



JUDICIAL COUNCIL
OF CALIFORNIA

TRIAL COURT BUDGET
ADVISORY COMMITTEE

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TRIAL COURT BUDGET ADVISORY COMMITTEE

OPEN MEETING AGENDA

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

THIS MEETING IS BEING RECORDED

Date: March 10, 2016
Time: 10 am – 2 pm
Location: JCC Boardroom, Judicial Council of California
455 Golden Gate Avenue, San Francisco, CA 94102
Public Call-In Number 877-820-7831 (passcode: 3775936)

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

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 January 14, 2016 Meeting Minutes

II. PUBLIC COMMENT (CAL. RULES OF COURT, RULE 10.75(K)(2))

Public Comment

The public may submit written comments for this meeting. 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. Comments should be e-mailed to tcbac@jud.ca.gov. Only written comments received by March 9, 2016 at 10 am will be provided to advisory body members. The chair may elect to receive and consider comments that are received late. Written comments received in a timely manner will be provided to advisory members before the start of the meeting or as soon as reasonably practicable during the meeting. Written comments are also posted to www.courts.ca.gov/tcbac.htm.

III. DISCUSSION AND POSSIBLE ACTION ITEMS

10:10 – 10:25 am

Item 1

Legislative Analyst's Office Report on the Governor's Criminal Justice Proposals for the 2016–2017 Budget (Discussion Item)

Discussion of the LAO's report.

Presenter: Lucy Fogarty, Deputy Director, Finance, Judicial Council of California

10:25 – 10:45 am

Item 2

Recommendations of the Funding Methodology Subcommittee (Action Item)

Consideration of the recommendations of the subcommittee.

Presenters: Hon. Jonathan B. Conklin, Chair, TCBAC, and Co-Chair, Funding Methodology Subcommittee; Rebecca Fleming, Co-Chair, Funding Methodology Subcommittee; Colin Simpson, Lead Staff, Funding Methodology Subcommittee

10:45 – 11:10 am

Item 3

Recommendations of the Ad Hoc Working on Fiscal Planning (Action Item)

Consideration of recommendations of the working group.

Presenters: Hon. Winifred Younge Smith, Co-Chair, Ad Hoc Working Group on Fiscal Planning; David Yamasaki, Co-Chair, Ad Hoc Working Group on Fiscal Planning

11:10 – 11:25 am

Item 4

Recommendations of the Revenue and Expenditure Subcommittee (Action Item)

Consideration of recommendations of the joint subcommittee.

Presenters: Hon. Laurie M. Earl, Co-Chair, Revenue and Expenditure Subcommittee; Sherri R. Carter, Co-Chair, Revenue and Expenditure Subcommittee

11:25 – 12:05 pm

Item 5

Recommendations of the Court-Appointed Counsel Funding Allocation Methodology Joint Subcommittee (Action Item)

Consideration of recommendations of the joint subcommittee.

Presenters: Hon. Mark A. Cope, Co-Chair, Court-Appointed Counsel Funding Allocation Methodology Joint Subcommittee; Sherri R. Carter, Member, Court-Appointed Counsel Funding Allocation Methodology Joint Subcommittee; Don Will, Lead Staff, Court-Appointed Counsel Funding Allocation Methodology Joint Subcommittee

12:05 – 12:15 pm

Item 6

Court Request for a Children’s Waiting Room Distribution (Action Item)

Consideration of a court’s request for a CWR distribution.

Presenter: Christina M. Volkers, Executive Officer, Superior Court of California, County of San Bernardino; Steven Chang, Manager, Finance, Judicial Council of California;

12:15 – 1:00 pm

Break

1:00 – 1:45 pm

Item 7

TCBAC Annual Agenda (Action Item)

Consideration of the proposed agenda for 2016.

Facilitator: Hon. Jonathan B. Conklin

1:45 – 2:00 pm

Item 8

Open Discussion (Action Item)

Facilitator: Hon. Jonathan B. Conklin

IV. ADJOURNMENT

Adjourn



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**Materials for March 10, 2016 Meeting
Table of Contents**

Draft Minutes from January 14, 2016 Meeting 1

Action and Discussion Items

Item 1 – Legislative Analyst’s Office Report on the Governor’s Criminal Justice Proposals
for the 2016–2017 Budget (Discussion Item) 4

Item 2 – Recommendations of the Funding Methodology Subcommittee (Action Item) 7

Item 3 – Recommendations of the Ad Hoc Working on Fiscal Planning (Action Item) 32

Item 5 – Recommendations of the Court-Appointed Counsel Funding Allocation
Methodology Joint Subcommittee (Action Item) 40

Item 6 – Court Request for a Children’s Waiting Room Distribution (Action Item) 67

Item 7 – TCBAC Annual Agenda (Action Item) 74

Item 4 – Recommendations of the Revenue and Expenditure Subcommittee (Action Item) 85



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TRIAL COURT BUDGET ADVISORY COMMITTEE

MINUTES OF OPEN MEETING

January 14, 2016

10:00 a.m. - 2:00 p.m.

JCC Boardroom, 455 Golden Gate Avenue, San Francisco, CA 94102

Advisory Body Members Present: Judges: Jonathan B. Conklin (Chair), Hon. Jeffrey B. Barton, Hon. Mark Ashton Cope, Hon. Laurie M. Earl (telephone), Hon. Barry P. Goode, Hon. James E. Herman, Hon. Joyce D. Hinrichs, Hon. Lesley D. Holland, Hon. Ira R. Kaufman, Hon. Carolyn B. Kuhl, Hon. Paul M. Marigonda, Hon. Brian L. McCabe, Hon. Glenda Sanders (telephone), and Hon. Winifred Younger Smith (telephone).

Executive Officers: Ms. Sherri R. Carter, Mr. Richard D. Feldstein, Ms. Rebecca Fleming, Ms. Tammy L. Grimm, Mr. W. Samuel Hamrick, Jr., Mr. Kevin Harrigan, Mr. Jeffrey E. Lewis (telephone), Mr. Michael D. Planet, Mr. Michael M. Roddy, Mr. Brian Taylor, Ms. Tania Ugrin-Capobianco, Ms. Christina M. Volkers, and Mr. David Yamasaki.

Judicial Council staff advisory members: Zlatko Theodorovic.

Advisory Body Members Absent: Judges: Hon. Cynthia Ming-mei Lee.
Executive Officers: Ms. Mary Beth Todd

Others Present: Mr. Martin Hoshino, Ms. Lucy Fogarty, Mr. Steven Chang, Ms. Anna Maves (telephone), and Mr. Don Will.

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 10:04 p.m. Members introduced themselves.

Approval of Minutes

The advisory body reviewed and approved the minutes of the November 24, 2015 Trial Court Budget Advisory Committee (TCBAC) meeting.

DISCUSSION AND ACTION ITEMS (ITEMS 1-6)

Item 1 – Governor’s Budget Proposal for FY 2016–2017 (Discussion Item)

Martin Hoshino and Zlatko Theodorovic presented information on the Governor’s Proposed Budget for FY 2016–2017.

Action: This was a discussion item with no action taken.

Item 3 – Recommendations of the Court-Appointed Counsel Funding Allocation Methodology Joint Subcommittee (Discussion Item)

Judge Cope presented this item and provided an update on the work of the Court-Appointed Counsel Funding Allocation Methodology Joint Subcommittee.

Action: This was a discussion item with no action taken.

Item 2 – Update from the Ad Hoc Working Group on Fiscal Planning (Discussion Item)

Judge Younge-Smith and Zlatko Theodorovic presented this item and provided an update on the work of the Ad Hoc Working Group on Fiscal Planning.

Action: This was a discussion item with no action taken.

Item 4 – Recommendations of the AB 1058 Allocation Joint Subcommittee (Action Item)

After lengthy discussion, the TCBC adopted the following on a vote of 21 to 6 as recommendations for the Judicial Council, which includes modifications to the Joint Subcommittee's recommendation 1 and approval of the amendment to the Joint Subcommittee's recommendation 2 as proposed by the Workload Assessment Advisory Committee:

1. Allocate funding using the historical model in FY 2016–2017. Develop a workload-based funding methodology to begin implementation in FY 2017–2018. Coordinate with California Department of Child Support Services (DCSS) on their current review of funding allocations for local child support agencies.
2. When developing a funding methodology, determine whether the family law facilitator methodology should use different underlying data than the child support commissioner methodology, and identify what data should be used, given that different factors drive commissioner and facilitator workloads.
3. Adopt the recommendation of the joint subcommittee for revising the process of how funds are moved from one court to another during a fiscal year to maximize program resources. This process would include providing questionnaires for the courts to identify funds available for redistribution and courts requesting additional funds. The Family and Juvenile Law Advisory Committee would make recommendations to the Judicial Council for reallocation of these available funds. The Judicial Council would direct the Administrative Director to continue to monitor spending patterns of the courts and provide a survey with a financial analysis to the courts towards the end of the fiscal year to determine if additional funds are available to be reallocated to courts who have exhausted their AB 1058 allocation. The Administrative Director would reallocate the available funds and report back to the Judicial Council on any action taken once the fiscal year has closed.

Item 5 – Update from the Funding Methodology Subcommittee (Discussion Item)

Rebecca Fleming presented this item and provided an update on the work of the Funding Methodology Subcommittee. She indicated that recommendations would be presented to the TCBAC at its next (March 10, 2016) meeting.

Action: This was a discussion item with no action taken.

Item 6 – TCBAC Annual Agenda (Discussion Item)

Judge Conklin presented this item and indicated that this item would be on the TCBAC's agenda for action at its March 10, 2016 meeting.

Action: This was a discussion item with no action taken.

A D J O U R N M E N T

There being no further business, the meeting was adjourned at 2:02 p.m.

Approved by the advisory body on enter date.

Item 1
**Legislative Analyst’s Office Report on the Governor’s Criminal Justice Proposals for the
2016–2017 Budget**
(Discussion Item)

Attachment A contains pages 49 and 50, which is a summary of the LAO’s recommendations, from its report, *The 2016-17 Budget: Governor’s Criminal Justice Proposals*. The entire report can be found on the LAO’s website at the following URL:

www.lao.ca.gov/Publications/Report/3359

2016-17 BUDGET

SUMMARY OF LAO RECOMMENDATIONS

Issue	Governor's Proposal	LAO Recommendation
Cross Cutting Issue		
Criminal fine and fee revenue	Various proposals including expenditure reductions, cost shifts to the General Fund as well as other funds, and cash flow loans from the General Fund, to address operational shortfalls and insolvency in various state funds due to declines in criminal fine and fee revenue.	Approve proposals given the lack of other available solutions in the short term. Implement structural changes to criminal fine and fee system to permanently address problem by reevaluating the overall structure of the system, increasing legislative control over the use of its revenue, and restructuring the collection process.
California Department of Corrections and Rehabilitation (CDCR)		
Adult prison and parole populations	Increase of \$14.1 million (General Fund) for various adjustments associated with prison and parole caseload changes.	Withhold recommendation until May Revise and direct CDCR to provide an estimate of savings from the delayed activation of the infill facility at R.J. Donovan prison so that it can be incorporated into the budget.
Plans for complying with court-ordered population cap	Proposes extension of authority to procure contract beds.	Approve extension of authority to procure contract beds but direct CDCR to close the California Rehabilitation Center in Norco as the capacity is not necessarily needed to comply with the population cap.
Drug interdiction	Increase of \$7.9 million (General Fund) to extend for one additional year an existing inmate drug testing and drug interdiction pilot program.	Approve \$750,000 for drug testing but reject remainder of proposal due to the lack of conclusive evidence at this time regarding program effectiveness.
Housing unit conversions	Increase of \$5.8 million (General Fund) to fund increased staffing for CDCR's Investigative Services Unit (ISU) from savings related to segregated housing unit conversions.	Reject proposal given insufficient justification, particularly in light of recent declines in other ISU workload.
Alternative custody programs	Increase of \$3.7 million (General Fund) to expand alternative custody programs. Reduce the length of time inmates can participate in the programs from two years to one.	Withhold action on the proposal to reduce the length of time inmates can participate pending additional information to determine whether the change is warranted.
Programs and services for long-term offenders	Increase of \$10.5 million (General Fund) to expand availability of programs for long-term offenders.	Approve \$4 million for proposed expansion of programming benefitting higher-risk offenders. Reject the remainder of the proposal to expand services for long-term offenders as research suggests that programs targeting higher-risk offenders are likely to achieve better outcomes.
Male Community Reentry Program (MCRP)	Increase of \$32 million (General Fund) to support existing MCRP and expand the program to four additional facilities.	Reject proposal given that MCRP is unlikely to be the most cost-effective approach to reduce recidivism.
Supervisory staffing model for correctional medical care	Increase of \$6 million (General Fund) to allow for separate executive management teams at each state prison.	Reject proposal given insufficient justification that adequate levels of care cannot be provided by shared executive management teams.

