



JUDICIAL COUNCIL  
OF CALIFORNIA

TRIAL COURT BUDGET  
ADVISORY COMMITTEE

**TRIAL COURT BUDGET ADVISORY COMMITTEE**

**Materials for December 9, 2014 Meeting\***  
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\*Updated on 12/8/2014 to include revised draft minutes and information for Items 3 and 5.



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TRIAL COURT BUDGET ADVISORY COMMITTEE

MINUTES OF OPEN MEETING

November 5, 2014  
12:00 p.m. to 1:30 p.m.  
Conference Call

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**Advisory Body Members Present:** Judges: Laurie M. Earl (Chair), Loretta M. Begen, Thomas J. Borris, Rene A. Chouteau, C. Don Clay, Mark A. Cope, Thomas DeSantos, Barry P. Good, Lloyd L. Hicks, Elizabeth W. Johnson, Laura J. Masunaga, Marsha Slough, Robert J. Trentacosta, and Brian Walsh; Executive Officers: Sherri R. Carter, 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: None.

**Advisory Body Members Absent:** Judges: David S. Wesley; Executive Officers: Jake Chatters; Judicial Council staff advisory members: Curtis Child, Jody Patel, Curt Soderlund, and Zlatko Theodorovich.

**Others Present:** Steven Chang and Vicki Muzny.

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OPEN MEETING

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**Call to Order and Roll Call**

The meeting was called to order at 12:02 p.m. and roll was taken.

**Approval of Minutes**

The advisory body reviewed and approved the minutes of the September 26, 2014, Trial Court Budget Advisory Committee (TCBAC) meeting.

**Public Comment**

None.

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**DISCUSSION AND ACTION ITEMS (ITEMS 1-2)**

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**Item 1**

**Children's Waiting Room Distributions**

***Action: A motion was made, and approved unanimously, that the TCBAC approve the following three recommendations (1, 3, and 4) of the TCBAC's Children's Waiting Room (CWR) Work Group to be presented to the Judicial Council at its December 12, 2014 meeting. Recommendation 2 is to be explored in further detail by the CWR Work Group to be presented to the TCBAC at its December meeting for presentation to the council at its January 2015 meeting.***

- ***Courts applying for new CWR distributions can request that distributions begin no more than one year in advance of the planned opening date of the CWR, unless there are extenuating circumstances. If a court wants to begin receiving distributions more than one year in advance of the planned opening date of a CWR, the request should include an explanation of the extenuating circumstance(s).***
- ***Recommend approval of San Francisco Superior Court's request to increase its CWR distribution from \$4 to \$5 per filing.***
- ***A court request to decrease its existing CWR distribution does not require Judicial Council approval. The request can be implemented by Judicial Council staff.***

**Item 2**

**Update on the Trial Court Trust Fund and State Trial Court Improvement and Modernization Fund**

***Action: This was a discussion item with no action taken at this time. Judicial Council staff reviewed with the members the current status of the two funds.***

**Other Items**

***Judge Earl announced that members would be notified soon if the tentatively scheduled December 9 TCBAC meeting would be a conference call or in-person meeting.***

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**A D J O U R N M E N T**

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There being no further business, the meeting was adjourned at 12:52 p.m.

Approved by the advisory body on \_\_\_\_\_, 201\_.

**Item 1**  
**Court Appointed Juvenile Dependency Counsel Funding Reallocation**  
**(Action Item)**

**Summary**

In September the Trial Court Budget Advisory Committee formed the Court Appointed Dependency Counsel Funding Allocation Work Group. The goals of the work group are to review the allocation methodology for dependency counsel and determine whether changes are required, and to develop procedures to review allocations and spending at mid-year and reallocate funding to ensure that the full dependency counsel allocation is expended each fiscal year.

**Background**

The work group includes Hon. Mark A. Cope, Hon. Laura Masunaga, Sherri Carter, Kimberly Flener, David Yamasaki and Jake Chatters. The group met twice by conference call in October and November, 2014. The work group discussed both its general charge to review dependency counsel allocation methodology, and the immediate charge of setting procedures to reallocate dependency counsel funding at midyear. This report details the work group's recommendations on the second charge: procedures to reallocate dependency counsel funding at mid-year, in April and if necessary at the end of the fiscal year.

