2016)

- The TCBCAC working with the Court Executive Advisory Committee, Trial Court Presiding Judges Advisory Committee and the Policy Coordination and Liaison Committee would***

recommend proposed amendments to Government Code section 68502.5(c)(2)(B) to be included as trailer bill language to the 2015 Budget Act. These recommended amendments would be presented at the Judicial Council's business meeting in either January or February 2015.

Minimum Operating and Emergency Reserve Policy

- ***Extend the suspension of the minimum operating and emergency fund balance policy for two fiscal years until June 30, 2016, and request that the minimum operating and emergency fund balance policy be in addition to the 1 percent reserve cap while in the interim seeking the repeal of Government Code section 77203.***

The members of the TCBAC working group to review the supplemental funding requests will be Judge Borris, Rebecca Fleming, Mike Roddy, and Tania Ugrin-Capobianco.

Item 7

Court Security Survey

Action: The TCBAC approved unanimously the recommendation of the TCBAC's Security Growth Funding Working Group to send the security survey to the courts that have court-provided security and develop a costing justification and/or methodology to support a spring BCP, based on the data received.

Item 8

Allocation of Trial Court Trust Fund Monies from 1% Fund Balance Cap

Action: The TCBAC discussed possible options for allocating courts' 2013–2014 fund balances that exceed each court's 1-percent cap. No action was taken at this time as the final amounts for the 1% cap computation for 2013–2014 are not known yet. The courts are to submit this information by October 15, 2014.

Item A

Proposal to Amend California Rules of Court, Rule 10.64

Action: This was an information item with no action required at this time.

Item B

Dispute Resolution Program Distribution

Action: This was an information item with no action required at this time.

Immediately following the presentation on this item, Judge Earl indicated to the members that a TCBAC working group needed to be established to address children's waiting room issues. The members of this group will be: Judge Johnson, Kim Flener, Brian Taylor, and David Yamasaki.

Item C

50/50 Excess Revenue Distribution to Courts Pursuant to California Rules of Court, Rule 10.105

Action: This was an information item with no action required at this time.

Item D

2013–2014 Reimbursement from the Trial Court Trust Fund Program 45.45 (Court Interpreter) Appropriation

Action: This was an information item with no action required at this time.

Item E

Update on the Trial Court Workers' Compensation Program

Action: This was an information item with no action required at this time.

Other Items

Judge Earl announced that she had put together a TCBCAC working group to look at addressing retirement cost issues and whether the employer paid portion or employee retirement costs should be addressed in WAFM. Chris Volkens will lead the group, which will consist of the following members: Judge Borris, Judge Walsh, Rick Feldstein, Shawn Landry, and Mary Beth Todd.

A D J O U R N M E N T

There being no further business, the meeting was adjourned at 1:53 p.m.

Approved by the advisory body on November 5, 2014.