(Continued)

2016-17 BUDGET

Issue	Governor's Proposal	LAO Recommendation
Augmentation for inmate pharmaceuticals	Increase of \$6.8 million (General Fund) to account for increased expenditures for inmate pharmaceuticals, partially based on using the past-year changes in the pharmaceutical Consumer Price Index (CPI) to estimate expenditures in the budget year.	Approve increases to the inmate pharmaceutical budget based on pharmaceutical CPI projections rather than past-year changes. Direct Receiver to provide additional information on pharmaceutical expenditures and prices.
Ironwood State Prison maintenance staff	Increase of \$524,000 (General Fund) for maintenance of the new central chiller system at Ironwood State Prison.	Reduce proposal by \$275,000 to reflect savings available from eliminating maintenance on the pre-existing cooling system.
Judicial Branch		
\$20 million augmentation for trial court operations	Increase of \$20 million (General Fund) to support trial court operations.	Reject proposal given insufficient justification particularly since proposed budget already accounts for increased workload and costs.
New court innovations grant program	Increase of \$30 million (General Fund) on a one-time basis to provide grants to support trial and appellate court innovation, modernization, or efficiency programs or services.	Withhold action pending additional information on the program from the administration and judicial branch.
Judicial branch facility construction proposals	Increase of \$33 million (Immediate and Critical Needs Account [ICNA]) on a one-time basis for facility modification projects as well as design and construction activities for four previously approved projects. Lease revenue bond authority of \$272 million for the construction of four previously approved projects.	Withhold action on increased spending from ICNA pending a report from Judicial Council on how it would ensure monies would be available to fully fund the proposed projects. Adopt supplemental reporting language directing Judicial Council to develop plan for long-term solvency of ICNA.
Department of Justice (DOJ)		
Fraud and elder abuse enforcement enhancement	Increase of \$7.8 million (Federal Trust Fund and False Claims Act Fund) to eliminate backlog consisting largely of abuses and neglect cases, address an anticipated increase in abuse and Medi-Cal fraud workload, and expand DOJ abilities to prosecute Medi-Cal fraud.	Approve funding on a one-time basis to eliminate existing backlog. Insufficient justification for ongoing funding.
Public protection and consumer protection enforcement initiative	Increase of \$1.4 million (Legal Services Revolving Fund) to reduce the average number of days needed to bring Department of Consumer Affairs formal discipline cases to adjudication.	Reject proposal as average number of days to adjudication would likely decline without additional positions and issues unrelated to staffing could be causing delays. Recommend requiring DOJ to report on strategies for preparing cases for adjudication in a timely manner.
Local Public Safety		
County jail grants	Increase of \$250 million (General Fund) in one-time funding for jail construction.	Reject proposal due to the lack of a detailed analysis from the administration regarding the need for additional state jail funding.
City law enforcement grants	Increase of \$26 million (General Fund) in one-time funding to extend the local law enforcement grant program.	Reject proposal given lack of sufficient justification.
Trial court security	Increase of \$700,000 (General Fund) for counties to provide trial court security related to a separate proposal to reallocate up to five existing vacant trial court judgeships.	Reject proposal due to lack of justification that the proposed funding is needed.

Item 2
Recommendations of the Funding Methodology Subcommittee
(Action Item)

Issue

For the Trial Court Budget Advisory Committee's (TCBAC) consideration, the Funding Methodology Subcommittee provides the recommendations listed below regarding updating and clarifying the Workload-based Allocation and Funding Methodology (WAFM).

Background

At its business meeting on April 26, 2013, the Judicial Council approved the WAFM methodology which included in its original report on pages 40 through 44 the explicit inclusion and exclusion of specific Phoenix Financial System expenditure codes as well as the acknowledgement that any other items not listed were by default included in the WAFM OE&E expenditure calculation (see Attachment E). In addition, included in the original April 26, 2013 Judicial Council report were the inclusion and exclusion of specific fund sources in identifying equivalent, available WAFM funding (see Attachment G). In calculating the WAFM OE&E per FTE amount, expenditure code WAFM designations of included or excluded were utilized to determine which amounts of the courts' expenditure information should be used, but fund WAFM designations were not considered and OE&E expenditures from all funds were retrieved in calculating the WAFM OE&E per FTE amounts.

Recommendations

The subcommittee is unanimously recommending that the TCBAC support the following recommendations listed below regarding updating and clarifying the Workload-based Allocation and Funding Methodology:

1. Approve the current annual update cycles in place for five WAFM components—average court executive officer salary, Federal Bureau of Labor Statistics (BLS) factor, salary-driven and non-salary-driven benefits, AB 1058 adjustment, and average RAS-related salary—and update annually the average operating expenses and equipment (OE&E) per full-time equivalent (FTE) by cluster component using a three-year average from 4th quarter Quarterly Financial Statement data through two fiscal years prior (see option 1B of Attachment C).
2. Clarify the designation for three expense codes both included and excluded in the Judicial Council-approved methodology for calculating WAFM OE&E per FTE by excluding the “Air Conditioning/Heating Equipment” and “Facility Planning” Phoenix general ledger expenses and including the “Grand Jury Costs” Phoenix general ledger expense.

3. Designate expense codes with no expenditures in 2011–2012 or created after 2011–2012 and, therefore, not previously considered as part of the Judicial Council-approved methodology for calculating WAFM OE&E per FTE (see column F of Attachment F).
4. Exclude expenditures from funds included, but not previously considered or reviewed, in the Judicial Council-approved methodology for calculating WAFM OE&E per FTE that have been determined not to be part of the equivalent, available WAFM funding (see column F of Attachment J).

Recommendation Rationale

Recommendation 1

By formally approving the current effective update cycles for these WAFM components (see Attachment B), these schedules will be documented and a formal standard established for the expected refresh of this information.

The one WAFM component that has not been updated relies on trial court schedule information. The WAFM operating expenses and equipment (OE&E) per FTE amount is calculated using Schedule 7A information for the number of WAFM FTEs (excludes those positions related to non-court-operations PECTs, subordinate judicial officers, CEOs, marshals, court attendants, interpreters and interpreter coordinators, and vacant positions) and 4th quarter Quarterly Financial Statement expenditure information for general ledger items designated as OE&E expenses.

For the OE&E per FTE, four options are provided with the differences between options relating to either updating the component on an annual basis or a less frequent basis and the update using the most recent fiscal year of available information or an average of the three most recent years of available information (see Attachment C). Benefits and drawbacks are provided for each option. Attachment D compares the current OE&E per FTE amounts to the updated amounts under options A and B and the impact those options would have had on the 2015–2016 estimated WAFM funding need, an increase of between \$40.6 million and \$65.8 million. Note that the variance between the one-year average and three-year average is driven by the OE&E per FTE amounts in 2012–2013 which were significantly lower than 2013–2014 and 2014–2015.

Recommendation 2

In its original April 2013 Judicial Council report, contained on pages 40 through 44, the explicit inclusion and exclusion of specific Phoenix Financial System expenditure codes as well as the acknowledgement that any other items not listed were by default included in the WAFM OE&E expenditure calculation (see Attachment E). On this list three items were both explicitly included and explicitly excluded from the WAFM OE&E per FTE calculation (see yellow highlighted rows, Attachment E). Since these items were explicitly addressed and approved in a Judicial Council report, the committee should explicitly select inclusion or exclusion to resolve this issue.

Currently, since the default position for items is that they be included, these items are included in the WAFM OE&E per FTE calculation. However, this is a temporary solution only until the committee addresses the items' designation. The subcommittee based its recommendations on expenses that would be consistent with other categories of expenses that were included and excluded.

Recommendation 3

Since these items were not addressed in the April 26, 2013 Judicial Council report, if the subcommittee takes no action, by default all of these items would be included in the WAFM OE&E per FTE calculation. However, there are some items that are similar enough to items that have been explicitly excluded by the Judicial Council and merit the committee's consideration regarding whether or not to include them.

Attachment F provides additional information regarding these items including the amount expended, if any, for 2014-2015. The subcommittee based its recommendations on expenses that would be consistent with other categories of expenses that were included and excluded.

Recommendation 4

The subcommittee has previously identified for the Judicial Council funds that are part of the equivalent, available funding and those not included in the WAFM allocation as reflected in the "Estimated 2015-16 WAFM, Non-WAFM, and Undesignated Trial Court Allocations, Revenues, and Reimbursements" (see Attachments G and H). Attachments I and J provide a reconciliation at the summary level and the detail level between the funds and subfunds identified in the Phoenix Financial System and the fund sources identified and designated in Attachment H, "Estimated 2015-16 WAFM, Non-WAFM, and Undesignated Trial Court Allocations, Revenues, and Reimbursements" and provides the WAFM designation of those fund sources that support the funds and subfunds. To the extent OE&E expenditures are supported by funds considered non-WAFM, the subcommittee recommends those specific OE&E expenditures to be excluded from the amount used to calculate the WAFM OE&E per FTE amount. Attachment K reflects the subcommittee's recommendation and the impact on the WAFM OE&E per FTE amount.

**Current WAFM Component Update Schedules
as of March 10, 2016**

Attachment B

#	WAFM Component Description	Update Frequency	Source of Data	WAFM Funding Need Worksheet Location
1	Average court executive officer salary	Updated annually	Prior year Schedule 7A	Column E
2	Federal Bureau of Labor Statistics (BLS) factor	Updated annually	Three year-average BLS data up to two years prior	Column G and "BLS Factor" worksheet
3	Salary-driven and non-salary-driven benefits	Updated annually	Prior year Schedule 7A	Columns I1, I2, J1, and J2
4	AB 1058 adjustment	Updated annually	Two years prior reimbursement data from JCC grants accounting unit	Column O
5	Average RAS-related salary	Updated annually	Prior year Schedule 7A	Bottom left corner under "NOTES"
6	Average Operating Expenses & Equipment (OE&E) per FTE by cluster	N/A	4th quarter Quarterly Financial Statement expenditures (QFS)	Column N
7	Funding Floor	N/A	Prior year BLS-adjusted Schedule 7A average RAS salary and benefits information from five Cluster 1 courts and any updated Cluster 1 OE&E per FTE amounts	"Funding Floor" worksheet
ITEMS BELOW INFORMATIONAL ONLY - RAS Components (Updated by Workload Assessment Advisory Committee (WAAC))				
N/A	RAS FTE need	Updated annually	Three year-average court filings data up to two years prior	Columns A, B, and C and "RAS FTE Need" worksheet
N/A	RAS caseweight	Updated every five years	Court time study	N/A

WAFM Components Not Updated Since FY 2013-14
as of March 10, 2016

#	WAFM Component Description	Update Frequency	Source of Data	WAFM Funding Need Worksheet Location
6	Average Operating Expenses & Equipment (OE&E) per FTE by cluster	N/A	N/A 4th quarter Quarterly Financial Statement expenditures (QFS)	Column N

WAFM Component Update Options

#	WAFM Component Description	Option	Option Description	Pros	Cons
6	Average Operating Expenses & Equipment (OE&E) per FTE by cluster	1A	Updated annually using two years prior 4th quarter Quarterly Financial Statement (QFS) data (e.g. FY 2014-15 for FY 2016-17)	<ul style="list-style-type: none"> Using single year data consistent with original OE&E calculation Information remains as current as possible 	<ul style="list-style-type: none"> No smoothing of data due to single year more prone to fluctuations Year-to-year fluctuations in WAFM need due to annual update, though fluctuations of a lesser magnitude likely than a staggered update
		1B (Recommended)	Updated annually using a three-year average from 4th quarter QFS data up through two years prior (e.g. FY 2014-15 for FY 2016-17)	<ul style="list-style-type: none"> Smoothing of data to avoid fluctuations that could result from one year basis Information remains relatively current as possible since updated annually but less current than one year basis 	<ul style="list-style-type: none"> Inconsistent with original OE&E calculation Year-to-year fluctuations in WAFM need due to annual update, though fluctuations of a lesser magnitude
		2A	Updated every two to three years using two years prior 4th quarter Quarterly Financial Statement (QFS) data (e.g. FY 2014-15 for FY 2016-17)	<ul style="list-style-type: none"> Using single year data consistent with original OE&E calculation No year-to-year fluctuations in WAFM need due to annual update, though fluctuations of a greater magnitude possible when update does occur 	<ul style="list-style-type: none"> No smoothing of data due to single year more prone to fluctuations Information not as current
		2B	Updated every two to three years using a three-year average from 4th quarter QFS data up through two years prior (e.g. FY 2014-15 for FY 2016-17)	<ul style="list-style-type: none"> Smoothing of data to avoid fluctuations that could result from one year basis No year-to-year fluctuations in WAFM need due to annual update, though fluctuations of a greater magnitude possible when update does occur 	<ul style="list-style-type: none"> Inconsistent with original OE&E calculation Information not as current

WAFM Operating Expenses and Equipment Update Options Comparison Attachment D

#	Description	FY 2015-16 WAFM OE&E (2011-12 Basis) ¹	OPTIONS	
			1A and 2A	1B and 2B
			One-Year Average (2014-15 Basis) ¹	Three-Year Average (2012-13 to 2014-15 Basis) ¹
		A	B	C
1	OE&E per FTE			
2	<i>Cluster 1</i>	27,928.05	33,601.88	30,944.62
3	<i>Clusters 2 - 4</i>	20,287.27	23,790.67	22,458.12
4	FY 2015-16 RAS FTE Need			
5	<i>Cluster 1</i>	266	266	266
6	<i>Clusters 2 to 4</i>	18,337	18,337	18,337
7	FY 2015-16 OE&E Need			
8	<i>Cluster 1</i>	7,428,861	8,938,099	8,231,269
9	<i>Clusters 2 to 4</i>	372,007,614	436,249,562	411,814,546
10	Change from FY 2015-16 OE&E		65,751,188	40,609,341
11	<i>Cluster 1</i>	-	1,509,239	802,408
12	<i>Clusters 2 to 4</i>	-	64,241,949	39,806,933

1 Basis refers to the fiscal year or years courts' 4th quarter Quarterly Financial Statement and Schedule 7A data was used.

**Detailed Decisions on Inclusion and Exclusion of OE&E Expenditures Attachment E
Judicial Council Report - April 26, 2013**

**TABLE 2
DETAILED DECISIONS ON INCLUSION AND EXCLUSION OF OE&E EXPENDITURES**

The following tables document decisions made by the subcommittee of the Trial Court Budget Working Group (the Funding Allocation Subcommittee) on items to include and exclude from the calculation of OE&E. These decisions were made at meetings of the Funding Allocation Subcommittee beginning on February 11, 2013 in Sacramento, and finalized during a number of follow-up meetings and communications between members of the Funding Allocation Subcommittee.

The calculation of OE&E is used to estimate how much funding is needed for non-personnel costs required to operate the trial courts.

The categories listed below in the first column come from the Phoenix Financial System.