**Recommendations**

The committee may consider recommending the following:

- 1. That the Judicial Council approves a process to reallocate the dependency court appointed counsel funds which are estimated to remain unspent in FY 2014-2015.**

The \$103.7 million annual base funding for court appointed juvenile dependency counsel represents approximately 75 percent of the \$136.8 million need. Individual court allocations vary widely when the court's juvenile dependency caseload is taken into account: from as little as 10 percent of calculated need to over 150 percent.

Although there is a net funding need statewide, within a fiscal year not all courts are able to spend their entire funding allocation. This is a function of changing dependency caseloads in counties, contract negotiations, and fluctuating needs for conflict counsel and extraordinary expenses such as expert witnesses. The work group determined that in FY 2013-2014 the courts did not expend approximately \$1.2 million of the \$103.7 million allocated for court appointed counsel, or 1 percent of the total. These funds reverted to the Trial Court Trust Fund. At the same time, 18 courts augmented their dependency counsel allocation with a total of \$1.8 million in funds from other sources.

- 2. That the courts eligible for the reallocation will be those courts whose base dependency counsel funding allocation is less than 90 percent of their funding need, as calculated by the dependency counsel caseload funding model.**

The work group reviewed two methods that have been approved by the Judicial Council or by the Executive and Planning Committee for use in determining eligibility for reallocation:

- 2008 Method – In 2008 a method was used to determination potential allocation of funds from the Statewide Appropriation Limit process. Underfunded courts were defined as “those whose baseline funding level totals 90 percent or less of the identified funding need, as determined by application of the compensation model.” (Court-Appointed Counsel Compensation Model and Workload-Based Funding Methodology, Report to Executive and Planning Committee, June 10, 2008.)
- 2013 Method – A second method was approved in 2013 for the purposes of determining eligibility for courts to receive a share of the juvenile dependency counsel collections revenues. A court is eligible if its proportion of total need exceeds its proportion of the funding base. (Juvenile Dependency Counsel Collections Program Guidelines, Report to Judicial Council, August 23, 2013.)

When the two definitions of underfunded courts are compared, only two courts, Butte and Modoc, were eligible under the first method and not eligible under the second method. No courts were eligible under the second method but ineligible under the first method.

The work group recommends using the 2008 model: that those courts receiving less than 90 percent of the need as calculated by the caseload funding model receive any reallocation.

- 3. That the formula used to reallocate funding to those eligible courts be based on each eligible court’s proportion of actual need. Actual dollars of need is calculated by subtracting funding need from base funding.**

The work group reviewed three formulas for reallocation.

Formula 1. The formula approved in the 2008 report to the Executive and Planning Committee (see Recommendation 3 above) allocated increases to underfunded courts in

proportion to a court’s share of the base funding of all the underfunded courts (see Table 1 below).

Formula 2. The formula approved in the 2013 report to the Judicial Council (see Recommendation 3) allocated increases to underfunded courts in proportion to a court’s share of the estimated total need of all the underfunded courts (see Table 1).

The drawback to both these formulas is that an allocation based on proportion of total base, or total need, does not take into account relative need. The first method is not weighted at all to relative need, it simply uses the base funding. The second method does account somewhat for relative need. This is illustrated in Table 1:

Table 1					
	Base funding	Estimated need	Percent of need met	Formula 1 \$1,000 allocated proportional to base	Formula 2 \$1,000 allocated proportional to estimated need
Court A	1,000	1,000	100%		
Court B	1,000	1,500	67%	455	390
Court C	1,000	2,000	50%	455	519
Court D	100	150	67%	45	39
Court E	100	200	50%	45	52
Totals	3,200	4,850			
Total courts under 90%	2,200	3,850		1,000	1,000

Formula 3. A third formula that controls more rigorously for relative need among the courts allocates funds based on the actual dollars of need represented by the eligible courts. Actual dollars of need is calculated by subtracting estimated funding need from base funding. This is illustrated in Table 2:

	Base funding	Estimated need	Percent of need met	Net of estimated need and base (“dollars of need”)	Formula 3 \$1,000 allocated proportional dollars of need
Court A	1,000	1,000	100%		
Court B	1,000	1,500	67%	500	303
Court C	1,000	2,000	50%	1,000	606
Court D	100	150	67%	50	30
Court E	100	200	50%	100	61
Totals	3,200	4,850			
Total courts under 100%	2,200	3,850		1,650	1,000

To compare the three methods, in all scenarios Court B needs \$500 to reach the estimated funding need, and Court C needs \$1,000. Under the method of distribution proportional to base, Court B receives 91% of its needed dollars and Court C receives 46% of those dollars. Under the second scenario, distributing proportional to estimated funding need, Court B receives 78% of its needed dollars and Court C receives 52% of those dollars. Under the third scenario, distributing proportional to net dollars needed, Court B receives 61% of the dollars needed and Court C receives 61% of dollars needed.

The work group recommends that Formula 3 be used for calculating the share an eligible court will receive of the funds reallocated.

**4. That a reallocation be made in January which will consist of 50 percent of the unencumbered funding in the DRAFT budget, or approximately \$550,000.**

Staff reported that \$1.1 million was currently not encumbered for the 20 courts participating in the Dependency Representation, Administration, Funding and Training (DRAFT) program. A portion of this unencumbered funding needs to be reserved for unbudgeted costs for conflict counsel and extraordinary expenses. Staff also reported that some of the 38 courts that manage their dependency counsel expenditures directly did not

request their full allocation through reimbursement in FY 2013-2014, and left \$603,000 unexpended. Staff reported that it is too early in the fiscal year for courts to provide a reliable forecast of the amount that will be unspent in FY 2014-2015.

The work group recommends that 50 percent of the unencumbered DRAFT budget funding, or \$550,000, should be reallocated at mid-year. This does not preclude reallocating any remaining unencumbered funds later in the year, but leaves the program a reserve for conflict counsel and extraordinary expenses of \$550,000, or 0.8 percent of total DRAFT contract costs.

**5. That the reallocation process also be carried out by staff in April, and if necessary in June based on unspent funding from all courts.**

The work group recommends that staff project estimated year-end expenditures for all courts in April and if necessary again in June, to determine if there are any anticipated unspent funds and to reallocate that funding using the method outlined above in recommendations 2, 3 and 4. Reallocations to courts in the DRAFT program should be made through the contracting process. Reallocations to courts using the reimbursement model should be made by informing those courts that their base allocation has been supplemented for the current fiscal year.

**6. That the reallocation will not impact the court's base funding in FY 2015-2016.**

The work group will be reviewing the overall allocation methodology for dependency counsel funding in its upcoming meetings. The reallocations recommended in this report do not impact a court's base allocation for dependency counsel.



## STATEWIDE COMPENSATION STANDARD IMPLEMENTATION COSTS

Court Appointed Dependency Counsel Mid-Year Funding Reallocation: FY 2014-2015							
Court	CFM Estimated Funding Need	Base CAC Funding Level	Base/CFM	Eligible for reallocation: base <= 90% of need	Formula 3 Net of need and actual	Formula 3 Share of net	\$550,000 allocated proportional to share of net \$s needed
Alameda	\$3,450,971	\$4,171,032	121%				
Alpine	\$0	\$0		YES	0	0.00%	0
Amador	\$85,337	\$120,147	141%				
Butte	\$833,637	\$664,759	80%	YES	168,878	0.39%	2,157
Calaveras	\$226,027	\$76,519	34%	YES	149,508	0.35%	1,910
Colusa	\$50,570	\$0	0%	YES	50,570	0.12%	646
Contra Costa	\$2,716,648	\$3,120,151	115%				
Del Norte	\$168,567	\$223,090	132%				
El Dorado	\$614,079	\$819,765	133%				
Fresno	\$2,937,651	\$2,958,296	101%				
Glenn	\$166,061	\$55,250	33%	YES	110,811	0.26%	1,416
Humboldt	\$458,194	\$562,460	123%				
Imperial	\$545,032	\$607,371	111%				
Inyo	\$34,019	\$76,990	226%				
Kern	\$3,108,448	\$2,023,943	65%	YES	1,084,505	2.52%	13,854
Kings	\$686,525	\$199,672	29%	YES	486,852	1.13%	6,219
Lake	\$239,289	\$307,076	128%				
Lassen	\$115,953	\$108,374	93%				
Los Angeles	\$57,151,312	\$32,782,704	57%	YES	24,368,608	56.60%	311,296
Madera	\$586,978	\$53,031	9%	YES	533,948	1.24%	6,821
Marin	\$247,454	\$408,419	165%				
Mariposa	\$51,592	\$32,243	62%	YES	19,349	0.04%	247
Mendocino	\$518,940	\$742,022	143%				
Merced	\$1,064,522	\$593,861	56%	YES	470,660	1.09%	6,012
Modoc	\$20,432	\$16,064	79%	YES	4,368	0.01%	56
Mono	\$17,875	\$12,329	69%	YES	5,546	0.01%	71
Monterey	\$667,373	\$329,570	49%	YES	337,803	0.78%	4,315
Napa	\$294,547	\$176,430	60%	YES	118,117	0.27%	1,509
Nevada	\$202,963	\$232,799	115%				
Orange	\$6,056,115	\$6,583,082	109%				
Placer	\$743,664	\$418,422	56%	YES	325,242	0.76%	4,155
Plumas	\$82,240	\$163,291	199%				
Riverside	\$10,235,491	\$4,171,898	41%	YES	6,063,594	14.08%	77,459
Sacramento	\$4,443,854	\$5,378,190	121%				
San Benito	\$209,882	\$31,885	15%	YES	177,998	0.41%	2,274
San Bernardino	\$7,983,596	\$3,587,297	45%	YES	4,396,299	10.21%	56,160
San Diego	\$7,678,775	\$9,749,950	127%				
San Francisco	\$2,951,118	\$3,907,633	132%				
San Joaquin	\$2,542,228	\$3,081,901	121%				
San Luis Obispo	\$781,869	\$707,000	90%				
San Mateo	\$1,050,916	\$323,022	31%	YES	727,894	1.69%	9,298
Santa Barbara	\$1,318,162	\$1,610,017	122%				
Santa Clara	\$3,340,629	\$4,700,131	141%				
Santa Cruz	\$703,197	\$894,765	127%				
Shasta	\$940,396	\$569,416	61%	YES	370,980	0.86%	4,739
Sierra	\$3,576	\$14,898	417%				
Siskiyou	\$173,164	\$256,552	148%				
Solano	\$847,816	\$896,319	106%				
Sonoma	\$1,274,378	\$1,150,195	90%				
Stanislaus	\$1,100,152	\$1,130,986	103%				
Sutter	\$272,155	\$84,083	31%	YES	188,072	0.44%	2,403
Tehama	\$313,635	\$93,909	30%	YES	219,726	0.51%	2,807
Trinity	\$119,529	\$83,204	70%	YES	36,325	0.08%	464
Tulare	\$1,598,826	\$658,892	41%	YES	939,934	2.18%	12,007
Tuolumne	\$210,459	\$63,981	30%	YES	146,478	0.34%	1,871
Ventura	\$2,010,744	\$755,357	38%	YES	1,255,387	2.92%	16,037
Yolo	\$565,644	\$333,430	59%	YES	232,214	0.54%	2,966
Yuba	\$264,659	\$199,732	75%	YES	64,927	0.15%	829
Unallocated		\$651,641					
<b>Total</b>	<b>\$137,077,862.19</b>	<b>\$103,725,444.48</b>			<b>43,054,591</b>		<b>550,000</b>

**Item 2**  
**2013–2014 1% Cap Allocation Reductions**  
**(Action Item)**

**Issue**

Government Code section 68502.5(c)(2)(A) requires the council to make a preliminary allocation reduction in July of each fiscal year and a final allocation reduction before February of each fiscal year to offset the amount of reserves (or fund balance) in excess of the amount authorized by Government Code section 77203 (1% of prior year budget) to be carried over from one year to the next beginning June 30, 2014.

**Background**

At its July 2014 meeting, the Judicial Council approved a preliminary one-time allocation reduction of \$2.0 million to courts that were projecting that the portion of their 2013–2014 ending fund balance subject to the 1 percent fund balance cap would exceed the cap by \$2.0 million, as required by statute. In addition, the council approved a one-time 5-member review committee comprised of Court Executives Advisory Committee (CEAC) chair and vice-chair, Judicial Council Chief Financial Officer, and two TCBAC members appointed by the TCBAC co-chairs to review courts' 1% cap computations for 2013–2014.