Table 2. A: OE&E to INCLUDED in Calculation	Decision
NOTE THAT INCLUSION IS THE DEFAULT DECISION. BELOW IS ONLY THE LIST OF ITEMS THAT WERE DISCUSSED AND THAT THE GROUP DETERMINED SHOULD BE INCLUDED. ALL OTHER ITEMS <i>NOT LISTED</i> ANYWHERE ON THIS PAGE UNDER EITHER INCLUSION OR EXCLUSION, IS BY DEFAULT <i>INCLUDED</i> .	
Administrative	Include
Archiving/Imaging Management Services	Include
Attorney Civil Other	Include
Citation Services	Include
Contracted Services	Include
Court Reporter Transcripts-Felony Appeals	Include
Court Reporter Transcripts-Non Felony Appeals	Include
Court Reporter-Lodging	Include
Court Reporter-Meals	Include
Court Reporter-Mileage	Include
Court Transcripts	Include
Electronic Recording	Include
Electronic Recording Services	Include
General Consultant and Professional Services	Include
Human Resource Services	Include

**Detailed Decisions on Inclusion and Exclusion of OE&E Expenditures Attachment E
Judicial Council Report - April 26, 2013**

Table 2. A: OE&E to INCLUDED in Calculation	Decision
Information Technology Services	Include
Investigative Services	Include
Attorney Arbitration-ADR Mediators Fee	Include
Court Ordered Investigative Services	Include
Stenography Services	Include
Court Interpreter Document Translation	Include
Key Card, Repair Counter, Replace Shelving	Include
Maintenance and Supplies	Include
Other Facility Costs - Goods	Include
Other Facility Costs - Services	Include
Paint, Protective Coating, and Sealer Supplies	Include
Plumbing	Include
Signs and Related Supplies	Include
Storage	Include
Waste Removal	Include
Window Coverings	Include
Wood or Tile Floor	Include
Carpet	Include
Carpet Cleaning and Floor Waxing	Include
Control Devices	Include
Court Appointed Counsel Charges-Family Code Section 3150	Include
Electrical Supplies and Accessories	Include
Electricity	Include
Extermination	Include
Facilities Operations	Include
Facility Planning	Include

**Detailed Decisions on Inclusion and Exclusion of OE&E Expenditures Attachment E
Judicial Council Report - April 26, 2013**

Table 2. A: OE&E to INCLUDED in Calculation	Decision
Fire Fighting Supplies	Include
Flags, Flag Poles and Banners	Include
Fuel for Equipment	Include
Garden and Nursery	Include
Grand Jury Costs	Include
Grounds	Include
Grounds Maintenance	Include
Hardware and Related Items	Include
Alteration	Include
Alterations and Improvements	Include
Appeal Process	Include
Electricity	Include
Interest	Include
Air Conditioning/Heating Equipment	Include
Janitorial Services	Include
Utility Categories - 5 categories	Include
Janitorial	Include
Janitorial Cleaning Supplies	Include

Detailed Decisions on Inclusion and Exclusion of OE&E Expenditures Attachment E Judicial Council Report - April 26, 2013

Table 2. B: OE&E to be EXCLUDED from Calculation	Decision
Perimeter Security-Contract (Other than Sheriff)	Exclude
Other Post Employment Benefits (OPEB)	Exclude
Sheriff	Exclude
Facility Planning	Exclude
Pro Tem Hearing Officers	Exclude
Marshal Uniforms	Exclude
Rent -- three categories (see discussion under 2. A. i) (3) above)	Include/Exclude
All Salary & Benefits – GLs 900000 and 910000	Exclude
Court Construction	Exclude
Collection Services	Exclude
Commission Costs	Exclude
Consulting Services-Temp Help	Exclude
Consulting Services-Temp Help Clerical Services	Exclude
Courtroom Security-Sheriff Provided	Exclude
Dependency Counsel Charges For Children	Exclude
Dependency Counsel Charges For Parents	Exclude
Court Interpreter Services	Exclude
Court Interpreter Travel	Exclude
Court Interpreter-American Sign Language	Exclude
Court Interpreter-Certified	Exclude
Court Interpreter-Language Line-In Court	Exclude
Court Interpreter-Language Line-Non Court	Exclude
Court Interpreter-Lodging	Exclude
Court Interpreter-Meals	Exclude
Court Interpreter-Mileage	Exclude
Court Interpreter-Non Certified	Exclude

**Detailed Decisions on Inclusion and Exclusion of OE&E Expenditures Attachment E
Judicial Council Report - April 26, 2013**

Table 2. B: OE&E to be EXCLUDED from Calculation	Decision
Court Interpreter-Non Registered	Exclude
Court Interpreter-Registered	Exclude
Juror Costs	Exclude
Juror Public Transportation	Exclude
Jury Fees	Exclude
Jury Mileage	Exclude
Meals & Lodging (Sequestered Jurors)	Exclude
Meals (Non Sequestered Jurors)	Exclude
Perimeter Security-Entrance Screening Personnel - Sheriff Provided	Exclude
Perimeter Security-Sheriff Provided	Exclude
Security	Exclude
Civil Assessment Commission Costs	Exclude
Court Assistant/Attendant Uniforms	Exclude
Court Reporter Services	EXCLUDE
Weapon Screening X-Ray Machine	EXCLUDE
Traffic School Monitoring	EXCLUDE
Probate Evaluations and Reports	Exclude
Probation Department Services	Exclude
Small Claims Advisory Service	Exclude
Court Appointed Counsel Charges	EXCLUDE
Mediators/Arbitrators	Exclude
Sheriff Reimbursement-AB2030/AB2695	Exclude
Air Conditioning/Heating Equipment	Exclude
Architectural Services	Exclude
Grand Jury Costs	Exclude

Phoenix Expense General Ledger Codes Not Previously Considered by the Judicial Council

Attachment F

Line #	Court-Specific Code Col. A	Phoenix Financial Statement Category Col. B	Level 2 - Expense Detail Account Name Col. C	Court-Specific Code Description Col. D	FY 2014-15 Expenditures Col. E	Recommended WAFM OE&E Designation Col. F
99	920402	General Expense	Employee Relocation	Temporary housing expense related to relocating an employee.		Included
100	920499	General Expense	Employee Relocation	May be used in lieu of the individual court specific codes within such corresponding expense detail code.		Included
108	920604	General Expense	Office Expense	Maps.		Included
137	920633	General Expense	Office Expense	Ergonomic supplies.	26,523	Included
178	922704	General Expense	Equipment Rental/Lease	Rental or lease of sheriff security equipment.	430	Included
204	923903	General Expense	General Expense - Service	Specific to form delivery.		Included
217	923916	General Expense	General Expense - Service	Testing services.	70,997	Included
239	925108	Telecommunications	Telecommunications	Instruments-County provided.		Included
289	931109	Out-of-State Travel	Travel Out of State	Out of state travel expense for all other mileage claim payments.	78	Included
303	934506	Security Services	Security	Perimeter security provided by contract at the entrance of the courthouse.	2,112,000	Excluded
329	935502	Facility Operations	Grounds	Parking maintenance.	2,234	Included
359	938407	Contracted Services	General Consultant and Professional Services	Costs of contracting for public works planning and engineering services.		Included
393	938804	Contracted Services	Court Appointed Counsel Charges	Dependency Counsel and Other Eligible Expenses to be Reimbursed by JDCCP Allocation	284,523	Excluded
396	938902	Contracted Services	Investigative Services	Surveillance services.	192	Included
397	938903	Contracted Services	Investigative Services	Police reports. (e.g., PC 987.9 cases)		Included
428	939405	Contracted Services	Legal	Contract review.		Included
430	939407	Contracted Services	Legal	Attorney civil, no public defender.		Excluded
431	939408	Contracted Services	Legal	Attorney civil, conflict of interest.		Excluded
432	939409	Contracted Services	Legal	Attorney criminal, no public defender.		Excluded
433	939410	Contracted Services	Legal	Attorney criminal, conflict of interest.		Excluded
438	939415	Contracted Services	Legal	Attorney mental health, no public defender.		Excluded
439	939416	Contracted Services	Legal	Attorney mental health, conflict of interest.		Excluded
440	939417	Contracted Services	Legal	Attorney mental health, other.		Excluded
441	939418	Contracted Services	Legal	Contract law firm fees.	58	Included
442	939419	Contracted Services	Legal	Contract law firm costs.		Excluded
450	941103	Consulting and Professional Services	Sheriff	Incidence/disturbance calls.		Excluded
461	942702	Consulting and Professional Services	County-Provided Services	Custodial services.	8,931,549	Included
476	943507	Information Technology	IT Repairs/Supplies/License	Mainframe operating software.	111	Included
477	943508	Information Technology	IT Repairs/Supplies/License	Mainframe application software.	13	Included
494	952099	Other Items of Expense	Uniform Allowance	May be used in lieu of the individual court specific codes within such corresponding expense detail code.	1,234	Included
511	971003	Other	Other Special items of Expense	Record realized loss incurred on sale of investments.		Included

Phoenix Expense General Ledger Codes Not Previously Considered by the Judicial Council

Line #	Court-Specific Code Col. A	Phoenix Financial Statement Category Col. B	Level 2 - Expense Detail Account Name Col. C	Court-Specific Code Description Col. D	FY 2014-15 Expenditures Col. E	Recommended WAFM OE&E Designation Col. F
512	971004	Other	Other Special items of Expense	Record unrealized loss on investment due to decrease in market value.		Included
515	971102	Other	Other Post Employment Benefits	Record expense for administration of other post employment benefits (OPEB) investments by trustee.	3,600	Included
516	971103	Other	Other Post Employment Benefits	Record other post employment benefits (OPEB) paid by trustee.		Included
524	972399	Other	Non-Expert Witness	May be used in lieu of the individual court specific codes within such corresponding expense detail code.		Included
525	973101	Debt Service	Debt Service	Expense for notes principal repayments.		Included
527	973199	Debt Service	Debt Service	May be used in lieu of the individual court specific codes within such corresponding expense detail code.	324,871	Excluded
Total Expenditures					11,758,413	

Attachment G

Table 1 displays funding associated or not associated with the workload measured by the Resource Assessment Model, as provided in page 7 of the April 26, 2013 report to the council from the Trial Court Budget Advisory Committee.

Table 1

Fund Category	Fund Source	Statewide Funding Amount for FY 13–14 Allocation
Current TCTF Program 45.10 Base Allocation	TCTF 45.10	1,694,659,219
<i>Items subtracted from base allocation:</i>		
Security Base (FY 10–11) Adjustment		(40,983,089)
SJO Adjustment (does not include compensation for AB 1058 commissioners)		(64,674,907)
Projected \$261M Reduction based on Governor Budget Proposal		(261,000,000)
Self-help	TCTF 45.10	2,500,000
Replacement of 2% Automation	TCTF 45.10	10,907,494
Automated Recordkeeping and Micrographics Distribution (FY 11–12)	TCTF 45.10	3,160,318
Benefits Base Allocation (FY 10–11 and FY 11–12)	General Fund	68,818,575
Benefits Base Allocation (Confirmed as of 1/31/2013)	General Fund	23,199,967
Benefits Base Allocation (Unconfirmed as 1/31/2013)	General Fund	483,174
Total		1,437,070,751

Table 2 displays funding not subject to allocation by WAFM, as provided in Appendix G of the April 26, 2013 report to the council from the Trial Court Budget Advisory Committee.

Table 2

Funds Not Considered Part of Allocation Formula with Statewide Dollar Amounts for FY 13-14
Allocation (dollar amounts subject to change each fiscal year)

Fund Description	Fund Source	Statewide Amount (For FY 13-14 Allocation Process)
Security Base Adjustment	TCTF (45.10)	40,983,089
SJO Adjustment (AB 1058 Commissioner Compensation Removed)	TCTF (45.10)	64,674,907
Court-Appointed Counsel (including DRAFT)	TCTF (45.10)	105,283,990
Jury	TCTF (45.10)	14,931,289
Criminal Justice Realignment (one-time 12-13)	TCTF (45.10)	9,073,000
\$30 court reporter fee	TCTF (45.10)	-
Fees Retained by Courts	TCTF (45.10)	17,966,453
Civil Assessments	TCTF (45.10)	95,220,404
Children's waiting room	TCTF (45.10)	4,027,799
Telephonic Appearance	TCTF (45.10)	943,840
Court Interpreters	TCTF (45.45)	89,286,025
Civil Case Coordination	TCTF (45.55)	647,697
Family Law Information Centers	TCTF (45.55)	320,000
Model Self-Help	TCTF (45.55)	891,000
Complex Civil Litigation	IMF	4,001,010
Self-Help	IMF	5,005,141
AB 1058 Child Support Commissioner, Family Law Facilitator, and Staff	GF	48,474,319
Prisoners' Hearings	GF	1,408,137
Service of Process	GF	1,638,813
Interest Income	Local	3,568,960
Investment Income	Local	6,126
Local Fees	Local	60,024,529
Non-Fee Revenues	Local	17,670,937
Enhanced Collections	Local	49,202,024
County Program - Restricted	Local	24,847,948
Reimbursement Other	Local	27,415,279
Other Miscellaneous	Local	14,423,980
Total (not compared to funding need)		701,936,697

**Estimated 2015-16 WAFM, Non-WAFM, and Undesignated Trial Court Allocations,
Revenues, and Reimbursements**
(subject to change each fiscal year, updated 11/20/2015)

#	Resource	Fund Source	Statewide Amount (For 2015-16 Allocation Process)*	Notes
1	<i>1. Allocation for Costs Captured by Workload Analysis (including associated (OE&E)</i>			
2	Current TCTF Program 45.10 Base Allocation	TCTF (45.10)	1,614,580,054	
3	Benefits Base Allocation from General Fund	GF (45.10)	68,818,601	
4	SJO Adjustment (excludes compensation for AB 1058 commissioners) (updated by Office of Court Research, 5/5/15)	TCTF (45.10)	(58,793,118)	
5	Security Base Adjustment (12-13 allocation)	TCTF (45.10)	(40,983,089)	
6	\$90.6 Million in New Funding Offset by \$22.7 Million Revenue Shortfall	TCTF (45.10)	67,900,000	
7	\$38.8 Million in Benefits Cost Changes Funding	TCTF (45.10)	37,526,000	
8	Replacement of 2% Automation	TCTF (45.10)	10,907,494	
9	Self-Help	IMF (45.10)	5,000,000	
10	Prisoners' Hearings (15-16 appropriation)	GF (45.10)	2,728,000	
11	Self-Help	TCTF (45.10)	2,500,000	
12	Automated Recordkeeping and Micrographics Distribution (14-15 actual)	TCTF (45.10)	2,428,420	
13	Civil Case Coordination (15-16 appropriation)	TCTF (45.55.100)	832,000	
14	Cost of Homicide Trials (15-16 appropriation)	GF (45.10)	272,000	
15	TCTF Program 30.15 Allocations for Phoenix, CCTC, ICMS, and V3 maintenance and operations (less charges to courts)	TCTF (30.15)	-	
16	Annualization of 2014-15 Reduction for SJO Conversions	TCTF (45.10)	(817,737)	
17	Reduction for SJO Conversions	TCTF (45.10)	(1,283,668)	
18	<i>Subtotal, Allocation for Costs Captured by Workload Analysis</i>		<i>1,711,614,958</i>	

*Other than IMF revenues and Program 30.15 administrative infrastructure costs, excludes state trial court funding not distributed to courts (e.g., TCTF Program 45.25 (judges' compensation)) and one-time appropriations.