Subsequent to the July meeting, courts finalized and closed their accounting records for fiscal year 2013–2014. Then, each court either validated their earlier submissions, or they submitted a revised version. The final 1% cap reduction equates to \$1.7 million (down from the \$2.0m in July). The preliminary reductions included 12 courts. The final reductions include 10 courts. Two courts eliminated their reduction. Four of the remaining 10 courts increased their reduction. Five courts reduced their reduction. One court's reduction did not change after closing.

After courts submitted their final calculations, the review committee reviewed the submissions. The review committee members included: Hon. Barry Goode, TCBAC; Brian Taylor, TCBAC; Mary Beth Todd, CEAC; Rick Feldstein, CEAC; and Zlatko Theodorovic, Director of Finance, JCC. The committee had considerable assistance from the Judicial Council's finance staff. Without doing a comprehensive audit, the committee reviewed each court's descriptions of its encumbrances, statutorily excluded funds (GC 77203), and prepayments. A few items on each list were questioned and researched. A few technical errors were corrected. None of the clarifications or updates changed the reduction amounts. As a result of the review, the committee recommends Judicial Council staff provide technical assistance to courts individually, where warranted, and as a whole, on identified issues of concern in an effort to improve the overall process going forward.

**Recommendation**

The review committee is recommending the preliminary reduction allocations be adjusted to match courts' final 1% calculations (Attachment 2B) and that Judicial Council staff provide technical assistance to courts, individually, where warranted, and as a whole, on identified issues of concern in order to improve the process going forward.