**Estimated 2015-16 WAFM, Non-WAFM, and Undesignated Trial Court Allocations,
Revenues, and Reimbursements**
(subject to change each fiscal year, updated 11/20/2015)

#	Resource	Fund Source	Statewide Amount (For 2015-16 Allocation Process)*	Notes
20	2. Allocation or Reimbursement for Costs Not Captured by Workload Analysis			
21	Court-Appointed Counsel (including DRAFT)	TCTF (45.10)	114,700,000	
22	Court Interpreters	TCTF (45.45)	95,855,000	
23	SJO Adjustment (excludes compensation for AB 1058 commissioners) (updated by Office of Court Research, 5/5/15)	TCTF (45.10)	58,793,118	
24	Estimated 2015-16 IMF revenue and tranfers less self-help (\$5M) allocation (15-16 IMF 1st Turn 10R less \$5 million)	IMF	61,424,000	
25	AB 1058 Child Support Commissioner and Family Law Facilitator Program (14-15 actual)	GF (45.55.010)	51,908,478	
26	Security Base Adjustment (12-13 allocation)	TCTF (45.10)	40,983,089	
27	Jury	TCTF (45.10)	14,500,000	
28	Criminal Justice Realignment	TCTF (45.10)	9,223,000	
29	Children's Waiting Room (14-15 actual)	TCTF (45.10)	3,093,995	
30	Service of Process (14-15 actual)	GF (45.10)	1,865,131	
31	Enhanced Collections (14-15 Phoenix)	Local	50,544,725	
32	County Program - Restricted (14-15 Phoenix)	Local	19,060,891	
33	Reimbursement Other (14-15 Phoenix)	Local	18,904,863	
34	Other Miscellaneous (14-15 Phoenix)	Local	13,499,994	
35	Subtotal, Allocation for Costs Not Captured by Workload Analysis		554,356,283	

*Other than IMF revenues and Program 30.15 administrative infrastructure costs, excludes state trial court funding not distributed to courts (e.g., TCTF Program 45.25 (judges' compensation)) and one-time appropriations.

**Estimated 2015-16 WAFM, Non-WAFM, and Undesignated Trial Court Allocations,
Revenues, and Reimbursements**
(subject to change each fiscal year, updated 11/20/2015)

#	Resource	Fund Source	Statewide Amount (For 2015-16 Allocation Process)*	Notes
37	3. Items that Require Further Analysis			
38	Civil Assessments (14-15 actual)	TCTF (45.10)	111,945,969	
39	Fees Retained by Courts (14-15 actual)	TCTF (45.10)	23,004,303	
40	Replacement Screening Stations	TCTF (45.10)	2,286,000	
41	Parolee Reentry Court Program CDCR (14-15 actual)	GF (45.55.020)	1,972,809	
42	Collaborative Courts-Substance Abuse Programs (14-15 actual)	GF (45.55.020)	1,128,748	
43	Recidivism Reduction Program	RRF (45.10)	1,300,000	
44	Model Self-Help	TCTF (45.55.065)	957,000	
45	Telephonic Appearance	TCTF (45.10)	943,840	
46	Juvenile Dependency Counsel Collections (including DRAFT)	TCTF (45.10)	872,692	
47	California Justice Corps (14-15 actual)	GF (45.55.070)	858,520	
48	Federal Child Access and Visitation Grant Program (14-15 actual)	FTF (45.55.030)	770,000	
49	California Adult Reentry Drug Court Project (14-15 actual)	FTF (45.55.080)	479,299	
50	Family Law Information Centers	TCTF (45.55.095)	345,000	
51	Elder Abuse Filings	TCTF (45.10)	332,340	
52	Local Fees (14-15 Phoenix)	Local	58,315,578	
53	Non-Fee Revenues (14-15 Phoenix)	Local	16,394,838	
54	Non-Judicial Council Grants (14-15 Phoenix)	Local	7,171,367	
55	Interest Income (14-15 Phoenix)	Local	2,077,860	
56	Escheatment (14-15 Phoenix)	Local	1,473,701	
57	Donations (14-15 Phoenix)	Local	390,375	
58	Prior Year Revenue (14-15 Phoenix)	Local	(1,813,247)	
59	Sale of Fixed Assets (14-15 Phoenix)	Local	209,299	
60	Investment Income (14-15 Phoenix)	Local	-	
61	Subtotal, Items that Require Further Analysis		231,416,291	
62				
63	Grand Total		2,497,387,532	

*Other than IMF revenues and Program 30.15 administrative infrastructure costs, excludes state trial court funding not distributed to courts (e.g., TCTF Program 45.25 (judges' compensation)) and one-time appropriations.

FY 2014-15 Phoenix Expenses for WAFM OE&E Designations by Fund Summary

		Information Located in Attachment H		
Fund Description	Amount	Revenue Source	Line #	Revenue Source - Designation
Capital Projects	399,870.80	Debt service on Capital Outlay	N/A	Non-WAFM
Enterprise	0.00			
General	310,454,602.57			
	295,257,045.31	Multiple Section 1 Items	2-7	WAFM
	15,197,557.26	Mostly in Local Fees	52	Items that Requires Further Analysis
Grant	15,757,136.41	Judcial Council Grants, Non-Judicial Council Grants, and Reimbursement Other	25, 33, 41-42, 44, 47-50, 54	Items that Requires Further Analysis
Internal Service	1,927.04	County Program - Restricted	32	Non-WAFM
Proprietary	7,352,826.83	Trial court benefits	N/A	WAFM, but not OE&E
Special Revenue	23,093,914.73			
	18,236,361.97	Enhanced Collections, County Program - Restricted, Children's Waiting Room, and Reimbursement Other	29, 31-33	Non-WAFM
	3,129,807.78	Replacement of 2% Automation and Automated Recordkeeping and Micrographics	8, 12	WAFM
	1,727,744.98	Mostly in Local Fees, Donations, Non-Fee Revenues	52-53, 56	Items that Requires Further Analysis

357,060,278.38

298,386,853.09

WAFM

25,990,986.64

Non-WAFM

32,682,438.65

Items that Require Further Analysis

357,060,278.38

Total

FY 2014-15 Phoenix Expenses for WAFM OE&E Designations by Fund

		Information Located in Attachment H			
Fund and Subfund Description	Amount	Revenue Source	Line #	Revenue Source - Designation	Recommendation
Col. A	Col. B	Col. C	Col. D	Col. E	Col. F
Capital Projects	399,870.80				
Capital Fund	399,870.80	Debt service on Capital Outlay	N/A	Non-WAFM	Exclude
Enterprise	0.00				
EZ Legal	0.00	Interest Income	55	Item that Requires Further Analysis	Include
General	310,454,602.57				
General Fund - NTCTF	15,197,557.26	Mostly in Local Fees	52	Item that Requires Further Analysis	Include
General Fund - TCTF	295,257,045.31	Multiple Section 1 Items	2-7	WAFM	Include
Grant	15,757,136.41				
DOJ - Juvenile Drug Court Implementation	(0.00)	Non-Judicial Council Grants	54	Item that Requires Further Analysis	Include
Drug Court Discr Grant	45,876.88	Non-Judicial Council Grants	54	Item that Requires Further Analysis	Include
Grant Arrest Policy	(32,621.86)	Non-Judicial Council Grants	54	Item that Requires Further Analysis	Include
SAMHSA	135,193.29	Non-Judicial Council Grants	54	Item that Requires Further Analysis	Include
US DOJ - Local Law Enforcement Block Grant	1,506.15	Non-Judicial Council Grants	54	Item that Requires Further Analysis	Include
Judicial Council Grant	12,479,655.77	\$9.1 million AB 1058, \$3.4 million other Judicial Council grants	25, 41-42, 44, 47-50	Non-WAFM & Items that Require Further Analysis, AB 1058 adjustment separate	Include
Federal Grant	2,201,575.99	Non-Judicial Council Grants	54	Item that Requires Further Analysis	Include
State Grant	154,041.48	Non-Judicial Council Grants	54	Item that Requires Further Analysis	Include
Local Government Grant	548,055.22	Non-Judicial Council Grants and Reimbursement Other	54 & 33	Item that Requires Further Analysis	Include
Private Grant	223,853.49	Non-Judicial Council Grants	54	Item that Requires Further Analysis	Include
Internal Service	1,927.04				
Internal Service	1,927.04	County Program - Restricted	32	Non-WAFM	Exclude
Proprietary	7,352,826.83				
Retiree Self Health Insurance	265,367.86	Trial court benefits	N/A	WAFM, but not OE&E	Exclude
Self Health Insurance	7,087,458.97	Trial court benefits	N/A	WAFM, but not OE&E	Exclude
Special Revenue	23,093,914.73				
2% Automation	2,318,921.44	Replacement of 2% Automation	8	WAFM	Include
Alternative Defense Program	1,604,793.59	County Program - Restricted	32	Non-WAFM	Exclude
Childrens Court Parking Fund	0.00	Other Miscellaneous	34	Non-WAFM	Exclude
Children's Waiting Room	3,810,596.39	Children's Waiting Room	29	Non-WAFM	Exclude
Court Reporter Salary Revolving Fund	0.00	Local Fees	52	Item that Requires Further Analysis	Include
Court Warrant System	58,250.17	Local Fees	52	Item that Requires Further Analysis	Include
Dispute Resolution (DRPA)	668,321.00	County Program - Restricted	32	Non-WAFM	Exclude
Donations - NTCTF	72,497.32	Mostly in Donations	56	Item that Requires Further Analysis	Include
Enhanced Collections	7,475,355.66	Enhanced Collections	31	Non-WAFM	Exclude
Grand Jury	293,601.27	County Program - Restricted	32	Non-WAFM	Further Review
Other County Service	854,787.36	County Program - Restricted & Reimbursement Other	32-33	Non-WAFM	Further Review
Pre-Trial Services	47,946.63	County Program - Restricted	32	Non-WAFM	Exclude
Service of Process	13,985.28	Mostly in Reimbursement Other	33	Non-WAFM	Exclude
Small Claims Advisory	41,732.28	County Program - Restricted	32	Non-WAFM	Exclude
Teen Court	12,857.48	Mostly Non-Fee Revenues	53	Item that Requires Further Analysis	Include
Traffic Violator Fee	243,743.47	Local Fees and other items	52	Item that Requires Further Analysis	Include
Court Facilities Maintenance Fund	3,425,242.51	Reimbursement Other	33	Non-WAFM	Further Review
Special Revenue Fund-Other	1,340,396.54	Mostly in Local Fees and other items	52	Item that Requires Further Analysis	Include
Automated Record/Micrographics	810,886.34	Automated Recordkeeping and Micrographics	12	WAFM	Include

357,060,278.38

337,227,795.78 WAFM

7,352,826.83 Non-WAFM

12,479,655.77 Items that Require Further Analysis

357,060,278.38 Total

WAFM Operating Expenses and Equipment Excluded Funds Options

#		FY 2015-16 WAFM OE&E (2011-12 Basis) ¹	NON-WAFM FUNDS EXCLUDED	
			One-Year Average (2014-15 Basis) ¹	Three-Year Average (2012-13 to 2014-15 Basis) ¹
		Col. A	Col. D	Col. E
1	OE&E per FTE			
2	<i>Cluster 1</i>	27,928.05	31,839.85	29,625.12
3	<i>Clusters 2 - 4</i>	20,287.27	21,884.09	20,691.80
4	FY 2015-16 RAS FTE Need			
5	<i>Cluster 1</i>	266	266	266
6	<i>Clusters 2 to 4</i>	18,337	18,337	18,337
7	FY 2015-16 OE&E Need			
8	<i>Cluster 1</i>	7,428,861	8,469,401	7,880,282
9	<i>Clusters 2 to 4</i>	372,007,614	401,288,582	379,425,537
10	Change from FY 2015-16 OE&E		30,321,508	7,869,344
11	<i>Cluster 1</i>	-	1,040,540	451,421
12	<i>Clusters 2 to 4</i>	-	29,280,968	7,417,923

¹ Basis refers to the fiscal year or years courts' 4th quarter Quarterly Financial Statement and Schedule 7A data was used.