**Preliminary One-Time Allocation Reduction for Fund Balance Above the 1% Cap**

Court	Cap	FY13/14 Fund Balance	Encumbrances	Restricted	Prepayments	Fund Balance Subject to Cap	Final Reduction	Preliminary Reduction
Alameda	1,065,583	29,769,729	6,231,296	1,619,676	20,800,000	1,118,757	53,174	-
Alpine	5,707	740,532	41,632	3,917	35,000	659,983	654,276	627,134
Amador	27,309	(9,350)	0	0	0	(9,350)	-	pending
Butte	128,650	1,540,201	1,111,427	256,204	43,920	128,650	-	-
Calaveras	34,868	402,528	299,565	102,962	0	0	-	-
Colusa	24,186	433,229	0	176,695	0	256,533	232,347	255,628
Contra Costa	636,288	5,784,278	3,007,685	2,432,534	0	344,059	-	-
Del Norte	41,738	1,374,657	364,105	539,158	0	471,394	429,656	522,675
El Dorado	84,743	802,247	23,802	453,150	240,559	84,736	-	-
Fresno	623,846	3,351,954	1,533,007	835,101	360,000	623,846	-	-
Glenn	31,955	449,617	156,000	92,431	150,000	51,186	19,231	58,702
Humboldt	87,223	572,076	305,315	126,303	139,840	618	-	-
Imperial	152,672	2,859,517	1,979,557	688,104	67,480	124,376	-	-
Inyo	35,186	638,320	67,199	536,540	0	34,581	-	-
Kern	651,751	8,638,101	5,539,417	2,153,258	373,971	571,455	-	-
Kings	96,969	94,881	79,516	0	0	15,365	-	-
Lake	40,510	312,347	193,267	83,986	0	35,094	-	-
Lassen	34,132	582,808	426,070	74,586	13,344	68,808	34,676	47,596
Los Angeles	6,917,846	40,517,436	27,400,000	7,606,111	0	5,577,231	-	-
Madera	102,016	1,114,045	479,983	552,397	0	81,665	-	-
Marin	173,459	400,579	10,850	320,176	32,430	37,123	-	-
Mariposa	16,384	35,535	0	14,093	6,367	15,076	-	-
Mendocino	72,979	1,079,404	713,411	45,964	10,353	309,676	236,697	167,662
Merced	169,823	4,189,608	1,316,151	2,401,797	310,000	161,660	-	109,723
Modoc	12,749	40,985	16,726	12,284	416	11,975	-	1,096
Mono	19,823	24,926	0	24,915	0	10	-	-
Monterey	226,132	1,200,955	585,333	475,144	0	140,478	-	-
Napa	107,932	965,302	573,176	391,196	0	930	-	-
Nevada	66,830	92,080	0	61,180	0	30,900	-	-
Orange	2,143,490	10,357,569	4,736,832	3,477,247	0	2,143,490	0	-
Placer	179,004	825,815	420,016	225,961	51,184	128,654	-	4,178
Plumas	22,779	80,925	40,586	17,675	0	22,664	-	-
Riverside	1,356,964	10,178,286	4,900,390	2,304,668	1,616,265	1,356,964	-	-
Sacramento	1,009,926	7,742,429	6,041,563	530,159	222,861	947,845	-	-
San Benito	42,316	348,268	253,797	29,411	24,422	40,637	-	-
San Bernardino	1,131,392	11,644,500	8,389,552	1,144,071	2,110,876	0	-	-
San Diego	1,729,969	15,130,779	4,175,591	10,084,055	404,605	466,528	-	-
San Francisco	905,843	10,485,251	9,150,788	477,250	22,725	834,488	-	-
San Joaquin	340,836	3,198,622	1,820,290	802,760	341,789	233,782	-	-
San Luis Obispo	186,782	1,600,502	278,983	1,148,003	0	173,516	-	-
San Mateo	423,606	4,754,844	2,754,118	1,877,607	0	123,119	-	-
Santa Barbara	306,853	4,650,687	2,027,820	2,316,014	10,091	306,853	-	-
Santa Clara	1,079,389	5,706,784	1,495,774	3,289,975	15,120	905,915	-	-
Santa Cruz	161,550	1,578,458	1,343,430	235,028	0	0	-	-
Shasta	172,372	365,662	178,827	154,893	2,882	29,060	-	-
Sierra	6,638	25,940	16,000	3,526	0	6,414	-	-
Siskiyou	61,989	529,914	427,159	27,839	0	74,916	12,927	13,296
Solano	246,471	1,457,982	473,139	805,389	0	179,454	-	-
Sonoma	307,428	4,042,843	2,401,924	1,234,010	104,529	302,379	-	198,442
Stanislaus	245,316	1,911,042	422,720	1,243,006	0	245,316	0	-
Sutter	64,428	1,032,952	598,962	299,072	109,957	24,961	-	-
Tehama	47,361	455,026	355,584	68,466	0	30,976	-	-
Trinity	20,093	124,302	75,857	30,590	1,729	16,127	-	-
Tulare	239,485	1,231,348	240,821	707,013	7,417	276,097	36,611	-
Tuolumne	40,820	83,856	0	40,918	0	42,938	2,118	2,118
Ventura	473,243	1,446,984	1,071,039	69,301	0	306,644	-	-
Yolo	135,917	1,175,279	686,045	368,240	0	120,994	-	-
Yuba	54,902	496,617	305,757	190,234	5,813	(5,187)	-	-
<b>Total</b>	<b>24,826,454</b>	<b>210,661,993</b>	<b>107,537,853</b>	<b>55,282,246</b>	<b>27,635,944</b>	<b>20,282,363</b>	<b>1,711,712</b>	<b>2,008,249</b>



California  
Rules of  
Court  
(Revised July  
1, 2014)

when you finish  
printing

**Rule 10.64. Trial Court Budget Advisory Committee**

**(a) Area of focus**

The Trial Court Budget Advisory Committee makes recommendations to the council on the preparation, development, and implementation of the budget for the trial courts and provides input to the council on policy issues affecting trial court funding.

**(b) Additional duties**

In addition to the duties specified in rule 10.34, the committee may make recommendations to the council on:

- (1) Trial court budget priorities to guide the development of the budget for the upcoming fiscal year;
- (2) The allocation of trial court funding, including any changes to existing methodologies for allocating trial court budget augmentations and reductions; and
- (3) Budget policies and procedures, as appropriate.

**(c) Membership**

- (1) The advisory committee consists of an equal number of trial court presiding judges and court executive officers reflecting diverse aspects of state trial courts, including urban, suburban, and rural locales; the size and adequacy of budgets; and the number of authorized judgeships. For purposes of this rule, "presiding judge" means a current presiding judge or an immediate past presiding judge.
- (2) No more than two members may be from the same court.
- (3) The chairs of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee serve as ex officio voting members.
- (4) Notwithstanding rule 10.31(e), a presiding judge is qualified to complete his or her term on the advisory committee even if his or her term as presiding judge of a trial court ends.
- (5) The Judicial Council's chief of staff, chief administrative officer, chief operating officer, and director of Finance serve as non-voting members.

*(Subd (c) amended effective October 28, 2014.)*

*Rule 10.64 amended effective October 28, 2014; adopted effective February 20, 2014.*

Resentencing hearings pursuant to Penal Code section 1170.18(b). The term “resentence” applies when persons who are currently serving their sentences seek relief under Proposition 47.

**1. Number of in-custody petitions for resentencing from \_\_\_\_ to \_\_\_\_:**

Estimate the number of petitions for resentencing related to Proposition 47 that your court received during this time period for persons currently serving their sentences and are in custody. This number should only include cases in which individuals have already been sentenced as felons under the Proposition 47–affected statutes and are now applying for resentencing under Penal Code section 1170.18(b). This number should include petitions for resentencing for people on probation, This should not include pending cases that have not yet been sentenced.

**2. Number of out-of-custody petitions for resentencing from \_\_\_\_ to \_\_\_\_:**

Estimate the number of petitions for resentencing related to Proposition 47 that your court received during this time period for persons who are currently serving their sentences and are **not** in custody. This number should only include cases in which individuals have already been sentenced as felons under the Proposition 47 –affected statutes and are now applying for resentencing under Penal Code section 1170.18(b). This number should include petitions for 1170.18(b) resentencing for people on probation, PRCS, and mandatory supervision. This should not include pending cases that have not yet been sentenced.

**3. Number of resentencing hearings pursuant to Penal Code section 1170.18(b) conducted from \_\_\_\_ to \_\_\_\_ for people that were in-custody:**

This number should include petitions for 1170.18(b) resentencing for people on probation, PRCS, and mandatory supervision. This should not include pending cases that have not yet been sentenced.

**4. Number of resentencing hearings pursuant to Penal Code section 1170.18(b) conducted from \_\_\_\_ to \_\_\_\_ for people that were out-of-custody:**

This number should include petitions for 1170.18(b) resentencing for people on probation, PRCS, and mandatory supervision. This should not include pending cases that have not yet been sentenced.

**5. Average amount of time, in minutes, a judicial officer spends per resentencing petition, including hearings.**

This number should only include cases in which individuals have already been sentenced as felons under the Proposition 47–affected statutes and are now applying for resentencing.

**6. Average amount of time, in minutes, court staff spends per resentencing petition including hearings.**

Include time spent on tasks such as researching and calendaring cases, processing paperwork, etc. Do not include time that is not associated with specific cases (this will be included in question 12).

Applications for reclassification of felonies as misdemeanors pursuant to Penal Code section 1170.18(f). The term “reclassification” applies when persons seek relief under Proposition 47 and have already completed their sentences.

**7. Number of applications for reclassification from \_\_\_\_ to \_\_\_\_:**

Estimate the number of applications for reclassification that individuals submitted to the court for reclassification under Proposition 47 pursuant to Penal Code section 1170.18(f) during this time period. This number should only include cases in which an individual has completed his/her sentence and is applying to have a felony designated as a misdemeanor pursuant to Penal Code section 1170.18(f).

**8. Number of sentences that were reclassified from a felony to a misdemeanor pursuant to Penal Code section 1170.18(f) during this time period.**

**9. Average amount of time, in minutes, a judicial officer spends per application for reclassification .**

**10. Average amount of time, in minutes, court staff spends per application for reclassification.**

Court Procedures

**11. Number of staff hours (in addition to case-specific worktime) needed to implement Proposition 47.**

Please estimate the amount of additional staff time, in hours, that your court will devote to implement Proposition 47 that is not associated with specific cases in the next year. This should include time spent modifying case management systems, meeting with justice system partners, developing Proposition 47 implementation procedures, etc. Please describe the tasks included in this estimate.