Computation of Funding Need Using the 2015-2016 Workload-Based Allocation and Funding Methodology

		RAS II Model FTE Need ⁽¹⁾			FTE Need Multiplied by FTE Allotment Factor, Prior to BLS Adjustment			Adjust Base Dollars for Local Cost of Labor; Apply FTE Dollar Factor	
Cluster	Court	RAS Program 10 FTE Need	RAS Program 90 FTE Need	RAS Total FTE Need	RAS FTE Need multiplied by allotment factor ⁽²⁾	CEO Cluster Average Salary (as of 7/1/2014)	RAS FTE Need plus CEO, multiplied by Allotment Factor	BLS Factor ⁽³⁾	Pre-Benefits Adjusted Base
		A	B	C = (A + B)	D = (C-1)* Dollar Factor	E	F = D+E	G	H = (C-1)*BLS-Adjusted Dollar Factor + (E*G)
4	Alameda	517	84	601	\$34,122,403	222,872	34,345,275	1.42	48,824,340
1	Alpine	2	1	3	\$113,741	114,213	227,954	0.83	188,922
1	Amador	21	5	26	\$1,421,767	114,213	1,535,980	1.00	1,534,684
2	Butte	113	21	134	\$7,563,799	159,760	7,723,560	0.91	7,018,308
1	Calaveras	22	5	27	\$1,478,637	114,213	1,592,851	0.89	1,412,142
1	Colusa	15	3	18	\$966,801	114,213	1,081,014	0.71	830,674
3	Contra Costa	329	52	381	\$21,610,855	185,787	21,796,642	1.25	27,307,057
1	Del Norte	24	5	29	\$1,592,379	114,213	1,706,592	0.77	1,323,022
2	El Dorado	74	13	87	\$4,890,878	159,760	5,050,638	1.00	5,029,894
3	Fresno	461	72	533	\$30,255,197	185,787	30,440,984	0.99	30,097,800
1	Glenn	18	4	22	\$1,194,284	114,213	1,308,497	0.69	1,004,478
2	Humboldt	78	13	91	\$5,118,360	159,760	5,278,121	0.77	4,072,841
2	Imperial	117	21	138	\$7,791,282	159,760	7,951,042	0.78	6,223,496
1	Inyo	16	4	20	\$1,080,543	114,213	1,194,756	0.83	994,552
3	Kern	459	76	535	\$30,368,938	185,787	30,554,725	1.05	32,229,103
2	Kings	85	14	99	\$5,573,326	159,760	5,733,086	0.88	5,047,027
2	Lake	39	7	46	\$2,559,180	159,760	2,718,941	0.75	2,104,700
1	Lassen	23	5	28	\$1,535,508	114,213	1,649,721	0.80	1,325,655
4	Los Angeles	4,512	690	5,202	\$295,784,361	222,872	296,007,234	1.34	396,807,827
2	Madera	82	14	96	\$5,402,714	159,760	5,562,474	0.93	5,196,728
2	Marin	90	16	106	\$5,971,420	159,760	6,131,181	1.28	7,839,688
1	Mariposa	10	3	13	\$682,448	114,213	796,661	0.78	620,314
2	Mendocino	56	10	66	\$3,696,594	159,760	3,856,354	0.83	3,215,623
2	Merced	128	22	150	\$8,473,730	159,760	8,633,490	0.90	7,746,157
1	Modoc	8	2	10	\$511,836	114,213	626,049	0.60	465,486
1	Mono	10	3	13	\$682,448	114,213	796,661	1.15	915,428
3	Monterey	166	27	193	\$10,919,169	185,787	11,104,956	1.19	13,262,845
2	Napa	61	11	72	\$4,037,818	159,760	4,197,578	1.22	5,124,059
2	Nevada	45	9	54	\$3,014,146	159,760	3,173,906	0.97	3,075,266

Computation of Funding Need Using the 2015-2016 Workload-Based Allocation and Funding Methodology

		RAS II Model FTE Need ⁽¹⁾			FTE Need Multiplied by FTE Allotment Factor, Prior to BLS Adjustment			Adjust Base Dollars for Local Cost of Labor; Apply FTE Dollar Factor	
		RAS Program 10 FTE Need	RAS Program 90 FTE Need	RAS Total FTE Need	RAS FTE Need multiplied by allotment factor ⁽²⁾	CEO Cluster Average Salary (as of 7/1/2014)	RAS FTE Need plus CEO, multiplied by Allotment Factor	BLS Factor ⁽³⁾	Pre-Benefits Adjusted Base
Cluster	Court	A	B	C = (A + B)	D = (C-1)* Dollar Factor	E	F = D+E	G	H = (C-1)*BLS-Adjusted Dollar Factor + (E*G)
4	Orange	1,130	181	1,311	\$74,500,579	222,872	74,723,452	1.30	97,204,875
2	Placer	144	24	168	\$9,497,402	159,760	9,657,162	1.17	11,315,447
1	Plumas	11	3	14	\$739,319	114,213	853,532	0.70	653,271
4	Riverside	952	148	1,100	\$62,500,868	222,872	62,723,740	1.08	67,708,747
4	Sacramento	633	96	729	\$41,401,849	222,872	41,624,721	1.28	53,355,341
1	San Benito	22	5	27	\$1,478,637	114,213	1,592,851	0.98	1,566,846
4	San Bernardino	1,046	155	1,201	\$68,244,805	222,872	68,467,678	1.06	72,389,061
4	San Diego	1,108	169	1,277	\$72,566,976	222,872	72,789,849	1.17	85,488,910
4	San Francisco	339	51	390	\$22,122,691	222,872	22,345,564	1.68	37,551,796
3	San Joaquin	320	49	369	\$20,928,407	185,787	21,114,194	1.10	23,284,438
2	San Luis Obispo	132	22	154	\$8,701,213	159,760	8,860,973	1.07	9,498,700
3	San Mateo	241	39	280	\$15,866,917	185,787	16,052,704	1.44	23,191,014
3	Santa Barbara	183	32	215	\$12,170,324	185,787	12,356,111	1.17	14,406,369
4	Santa Clara	505	77	582	\$33,041,860	222,872	33,264,732	1.44	47,916,662
2	Santa Cruz	111	21	132	\$7,450,058	159,760	7,609,818	1.15	8,775,813
2	Shasta	120	28	148	\$8,359,989	159,760	8,519,749	0.85	7,278,801
1	Sierra	2	1	3	\$113,741	114,213	227,954	0.73	171,720
2	Siskiyou	29	6	35	\$1,933,603	159,760	2,093,363	0.69	1,610,377
3	Solano	192	30	222	\$12,568,418	185,787	12,754,205	1.20	15,342,291
3	Sonoma	198	33	231	\$13,080,254	185,787	13,266,041	1.17	15,469,541
3	Stanislaus	249	38	287	\$16,265,012	185,787	16,450,799	1.02	16,720,694
2	Sutter	52	10	62	\$3,469,111	159,760	3,628,871	0.95	3,462,702
2	Tehama	46	8	54	\$3,014,146	159,760	3,173,906	0.80	2,533,155
1	Trinity	10	3	13	\$682,448	114,213	796,661	0.65	603,900
3	Tulare	209	35	244	\$13,819,573	185,787	14,005,360	0.83	11,554,627
2	Tuolumne	32	6	38	\$2,104,215	159,760	2,263,975	0.83	1,870,908
3	Ventura	310	57	367	\$20,814,666	185,787	21,000,453	1.21	25,514,417
2	Yolo	87	16	103	\$5,800,808	159,760	5,960,569	1.03	6,113,301
2	Yuba	46	8	54	\$3,014,146	159,760	3,173,906	0.93	2,947,405
Statewide		16,040	2,563	18,603			1,064,129,817		1,286,339,245

NOTES:

(1) Estimated need based on 3-year average filings data from **FY 2011-2012 through FY 2013-2014**.

\$56,871

(2) Unadjusted base funding per RAS FTE, based on **FY 2014-2015 Schedule 7A** ; does not include collections staff, SJOs, CEO, security, n

(3) Bureau of Labor Statistics Cost of Labor adjustment based on Quarterly Census of Wages & Employment, three year average from . comparison based on Public Administration (North American Industrial Classification System, 92) unless proportion of state government year average of local and state salaries for Public Administration is used for comparison.

Computation of Funding Need Using the 2015-2016 Workload-Based Allocation and Funding Methodology

		Average Salary-Driven Benefits as % of Salary and Average Non-Salary-Driven Benefits Per FTE (From FY 2014-15 Schedule 7A)				Projected Benefits Expenses (Salary-driven benefits based on Adjusted Base)			OE&E (Based on Cluster Average OE&E / FTE) (Cluster 1: \$27,928; Clusters 2-4 \$20,287)	Remove AB 1058 staff/FLF costs (Using FY 2013-14 data)	Total WAFM Funding Need	Proportion of Total WAFM Estimated Funding Need
Cluster	Court	Average % of Salary-Driven Benefits (Program 10)	Average Actual Non-Salary-Driven Benefits per FTE (Program 10)	Average % of Salary-Driven Benefits (Program 90)	Average Actual Non-Salary-Driven Benefits per FTE (Program 90)	Benefits Needed for RAS Program 10 FTE Need	Benefits Needed for RAS Program 90 FTE Need	Total Benefit Need Based on RAS FTE Need	Estimated OE&E Needed (Excludes funding for operations contracts)			
						$L = (((B-1) * FTE \text{ Dollar} = (A * FTE \text{ Dollar Factor}) + E * G) * J1) + (B * J2)$			$M = (K + L)$	$N = C * OE\&E$	$O = (H + M + N) - O$	$P = P / \text{Statewide}$
		I1	I2	J1	J2	K		M	N	O	P	Q
4	Alameda	36.7%	\$14,096	35.6%	\$14,147	22,618,895	3,687,315	26,306,210	12,192,647	1,598,988	85,724,209	3.60%
1	Alpine	18.5%	\$23,750	18.5%	\$23,750	64,927	41,250	106,177	83,784	-	378,883	0.02%
1	Amador	25.7%	\$8,841	25.0%	\$10,239	492,527	136,657	629,184	726,129	116,005	2,773,992	0.12%
2	Butte	26.1%	\$12,252	26.1%	\$11,728	2,907,304	553,716	3,461,020	2,718,494	370,762	12,827,059	0.54%
1	Calaveras	21.6%	\$14,270	21.6%	\$17,439	553,445	152,606	706,051	754,057	155,288	2,716,963	0.11%
1	Colusa	39.8%	\$15,596	40.7%	\$16,353	497,302	117,839	615,141	502,705	67,730	1,880,790	0.08%
3	Contra Costa	54.2%	\$15,741	54.2%	\$18,402	17,879,053	3,050,808	20,929,861	7,729,449	1,120,477	54,845,890	2.30%
1	Del Norte	20.2%	\$24,226	20.2%	\$25,578	794,686	181,208	975,894	809,913	96,508	3,012,322	0.13%
2	El Dorado	21.5%	\$17,051	21.5%	\$16,480	2,164,106	394,821	2,558,926	1,764,992	333,647	9,020,166	0.38%
3	Fresno	68.6%	\$9,720	69.0%	\$9,193	22,275,773	3,544,650	25,820,424	10,813,113	1,654,214	65,077,123	2.73%
1	Glenn	30.6%	\$13,960	34.5%	\$16,761	494,443	139,802	634,245	614,417	204,360	2,048,781	0.09%
2	Humboldt	30.4%	\$9,188	30.4%	\$10,056	1,757,103	328,276	2,085,379	1,846,141	140,560	7,863,801	0.33%
2	Imperial	32.8%	\$4,926	34.2%	\$5,799	2,284,919	469,469	2,754,387	2,799,643	224,769	11,552,757	0.49%
1	Inyo	27.2%	\$13,930	22.8%	\$12,607	428,717	104,514	533,231	558,561	122,545	1,963,799	0.08%
3	Kern	55.9%	\$16,476	55.9%	\$16,476	22,967,999	3,879,002	26,847,001	10,853,688	1,214,661	68,715,131	2.89%
2	Kings	21.0%	\$8,921	24.6%	\$9,831	1,653,960	332,154	1,986,114	2,008,439	278,099	8,763,482	0.37%
2	Lake	20.7%	\$7,723	20.7%	\$7,804	657,959	134,437	792,396	933,214	153,026	3,677,284	0.15%
1	Lassen	20.0%	\$10,523	20.3%	\$11,354	452,452	112,587	565,039	781,985	77,644	2,595,035	0.11%
4	Los Angeles	25.7%	\$22,765	34.7%	\$19,875	190,947,036	32,033,477	222,980,513	105,534,363	7,200,581	718,122,121	30.17%
2	Madera	31.2%	\$12,584	31.2%	\$12,582	2,389,506	437,892	2,827,397	1,947,578	290,662	9,681,041	0.41%
2	Marin	28.2%	\$12,709	26.7%	\$12,709	2,987,654	549,712	3,537,366	2,150,450	221,581	13,305,924	0.56%
1	Mariposa	36.3%	\$10,026	37.1%	\$15,237	261,139	111,612	372,751	363,065	73,997	1,282,132	0.05%
2	Mendocino	44.9%	\$9,420	47.2%	\$9,480	1,719,317	359,388	2,078,705	1,338,960	183,022	6,450,265	0.27%
2	Merced	59.0%	\$14,835	60.0%	\$14,848	5,754,582	1,055,569	6,810,151	3,043,090	714,509	16,884,889	0.71%
1	Modoc	25.5%	\$12,586	25.5%	\$12,586	190,650	53,904	244,554	279,280	72,130	917,190	0.04%
1	Mono	34.5%	\$19,657	36.4%	\$21,622	421,743	160,231	581,974	363,065	64,871	1,795,596	0.08%
3	Monterey	19.3%	\$14,545	19.4%	\$16,507	4,593,398	830,642	5,424,040	3,915,443	425,711	22,176,616	0.93%
2	Napa	17.8%	\$19,706	18.4%	\$21,372	1,957,502	398,887	2,356,390	1,460,683	223,590	8,717,542	0.37%
2	Nevada	36.2%	\$12,328	37.5%	\$12,649	1,452,465	337,417	1,789,882	1,095,512	448,240	5,512,421	0.23%

Computation of Funding Need Using the 2015-2016 Workload-Based Allocation and Funding Methodology