**12. Please describe how the court is addressing and/or plans to address the workload associated with Proposition 47. (e.g. dedicate a judicial officer or courtroom for a period of time, hire temporary workers, reassign existing staff, etc.)**

**13. Will your court redirect staff or other resources in order to address the workload associated with Proposition 47? If so, please describe how these resources are being redirected and identify the impact of the redirection of resources on your local operations.**

**14. Has your court developed protocols with justice system partners to assist in the processing of Proposition 47- affected cases?**

**15. Please describe the impact of Proposition 47 on your drug or other collaborative courts.**

**16. Please use the text box below if you would like us to know anything else about how your court is impacted by Proposition 47 or what you anticipate the future impact may be.**

DRAFT

**Item 3**  
**Court Security Survey**  
**(Action Item)**

**Issue**

Should a Budget Change Proposal (BCP) in the spring of 2015 be submitted for courts with court-provided security cost increases? If so, what approach should be taken to request funding for those courts?

**Background**

When Criminal Justice Realignment occurred in 2011, funding for sheriff-provided security was transferred to the counties. As a result, in July of 2011 trial court base budgets were reduced by the total amount for sheriff-provided security – \$484.6 million – while a total of \$41.0 million remained in court base budgets for those with court-provided security costs (private security contracts, court attendants, marshals, and other costs such as alarm systems).

Currently, county-provided sheriff security receives growth funding from the Trial Court Security Growth Special Account, however, courts have not received any funding for increased costs for private security contracts since 2010–2011. Courts do, however, receive funding for benefit adjustments for marshal and court security staff through the benefit funding process.

In May 2014, Judge Earl appointed Shawn Landry to head a Security Growth Funding Working Group to determine a) whether the affected courts should receive growth funding and at what rate, and b) what is the best source(s) for any such funding. The other members of the working group are David Yamasaki, Mary Beth Todd, Kimberley Flener, Stephen Nash, and Judge Elizabeth Johnson.

At the Trial Court Budget Advisory Committee (TCBAC) meeting on September 26, 2014, the Security Working Group presented three options, which included its recommended options. The TCBAC considered all the options and voted unanimously to approve the working group's recommendation to send the security survey to the courts that have court-provided security and to develop a costing justification and/or methodology to support a spring BCP, based on the data received. Based on the TCBAC recommendation, a survey was sent out on October 22nd with a due date of November 7th. A number of courts submitted surveys after the due date and, as of December 2nd, 28 courts had submitted a response to the survey. The Security Growth Funding Working Group met on December 4th. The group discussed how to best proceed to justify a BCP. Each option reviewed by the working group, along with a description of the options, is provided below.



**Options**

Option 1: No submission of a Spring BCP in 2015 for courts with court-provided security cost increases.

Option 2: Submit a Spring BCP in 2015 to maintain funding at 2010–2011 security levels currently estimated to be \$2.7 million. The option includes more follow up with courts on the information provided in the security survey in regards to the \$2.7 million current estimate. The working group would report on the status of these results to the TCBAC in January.

Option 3: Submit a Spring BCP to maintain funding at 2010–2011 security levels with the current cost estimated to be \$2.7 million and request a growth percentage increase starting in 2016–2017. The working group will continue to meet to provide a recommendation that defines the growth factor, determine what percentage any growth factor should be, and determine whether the baseline amount for any growth factor should be restricted in the future to be used only for court-provided security. The option also includes more follow up with courts on the information provided in the security survey in regards to the \$2.7 million current estimate. The working group would report on the status of these results to the TCBAC in January.

**Recommendation**

The Trial Court Security Growth Working Group recommends Option 3. The working group recommended that the BCP in the spring of 2015 should provide for the maintenance of funding at 2010–2011 security levels and also include a request for a growth percentage increase starting in 2016–2017. The working group made this recommendation because the 2014–2015 cost increases for some courts are based on reduced security levels from 2010–2011 and a growth factor needs to be included to address future cost increases.

If the TCBAC approves either option 2 or 3, the recommendation for submission of a Spring BCP for court-provided security due to the DOF in mid-February would be presented to the Judicial Council for approval at its meeting in January 2015.