		Average Salary-Driven Benefits as % of Salary and Average Non-Salary-Driven Benefits Per FTE (From FY 2014-15 Schedule 7A)				Projected Benefits Expenses (Salary-driven benefits based on Adjusted Base)			OE&E (Based on Cluster Average OE&E / FTE) (Cluster 1: \$27,928; Clusters 2-4 \$20,287)	Remove AB 1058 staff/FLF costs (Using FY 2013-14 data)	Total WAFM Funding Need	Proportion of Total WAFM Estimated Funding Need	
Cluster	Court	Average % of Salary-Driven Benefits (Program 10)	Average Actual Non-Salary-Driven Benefits per FTE (Program 10)	Average % of Salary-Driven Benefits (Program 90)	Average Actual Non-Salary-Driven Benefits per FTE (Program 90)	Benefits Needed for RAS Program 10 FTE Need	Benefits Needed for RAS Program 90 FTE Need	Total Benefit Need Based on RAS FTE Need	Estimated OE&E Needed (Excludes funding for operations contracts)				
		I1	I2	J1	J2	$L = \frac{K}{(A * FTE \text{ Dollar Factor}) + E * G * J1 + (B * J2)}$			N	O	P	Q	
						Factor * I1 + (A * I2)	+ (B * J2)		= (K + L)	= C * OE&E	= (H + M + N) - O		= P / Statewide
4	Orange	38.1%	\$11,036	38.4%	\$12,150	44,334,919	7,424,752	51,759,671	26,596,607	2,195,060	173,366,093	7.28%	
2	Placer	29.1%	\$19,829	29.1%	\$19,829	5,648,763	976,641	6,625,403	3,408,261	424,810	20,924,301	0.88%	
1	Plumas	28.6%	\$13,693	28.2%	\$17,914	289,415	101,154	390,568	390,993	135,453	1,299,380	0.05%	
4	Riverside	32.5%	\$9,553	32.3%	\$10,577	28,115,310	4,561,278	32,676,587	22,315,994	1,672,322	121,029,006	5.08%	
4	Sacramento	40.3%	\$19,032	41.2%	\$18,924	30,634,318	4,787,382	35,421,700	14,789,418	1,426,146	102,140,312	4.29%	
1	San Benito	23.3%	\$12,269	23.3%	\$16,695	556,700	161,792	718,492	754,057	164,879	2,874,516	0.12%	
4	San Bernardino	37.9%	\$8,332	40.7%	\$9,879	32,572,369	5,392,046	37,964,414	24,365,008	2,574,029	132,144,453	5.55%	
4	San Diego	56.8%	\$9,016	56.9%	\$9,929	52,017,923	8,206,947	60,224,870	25,906,840	2,478,229	169,142,391	7.11%	
4	San Francisco	32.3%	\$27,582	31.9%	\$27,568	19,829,556	3,047,603	22,877,159	7,912,034	1,271,943	67,069,047	2.82%	
3	San Joaquin	42.6%	\$13,107	44.4%	\$8,836	12,739,857	1,860,996	14,600,853	7,486,001	635,857	44,735,436	1.88%	
2	San Luis Obispo	41.5%	\$10,221	50.9%	\$10,374	4,691,723	967,572	5,659,295	3,124,239	387,296	17,894,938	0.75%	
3	San Mateo	42.7%	\$17,464	42.8%	\$14,572	12,670,394	2,018,300	14,688,694	5,680,435	590,688	42,969,454	1.81%	
3	Santa Barbara	39.5%	\$6,744	42.2%	\$7,575	6,024,689	1,201,465	7,226,154	4,361,762	479,947	25,514,338	1.07%	
4	Santa Clara	30.9%	\$23,911	30.8%	\$25,168	24,870,865	3,953,181	28,824,046	11,807,189	1,918,716	86,629,182	3.64%	
2	Santa Cruz	22.7%	\$16,282	22.7%	\$17,588	3,460,083	709,096	4,169,179	2,677,919	205,113	15,417,797	0.65%	
2	Shasta	22.2%	\$9,970	23.9%	\$12,482	2,490,804	695,083	3,185,887	3,002,516	513,547	12,953,657	0.54%	
1	Sierra	37.5%	\$17,520	37.5%	\$17,520	68,120	48,844	116,964	83,784	4,188	368,280	0.02%	
2	Siskiyou	28.2%	\$19,216	28.2%	\$17,008	917,988	195,536	1,113,524	710,054	330,897	3,103,058	0.13%	
3	Solano	32.3%	\$12,824	34.4%	\$14,711	6,703,206	1,200,956	7,904,161	4,503,773	591,286	27,158,939	1.14%	
3	Sonoma	43.9%	\$19,989	43.8%	\$19,951	9,722,513	1,683,193	11,405,706	4,686,359	686,985	30,874,621	1.30%	
3	Stanislaus	28.9%	\$17,882	29.4%	\$18,898	8,607,333	1,401,877	10,009,211	5,822,446	1,015,921	31,536,429	1.32%	
2	Sutter	31.4%	\$14,487	32.0%	\$18,269	1,639,745	387,918	2,027,663	1,257,811	239,056	6,509,119	0.27%	
2	Tehama	22.9%	\$17,076	22.9%	\$16,571	1,263,943	234,593	1,498,536	1,095,512	100,653	5,026,551	0.21%	
1	Trinity	31.8%	\$13,849	36.1%	\$13,908	278,738	100,459	379,198	363,065	55,255	1,290,907	0.05%	
3	Tulare	22.0%	\$18,427	22.7%	\$19,889	6,003,887	1,092,161	7,096,048	4,950,093	638,573	22,962,196	0.96%	
2	Tuolumne	27.2%	\$13,781	28.2%	\$13,806	850,098	186,273	1,036,371	770,916	235,699	3,442,496	0.14%	
3	Ventura	37.5%	\$9,200	40.4%	\$11,251	10,884,113	2,293,990	13,178,103	7,445,427	869,709	45,268,238	1.90%	
2	Yolo	32.4%	\$12,077	39.9%	\$19,656	2,692,841	729,366	3,422,208	2,089,588	230,666	11,394,431	0.48%	
2	Yuba	17.4%	\$11,152	17.4%	\$12,656	935,853	191,416	1,127,270	1,095,512	208,198	4,961,988	0.21%	

Statewide 645,136,627 109,501,708 754,638,335 379,436,474 40,129,299 2,380,284,755 100%

NOTES:

\$56,871 for vacant positions; in January 2014 the TCBAC approved a dollar factor adjustment for courts with fewer 2011 through 2013. Salaries of Local Government used for workers in total employment exceeds 50% in which case three-

Weighted Mean	OE&E \$ / FTE	Cluster 1
	\$27,928	Clusters 2-4
	\$20,287	

Item 3
Recommendations of the Ad Hoc Working Group on Fiscal Planning
(Action Item)

Issue

For the Trial Court Budget Advisory Committee's (TCBAC) consideration, the Ad Hoc Working Group on Fiscal Planning provides the recommendations listed below regarding retaining trial court funds exceeding the statutory cap of 1 percent on behalf of the trial courts in the Trial Court Trust Fund (TCTF).

Background

Government Code (GC) section 77203 was added as part of Senate Bill 1021 (Stats. 2012, ch. 41) and was later amended as was GC section 68502.5 to add subparagraph (c)(2)(A) by Senate Bill 75 (Stats. 2013, ch. 31):

77203. (a) Prior to June 30, 2014, a trial court may carry over all unexpended funds from the courts operating budget from the prior fiscal year.

(b) Commencing June 30, 2014, a trial court may carry over unexpended funds in an amount not to exceed 1 percent of the court's operating budget from the prior fiscal year. The calculation of the 1 percent authorized to be carried over from the previous fiscal year shall not include funds received by the court pursuant to the following:

- (1) Section 470.5 of the Business and Professions Code.
- (2) Section 116.230 of the Code of Civil Procedure, except for those funds transmitted to the Controller for deposit in the Trial Court Trust Fund pursuant to subdivision (h) of that section.
- (3) Subdivision (f) of Section 13963, Sections 26731, 66006, 68090.8, 70640, 70678, and 76223, subdivision (b) of Section 77207.5, and subdivision (h) of Section 77209.
- (4) The portion of filing fees collected for conversion to micrographics pursuant to former Section 26863, as that section read immediately before its repeal, and Section 27361.4.
- (5) Sections 1027 and 1463.007, subdivision (a) of Section 1463.22, and Sections 4750 and 6005, of the Penal Code.
- (6) Sections 11205.2 and 40508.6 of the Vehicle Code.

68502.5(c)(2) (A). When setting the allocations for trial courts, the Judicial Council shall set a preliminary allocation in July of each fiscal year. The preliminary allocation shall include an estimate of available trial court reserves as of June 30 of the prior fiscal year and each court's preliminary allocation shall be offset by the

amount of reserves in excess of the amount authorized to be carried over pursuant to subdivision (b) of Section 77203. 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 shall finalize allocations to trial courts and each court's finalized allocation shall be offset by the amount of reserves in excess of the amount authorized to be carried over pursuant to subdivision (b) of Section 77203.

Beginning June 30, 2014, GC section 77203 authorizes trial courts to carry over unexpended funds in an amount not to exceed 1% of the court's operating expenses from the prior fiscal year. The section also exempts certain funds from the calculation of the 1% authorized to be carried over from the prior fiscal year. GC section 68502.5(c)(2)(A) directed the Judicial Council, in setting allocations for the fiscal year, to reduce a trial court's allocation in the amount its prior fiscal year ending fund balance exceeded 1% of its prior fiscal year operating expenses. Courts are also allowed to exclude encumbered funds from the cap.

The TCBAC, at its meeting on July 6, 2015, established the Ad Hoc Working Group on Fiscal Planning (working group) to examine permitting trial court allocation amounts reduced as a result of a court exceeding the 1% fund balance cap to be retained in the TCTF for the benefit of that court. The working group was to develop fiscal planning and management guidelines regarding maintaining these retained amounts and how the courts would most effectively use the program. The working group was composed of:

- Winifred Younge Smith, Co-Chair, Judge, Superior Court of California, County of Alameda
- David H. Yamasaki, Co-Chair, CEO, Superior Court of California, County of Santa Clara
- Barry P. Goode, Judge Superior Court of California, County of Contra Costa
- Paul M. Marigonda, Judge, Superior Court of California, County of Santa Cruz
- Alan Carlson, CEO, Superior Court of California, County of Orange
- Stephen Nash, CEO, Superior Court of California, County of Contra Costa
- Michael M. Roddy, CEO, Superior Court of California, County of San Diego
- Brian Taylor, CEO, Superior Court of California, County of Solano
- Christina M. Volkers, CEO, Superior Court of California, County of San Bernardino

Mary Beth Todd, CEO, Superior Court of California, County of Sutter, was on the working group but recently retired. The working group met on August 5, October 29, November 13, and December 9, 2015, and on February 23, 2016 to develop recommendations for the process, criteria and required information for requesting funding reduced as a result of a court exceeding the 1% fund balance cap to be retained for the benefit of that court. At its December 9 meeting, the working group approved the following recommendations which were also provided by the

JCC Finance Director to the Department of Finance (DOF) and received positive feedback from DOF staff.

Recommendations

The working group is recommending that the TCBAC support the following recommendations for the process, criteria and required information for requesting funding reduced as a result of a court exceeding the 1% fund balance cap to be retained for the benefit of that court:

1. Approve the “Recommended Process for Trial Court Trust Fund Fund Balance Held on Behalf of the Courts” (see Attachment A). (Please note in item “e” of the recommended process that the working group is proposing an expenditure augmentation threshold beyond which would require courts to submit an amended request related to a request already approved by the Judicial Council, but is not recommending a specific threshold, the 10% being a placeholder for discussion.)
2. Approve the “Recommended Criteria for Eligibility for TCTF Fund Balance Held on Behalf of the Courts” (see Attachment A).
3. Approve the “Recommended Information Required to be Provided by Trial Courts for TCTF Fund Balance Held on Behalf of the Courts” (see Attachment A).

Attachment A, Summary of Recommended Process, Criteria and Required Information for Trial Court Trust Fund Fund Balance Held on Behalf of the Courts, provides a summary of all the recommendations proposed by the working group. Attachment B, Application for TCTF Funds Held on Behalf of the Court form reflects the recommendations proposed by the working group with the assumption that the TCBAC and council approves all the recommendations in this report.

Attachment

- A. Summary of Recommended Process, Criteria and Required Information for Trial Court Trust Fund Fund Balance Held on Behalf of the Courts
- B. Application for TCTF Funds Held on Behalf of the Court

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

- a. Trial Court Trust Fund fund balance will only be held on behalf of the trial courts for expenditures/projects that could not be funded by the court's annual budget or three-year encumbrance term and require multi-year savings in order to implement.
 - i. Categories/activities would include, but not limited to, projects that extend beyond the original planned 3-year term process, technology improvements/infrastructure, California Rule of Court 10.810 allowable facilities maintenance and repair, court efficiencies projects, and other court infrastructure projects.
- b. The submission, review, and approval process is:
 - i. All requests will be submitted to the Judicial Council for consideration;
 - ii. Requests will be submitted to the Administrative Director by either the court's presiding judge or court executive officer;
 - iii. The Administrative Director will forward the request to the Judicial Council of California's (JCC) Director of Finance;
 - iv. JCC Finance budget 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 a formal review body consisting of members from the Trial Court Budget Advisory Committee (TCBAC), the TCBAC subgroup will meet to review the request, hear the presentation, if any, of the court representative, and ask questions of the representative if one participates on behalf of the court, and JCC Finance office budget staff would issue a final report on behalf of the TCBAC subgroup for the council;
 - v. The final report to the TCBAC review subgroup and Judicial Council will be provided to the requesting court prior to the report being made publicly available on the California Courts website; and
 - vi. The court may send a representative to the TCBAC review subgroup and Judicial Council meetings to present its request and respond to questions from the TCBAC review subgroup and council.
- c. To be considered at a scheduled Judicial Council business meeting, requests must be submitted to the Administrative Director at least 40 business days (approximately eight weeks) ¹ prior to that business meeting.
- d. The Judicial Council may consider including appropriate terms and conditions that courts must accept in order for the council to approve designating TCTF fund balance on the court's behalf.
 - i. Failure to comply with the terms and conditions 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.
- e. Approved requests that courts subsequently determine need to be revised to reflect a change in the amounts by year to be distributed to the court for the planned annual expenditures and/or

¹ For the June JC meeting requests to place an item on the JC meeting agenda and draft reports need to be submitted almost six weeks before the meeting. Given staff analysis, generation of the report to a TCBAC subgroup, scheduling a meeting of the subgroup, and generating a report from the subgroup, 40 business days is still a tight timeline. Supplemental funding requests, whose process was developed before the opening meeting rules, has a 25 business day timeline.

encumbrances, the total amount of the planned expenditures, or a change of more than 10%² of the total request among the categories of expense will need to submit an amended request following the submission, review, and approval process discussed in a, b, and c above.

- i. 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.
- f. Approved requests that courts subsequently determine have a change in purpose will need to submit a new request following the submission, review, and approval process discussed in a, b, and c above and request 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.
 - i. 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.
- g. Upon 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.
- h. 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

Trial Court Trust Fund fund balance will only be held on behalf of the trial courts for expenditures/projects that could not be funded by the court's annual budget or three-year encumbrance term and require multi-year savings in order to implement.

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

Below is the proposed information required to be provided by trial courts for TCTF Fund Balance Held on Behalf of the Courts.

General Information

- a. Superior court;
- b. Date of submission;
- c. Person authorizing the request;
- d. Contact person and contact information;
- e. Time period covered by the request (includes contribution and expenditure);
- f. Requested amount;
- g. A description providing a brief summary of the request;
- h. For amended requests only, sections and answers amended and a summary of changes to request;

Trial Court Operations and Access to Justice

² Placeholder.

- i. An explanation as to why the request does not fit within the court's annual operational budget process and the three-year encumbrance term;
- j. How will the request enhance the efficiency and/or effectiveness of court operations, and/or increase the availability of court services and programs?
- k. If a cost efficiency, please provide cost comparison (*table template provided for cost comparison*).
- l. Description of the consequences to the court's operations if the court request is not approved;
- m. Description of the consequences to the public and access to justice if the court request is not approved;
- n. What alternatives has the court identified if the request is not approved by the Judicial Council and why is holding funding in the TCTF the preferred alternative?

Financial Information

- o. Three-year history of year-end fund balances, revenues, and expenditures (*table template provided*);
- p. Current detailed budget projections for the fiscal years 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*);
- q. Identification of all costs, by category and amount, needed to fully implement the project (*table template provided*);
- r. A specific funding and expenditure schedule identifying the amounts to be contributed and expended, by fiscal year (*table template provided*).

APPLICATION FOR TCTF FUNDS HELD ON BEHALF OF THE COURT

Please check the type of request:

 NEW REQUEST (Complete Section I, III, and IV only.) **AMENDED REQUEST** (Complete Sections I through IV.)**SECTION I: GENERAL INFORMATION****SUPERIOR COURT:**

Click to enter County

PERSON AUTHORIZING REQUEST (Presiding Judge or Court Executive Officer):**CONTACT PERSON AND CONTACT INFO:****DATE OF SUBMISSION:**

Click here to enter a date.

TIME PERIOD COVERED BY THE REQUEST (INCLUDES CONTRIBUTION AND EXPENDITURE):**REQUESTED AMOUNT:**

\$

REASON FOR REQUEST

(Please briefly summarize the purpose for this request, including a brief description of the project/proposal. Please use attachments if additional space is needed.)

SECTION II: AMENDED REQUEST CHANGES

- A. Identify sections and answers amended.
- B. Please provide a summary of the changes to the request.

SECTION III: TRIAL COURT OPERATIONS AND ACCESS TO JUSTICE

- A. Provide an explanation as to why the request does not fit within the court's annual operational budget process and the three-year encumbrance term.

APPLICATION FOR TCTF FUNDS HELD ON BEHALF OF THE COURT (Continued)

SECTION III (continued): TRIAL COURT OPERATIONS AND ACCESS TO JUSTICE

- B. How will the request enhance the efficiency and/or effectiveness of court operations, and/or increase the availability of court services and programs?
- C. If a cost efficiency, please provide cost comparison (table template provided).
- D. Description of the consequences to the court's operations if the court request is not approved.
- E. Description of the consequences to the public and access to justice if the court request is not approved.
- F. What alternatives has the court identified if the request is not approved by the Judicial Council and why is holding funding in the TCTF the preferred alternative?

SECTION IV: FINANCIAL INFORMATION

Please provide the following:

- A. Three-year history of year-end fund balances, revenues, and expenditures (table template provided).
- B. Current detailed budget projections for the fiscal years 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).
- C. Identification of all costs, by category and amount, needed to fully implement the project (table template provided).
- D. A specific funding and expenditure schedule identifying the amounts to be contributed and expended, by fiscal year (table template provided).

Item 5
Recommendations of the Court-Appointed Counsel Funding Allocation Methodology Joint
Subcommittee
(Action Item)

Issue

Consider the joint subcommittee's recommendations regarding a new funding allocation methodology for court-appointed dependency counsel.

Background

The joint subcommittee provided the Judicial Council a preview of its recommendations at the council's February 26, 2016 business meeting as an informational item, to inform the council of the joint subcommittee's progress towards meeting the April 2016 deadline for providing recommendations to the council.

The subcommittee's recommendations are contained in a draft report to the Judicial Council for consideration at the council's April 15, 2016 business meeting (see Attachment 5A). The Family and Juvenile Law Advisory Committee adopted the recommendations contained in the draft report on February 18, 2016.



JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue · San Francisco, California 94102-3688

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: April 14-15, 2016

<p>Title</p> <p>Juvenile Dependency: Court-Appointed Dependency Counsel Workload and Funding Methodology</p> <p>Recommended by</p> <p>Trial Court Budget Advisory Committee Family and Juvenile Law Advisory Committee Joint Subcommittee on Court-Appointed Dependency Counsel Workload and Funding Methodology Hon. Mark A. Cope, Cochair Hon. Jerilyn L. Borack, Cochair</p> <p>Don Will, Judicial Council Center for Families, Children & the Courts Steven Chang, Judicial Council Finance</p>	<p>Agenda Item Type</p> <p>Action Required</p> <p>Effective Date</p> <p>April 15, 2016</p> <p>Date of Report</p> <p>February 10, 2016</p> <p>Contact</p> <p>Don Will 415-865-7557 don.will@jud.ca.gov</p>
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Executive Summary

On April 17, 2015, the Judicial Council approved recommendations of the Trial Court Budget Advisory Committee (TCBAC) to change the methodology used to allocate annual funding for court-appointed dependency counsel among the courts. The purpose was to provide a more equitable allocation of funding among the courts. Rather than using historical funding levels dating back to the adoption of state trial court funding, the new funding methodology is based on the caseload-based calculation of funding for each court provided by the workload model approved by the Judicial Council through the *DRAFT Pilot Program and Court-Appointed Counsel* report of October 26, 2007. One of the recommendations approved by the Judicial

Council was that a joint working group of the TCBAC and the Family and Juvenile Law Advisory Committee be formed to review that workload model for possible updates and revisions. After extensive review and public comment, the subcommittee recommends these adjustments to the workload model for consideration by the advisory committees.

Recommendation

The subcommittee was charged with reviewing the workload model for court-appointed dependency counsel and including eight specific issues in its review. In addition the subcommittee determined that to update the workload model, one additional issue needed to be reviewed.

Issues in Judicial Council Charge

1. *Whether attorney salaries should continue to be based on an average salary by region, or whether another method should be used such as an individual county index of salaries. (7.a. in Judicial Council report of April 17, 2015).*

Recommendation:

That attorney salaries used in workload model estimates be based on two factors: (1) the median salary for the first-tier range for county counsel in all counties; and (2) the Bureau of Labor Statistics (BLS) Category 92 index that is used in the Workload Allocation Funding Model (WAFM).

2. *Whether the attorney salaries used in the model should be updated (7.b.).*

Recommendation:

That attorney salaries used in the model be updated for each county using the statewide median county counsel salary and the BLS Category 92 index.

3. *Whether the calculation for benefits costs in the model is accurate or if it should be changed (7.c.).*

Recommendation:

That benefits costs not be calculated directly by any formula, but that the costs be estimated as 15 percent of total costs or 33 percent of salary costs.

4. *Whether the calculation for overhead costs in the model is accurate or if it should be changed (7.d.).*

Recommendation:

That the calculation for overhead costs be revised as follows:

- a) Salaries for line attorneys are calculated using the sources described in recommendations 1 and 2 and comprise 45 percent of the total cost.
- b) All nonsalary costs (benefits and overhead) comprise 55 percent of the total cost and be estimated on a statewide level as follows:
 - i. Social worker/investigator/paralegal staff 10%
 - ii. Other salaried workers 15%
 - iii. Benefits 15%
 - iv. Operating costs 15%.

5. *Whether the state child welfare data reported through the University of California, Berkeley accurately represents court-supervised juvenile dependency cases in each county, or whether court filings data or another source of data be used (7.e.).*

Recommendation:

That annual child caseload will be determined for each court using a weighted metric derived from a court's percentage of total original dependency filings and the court's percentage total of child welfare caseload; that the child caseload metric be weighted by 30% of court filings and 70% of child welfare caseload; and that the caseload metric use a rolling average composed of the previous three years.

6. *Whether the ratio used to estimate parent clients in the model is accurate or if it should be changed (7.f.).*

Recommendation:

That the ratio used to estimate parent clients continue to be estimated using the multiplier of 0.8 parent case per 1.0 child case.

7. *Whether a modified methodology be used for funding small courts (7.g.).*

Recommendation:

That a program be established for providing emergency funding to small courts experiencing unexpected short-term caseload increases.

8. *Whether dependency counsel funding should be a court or county obligation (7.h.).*

Recommendation:

That dependency counsel funding is established in statute as a court function.

Additional Workload Model Issues

9. *The subcommittee determined that to review and update the workload model, it needed to consider the caseload standard of 188 cases per attorney when the attorney is supported by a .5 full-time equivalent investigator or social worker.*

Recommendation:

That the caseload standard be set at the alternate standard that is included in the 2007 workload model: 141 cases per attorney without considering investigator or social worker support.

10. *The subcommittee determined that the current workload model is based on data on attorney workload from 2002 and that many of its assumptions are outdated and not supported by current data.*

Recommendation:

That the Family and Juvenile Law Advisory Committee consider a comprehensive update of the attorney workload data and time standards in the current workload model. Since any updates to the workload data and time standards will uniformly impact all trial courts, this pending work should not slow or delay the remaining three-year, phase-in period previously approved by the Judicial Council for implementing the new dependency counsel funding methodology. Rather this recommendation recognizes that a comprehensive update could not be completed within the time frame set by the Judicial Council for final report from the joint committees.

Previous Council Action

Court-appointed dependency counsel became a state fiscal responsibility in 1989 through the Brown-Presley Trial Court Funding Act (SB 612/AB 1197; Stats. 1988, ch. 945) which added section 77003 to the Government Code, defined “court operations” in that section as including court-appointed dependency counsel, and made an appropriation to fund trial court operations.

In 2001, the Judicial Council incorporated caseload standards, training requirements and guidelines for appointment of counsel for children into California Rules of Court 5.660; and directed Judicial Council staff to undertake a study to identify caseload standards for attorneys representing both parents and children. (April 17, 2001: Counsel for Children (amend Cal. Rules of Court, rule 1438). As a result, in 2002 the Judicial Council contracted with the American Humane Association to conduct a quantitative caseload study of court-appointed dependency counsel based on an assessment of the duties required as part of representation and the amount of time needed to perform those tasks. The study was overseen by the Judicial Council Court-Appointed Counsel Caseload Study Working Group. In 2007, based on analysis conducted through the caseload study and through the DRAFT (Dependency Representation,

Administration, Funding and Training) pilot program, implemented by the Judicial Council in 2004 (June 15, 2004: Court-Appointed Counsel: Caseload Standards, Service Delivery Models, and Contract Administration), the Judicial Council adopted a court-appointed counsel caseload standard of 188 clients per attorney with .5 investigator complement; and based on the caseload standard adopted a caseload funding model which calculates funding requirement for each trial court. The Council also requested the Trial Court Budget Working Group to develop an allocation methodology to allocate any Statewide Appropriation Limit (SAL) funding or other new funding to courts by need. (October 26, 2007: DRAFT Pilot Program and Court-Appointed Counsel). In 2008, the Judicial Council submitted a report to the California Legislature on *Dependency Counsel Caseload Standards*. The report acknowledged the need to reduce attorney caseloads to improve the quality of representation for children and parents, thereby enhancing the likelihood of improved permanency and well-being outcomes for children and families; and also highlighted the need for significant additional funding to implement the standards.

In 2010, the Council adopted the Trial Court Budget Working Group recommendation to establish a court-appointed counsel funding baseline of \$103.7 million through a two-year phased reduction. In 2015, Judicial Council approved recommendations of the Trial Court Budget Advisory Committee to reallocate funding for court-appointed counsel among the trial courts based on the caseload funding model. One of the recommendations approved by the Judicial Council at this time was that a joint working group of the TCBAC and the Family and Juvenile Law Advisory Committee be formed to review that workload model for possible updates and revisions. (April 17, 2015: Juvenile Dependency: Court-Appointed Counsel Funding Reallocation).

Rationale for Recommendations

Background

The Judicial Council adopted a caseload funding model for court-appointed dependency counsel in 2007. The model includes these components:

- A caseload standard of 188 clients per attorney with a .5 investigator/social worker/paralegal complement;
- Attorney salary ranges by economic regions; and
- A method for calculating overhead costs for attorney representation.

This model has been used since 2008 to estimate the number of full-time-equivalent (FTE) dependency attorneys required to meet the statewide needs of parents and children in dependency, and to calculate the total statewide funding need for court-appointed counsel. In fiscal year 2014-2015, the Trial Court Budget Advisory Committee appointed a working group to examine the allocation of dependency counsel funding among the courts. While the caseload funding model calculates a funding need for each court, the actual budgets for each court have been based almost entirely on historical funding levels since the implementation of trial court funding. Based on the work of the subcommittee, the Committee recommended to the Judicial Council that court budgets for dependency counsel be based on funding need as

calculated by the existing caseload funding model, and recommended a four year, phased in reallocation of funding to meet that goal. The Judicial Council approved these recommendations in April 2015.

During this process many Working Group and later Committee members pointed out in discussion that the existing caseload funding model was outdated, using data collected between 2002 and 2007, and included many assumptions about attorney workload, pay ranges, and overhead calculations that needed to be revisited. These points were echoed in considerable public comment. As a result, the Committee recommended and the Judicial Council approved that a joint subcommittee of the Trial Court Budget Advisory Committee and the Family and Juvenile Law Advisory Committee be appointed to review and recommend changes to the existing workload model by April 2016. The Judicial Council directed that the Committees include these items in their review:

- Whether attorney salaries should continue to be based on an average salary by region, or whether another method should be used such as an individual county index of salaries;
- Whether the attorney salaries used in the model should be updated;
- Whether the calculation for benefits costs in the model is accurate or if it should be changed;
- Whether the calculation for overhead costs in the model is accurate or if it should be changed;
- Whether the state child welfare data reported through U.C. Berkeley accurately represents court-supervised juvenile dependency cases in each county, or whether court filings data or another source of data be used;
- Whether the ratio used to estimate parent clients in the model is accurate or if it should be changed.
- Whether a modified methodology be used for funding small courts.
- Whether dependency counsel funding should be a court or county obligation.

The joint subcommittee held seven meetings, two of them in-person, between July 2015 and February 2016. To support the discussions of the workload model, Judicial Council staff conducted two statewide surveys of attorney providers, four focus groups of dependency line attorneys inquiring into their workload and concerns, a web-based survey of county counsel salary ranges, and a data analysis of attorney workload data derived from the case management system used by the attorneys in the Dependency Representation, Administration, Funding, and Training (DRAFT) program. Extensive public comment was provided at the subcommittee meetings and also at a stakeholders meeting held at a statewide conference and attended by attorneys and subcommittee members.

The subcommittee noted at the outset that the existing caseload funding model was based on very extensive original research, much of it conducted by research contractors, and it had neither time nor resources to conduct similar studies. The subcommittee also noted that this being the case, much of the data it had access to was administrative data on attorney practice. This data will reflect current practice in the state, but not necessarily best or efficient practice. The

subcommittee made an effort to remedy this by reviewing best practice standards from the American Bar Association, and conducting the qualitative research described above. The subcommittee also recommends that the research and analysis required to create a workload model that is rooted in good practice continue as a part of the work of the Family and Juvenile Law Advisory Committee.

Attorney Salaries (Recommendations 1—2)

In the existing workload model, attorney salaries are the key cost variable. The caseload estimate for a court (recommendations 5—6) in conjunction with the caseload standard (recommendation 9) yields the number of full time equivalent attorneys required to represent the parents and children in that court. The attorney salary for the court is then used to calculate the total cost of the representation, and additional costs (other staff, benefits, operating costs) are calculated as a percentage of the total attorney cost.

The subcommittee reviewed the Judicial Council and legislative reports establishing the workload model, and attorney salaries and allocation of other costs. The original survey of entry-to-midlevel county counsel salaries in all counties was updated using county salary listings and job announcements posted on the internet (Appendix 1). Staff also conducted a survey of court-appointed dependency provider organizations and solo practitioners to obtain current information on salaries and overhead costs. The subcommittee also reviewed the Bureau of Labor Statistics governmental salary index for California that is used in the WAFM process.

The subcommittee reviewed salary averages from the county counsel and current provider surveys and compared them to the regional salaries now used in the workload model. The committee also reviewed the impact of indexing salaries to the BLS index or to a consolidated form of the economic regions used by the Employment Development Department.

The subcommittee compared information reported on salary, benefits and operating costs to the original caseload funding model; and also reviewed how those allocations differ by organizational model and size.

Recommendation 1 addresses the sources of data used to calculate attorney salaries. The existing workload model used several sources to estimate the cost of attorney compensation. These included a survey of county counsel salaries, a survey of DRAFT provider salaries and costs, and a consultant study that grouped courts by cost of living factors into economic regions. Courts were grouped into four economic regions, and salary ranges were set in lower, mid-range, and upper level tiers. These economic regions are not used in any other Judicial Council budget or workload process. The salaries set through this process have not changed since 2007.

Since the workload model was finalized in 2007, the Judicial Council adopted the Workload-based Allocation and Funding Model (WAFM) that established a standardized methodology for

indexing cost-of-living throughout the state.¹ Courts use the Bureau of Labor Statistics current index for local and state government personnel costs for California counties.

The subcommittee determined that two data sources should be used: current county counsel salaries at the median of the entry-level or first range reported by counties, and the Bureau of Labor Statistics current index. County counsel represent the child welfare department in dependency proceedings and are roughly parallel in skills and experience to court-appointed dependency counsel. County counsel salary information is publically available, so that the workload model can be updated regularly.

Using the BLS index used in the WAFM model provides a way to adjust the median salary to each county's governmental salary market that is consistent with full-time equivalent court personnel adjustments in WAFM. The BLS index is also updated each year and publically available, so that the workload model can be updated regularly.

Benefits and Overhead Calculations (Recommendations 3--4)

There are numerous models of dependency counsel provision among attorneys and organizations around the state. They range from solo practitioners who charge hourly fees to complex non-profit, for-profit, and governmental organizations. The current workload model sets a total funding need for each court by using a standard cost model based on mid-sized to large attorney firms². This cost model has these assumptions:

- a. The number of attorneys required is derived from a caseload of 188 cases per 1.0 attorney FTE with social worker/investigator staff support;
- b. Attorney salaries are set at the middle level of the regional salary tiers;
- c. Supervising attorneys are included at .15 per 1.0 attorney FTE;
- d. Supervisor salaries are set at the upper level of the regional salary tiers;
- e. Social worker/investigators are included at .5 per 1.0 attorney FTE;
- f. Investigator salaries are set at \$55,000 annually, regardless of economic region;
- g. Support staff is included at .33 per each 1.0 attorney FTE;
- h. Support staff salaries are set at \$30,000 annually, regardless of economic region;
- i. Benefits are estimated at 25% of all salaries;
- j. Other operating costs are estimated at an additional 7% of total personnel.

The subcommittee's finding from the survey of attorney firm managers on their budget and organization was that court-appointed dependency counsel use very different organizational models. There is no single method of calculating financial need for court-appointed counsel that accounts for all the variance in organizational models and local costs. Nor is the workload model

¹ Report to the Judicial Council, April 26, 2013 - <http://www.courts.ca.gov/documents/jc-20130426-itemO.pdf>

² Dependency Counsel Caseload Standards, A Report to the California Legislature, 2008 (page 19). In materials to Subcommittee June 19, 2015 meeting: <http://www.courts.ca.gov/documents/famjuv-tcbac-20150716-materials.pdf>.

meant to be prescriptive for attorney firms. Rather, the model should provide a means for calculating a total financial need that courts and attorney firms can then implement through a variety of service models.

For that reason the subcommittee does not recommend methods of calculating benefits, rent, supervisory costs, or other factors that are highly specific or dependent on local factors and organizational models. Instead, line attorney salaries calculated using the method described in Recommendations 1—2 above provide a base funding that accounts, through application of the BLS index, for local costs. Setting a proportion for all other costs at 55% of the total means that benefits, rent, and all other costs are also driven by the BLS index and thus adjusted for local costs.

The subcommittee arrived at the percentages for estimated benefits and overhead costs by reviewing the attorney organization survey and comparing reported allocations of direct costs and overhead to the assumptions implicit in the workload model. The following table compares the data reviewed to the final recommendation.

Table x. Allocation of Direct and Indirect Costs: Attorney Organization Survey, Existing Caseload Funding Model and Recommendation

	Staffed attorney firm: Large (n=5)	Staffed attorney firm: Med-sized (n=5)	Governmental Agency (n=4)	Existing Caseload Model (2007)	Recommendation (2016)
Line attorneys	39%	41%	42%	47%	45%
Social workers/ Investigators	5%	5%	5%	13%	10%
Other salaried	25%	18%	15%	5%	15%
Benefits	13%	7%	20%	15%	15%
Contract attorneys	1%	7%	4%	0%	0%
Operating costs	17%	18%	12%	20%	15%
	100%	100%	100%	100%	100%

Caseload (Recommendations 5—6)

For the purposes of the workload model, juvenile dependency caseload should estimate the number of cases that require the appointment of a court-appointed attorney in each court. This number should include both children and parents who require representation. The two statewide

data collection systems that report dependency case numbers at least annually are the California Department of Social Services Child Welfare Services Case Management System (CWS/CMS) and the Judicial Branch Statistical Information System (JBSIS).

Both systems define a case as an individual child or youth. A child in foster care is counted as a single case, a group of three siblings in foster care is counted as three cases. All courts report original and subsequent dependency filings to JBSIS. Through CWS/CMS, each county child welfare agency records each case under the supervision of the child welfare agency. This includes cases on voluntary supervision, and supervision after dismissal of dependency. Five years ago, at the request of the Judicial Council, CWS/CMS reports began including a filter so that only cases under court supervision would be counted. (This filter is discussed below.) CWS/CMS reports total cases annually, and provides a point-in-time snapshot of cases quarterly. CWS/CMS contracts with the University of California, Berkeley Center for Social Services Research to analyze the statewide data, prepare longitudinal files, and post state and county level reports on the UC Berkeley website.

The current workload model used to determine the total funding need that court-appointed dependency counsel uses the CWS/CMS point-in-time reports.

There is no statewide source of data for the number of parents represented in each court. The current workload model uses a multiplier of .82 parents represented per child case. This ratio was calculated using data from a 2002 time study of attorneys.³

The subcommittee reviewed a comparative analysis of court filings from JBSIS and child welfare data from CWS/CMS (Appendix 2). The analysis reviewed by the subcommittee included information about the stability of each data source from year to year, how the two data sources are correlated, and differences in how courts rank by total proportion of original dependency filings reported versus child welfare cases reported⁴.

The subcommittee also heard a presentation from the managers of the California Department of Social Services CWS/CMS system and the UC Berkeley Center for Social Services Research on the state child welfare case management system and reports. Much of the discussion centered on the fact that the court-supervision data field was not one of the required fields in the CWS/CMS system and in the managers' opinion, was likely to be used inconsistently across counties. The original research from 2002-2003 on whether caseloads should be weighted by sibling groups and current data on non-minor dependents was also reviewed. Finally, data available

³ In 2002, the Judicial Council contracted with the American Humane Association to conduct a quantitative caseload study of trial-level court-appointed dependency counsel based on an assessment of the duties required as part of representation and the amount of time needed to perform those duties.

⁴ Full materials available in Subcommittee materials for July 16, 2015 meeting at <http://www.courts.ca.gov/documents/famjuv-tcbac-20150716-materials.pdf>.

from DRAFT program⁵ counties was presented to show both the variance in the proportion of child and parent cases in each county.

Advantages of using the counts from the child welfare system include using data from a statewide uniform case management system with a common set of data entry standards and using data that can be reported longitudinally (thus providing a snapshot of cases under supervision at a given time). Disadvantages include the fact that local courts have no control over ensuring the accuracy of the data being reported.

Advantages of using the counts from the JBSIS filings include the control and accountability that derive from using court data to determine court dependency counsel budgets. Disadvantages include the fact that filing counts do not provide a snapshot caseload measure but only a count of case entries.

The subcommittee recommends that the workload model continue to use the child welfare caseload numbers, but that these be combined with JBSIS dependency filings to gain the advantages from both data sources. The subcommittee reviewed a range of models combining child welfare and JBSIS counts, and recommends a combination of 70% child welfare filings and 30% JBSIS filings.

The subcommittee also reviewed data on the number of parent cases in the system and found that, consistent with public comment, there is wide variance among courts in the ratio of parent to child clients. However, the overall ratio in courts able to provide complete caseload data remained approximately .8 parent to 1.0 child client, the ratio set in the 2007 report.

Small courts (Recommendation 7)

The subcommittee reviewed data that confirmed that caseload fluctuations of greater than 10 percent, which can be absorbed within the budgets of larger courts, can represent a large proportion of a small court's entire dependency budget⁶.

The subcommittee discussed whether a minimum level of funding should be provided for small courts. Most small courts are currently able to establish contracts or hourly pay agreements for dependency counsel so the necessity of minimum funding did not seem established. Caseload fluctuations could be addressed by an application process for additional funds. The subcommittee reviewed data on caseload fluctuations in courts divided into two ranges: those with a census of 0-99 children in dependency, and those with 100-199 children. The data showed that about one-half of courts in both groups experience an increase of more than 10 percent in

⁵ The Dependency Representation, Administration, Funding and Training (DRAFT) Program is a program in which the Judicial Council is responsible for direct attorney contracting and service administration for dependency counsel services in select counties.

⁶ Of the five smallest courts experiencing increases, the estimate of the increase as a proportion of their budget as calculated by the workload model (not actual budget) was Sierra 82%, Inyo 30%, Amador 20%, Plumas 19% and Trinity 2%.

child caseload annually⁷. These increases are frequently balanced by subsequent decreases in the following year (Appendix 3)⁸. Assuming that courts can absorb up to a 10 percent caseload increase, these increases yielded, in FY 2014-2015, approximately 91 child cases over and above a 10 percent increase. Applying the multiplier for parents of 1.8, this totals 164 cases that would be eligible for special funding. Applying a statewide average cost per case of \$875 per year yields a total of \$143,500 to be reserved in the court-appointed counsel statewide budget for this purpose.

The subcommittee discussed making the application process as simple as possible for courts, with minimal requirements for staff to evaluate. These criteria are proposed to make the staff review of proposals straightforward:

- That small courts be defined as those courts with 200 or fewer children in dependency. Twenty-two courts met this definition in FY 2014-2015.
- That short term caseload increase be defined as an increase of greater than 10 percent in current child caseload as measured against the child caseload average of the preceding two years.
- That funding be defined as the average funding per case in the court, calculated by this workload model and available funding, applied to the number of cases that have increased over 10 percent of the court's average.
- That "program" in the recommendation be defined as a program administered by Judicial Council staff that consists of a process for a court to demonstrate its increased caseload, the staff to verify that the increase meets the 10 percent guideline above, and provision to the court of the annual average cost per case for the cases meeting the guidelines.

The subcommittee notes that the approximately \$150,000 it estimates is required for this recommendation is more than the \$100,000 that the Judicial Council approved for small court cost overruns in its April, 2015 reallocation model. The subcommittee also recommends that the Trial Court Budget Advisory Committee consider a process as part of the court-appointed dependency counsel budget to replenish the \$150,000 if it is expended before the end of the fiscal year.

Court or county obligation (Recommendation 8)

The subcommittee reviewed the legislative history of court-appointed dependency counsel funding in the trial courts. As a result of the enactment of Senate Bill 1195 (Stats. 1986, ch. 1122), the California Senate Select Committee on Children & Youth convened a task force (the

⁷ Child caseloads are the only figure available on a statewide basis in a timely enough way to both verify a court's request and provide assistance within the fiscal year.

⁸ Long term increases in caseload will be accounted for each year when the workload model is run on data from the prior year, and new budget figures generated.

SB 1195 Task Force) to make recommendations to the Legislature to improve coordination among child abuse reporting statutes, child welfare services, and juvenile court proceedings. At the same time, the Legislature was engaged in the Trial Court Funding Program, a multiyear process to promote a more uniform level of judicial services throughout California and to relieve some of the fiscal pressures on county governments. (See Trial Court Funding Act of 1985; Stats. 1985, ch. 1607.)

Among its proposals to amend juvenile court law, the Task Force recommended that both children and parents should receive legal representation once court intervention was determined necessary to protect a child.⁹ The Legislature took the first step toward providing legal representation in dependency proceedings in Senate Bill 243 (Stats. 1987, ch. 1485), which added section 317 to the Welfare & Institutions Code to require appointment of counsel both for an indigent parent whose child had been placed in out-of-home care and for a child who, in the opinion of the court, would benefit from that appointment.¹⁰ (*Id.*, § 21.) The operation of this dual mandate was deferred to January 1, 1989, and conditioned on the enactment of legislation providing funding for trial court operations and defining “court operations” to include the services of court-appointed dependency counsel. (*Id.*, § 53.)

That same year, the Legislature enacted Senate Bill 709 (Stats. 1987, ch. 1211), which made operative the Trial Court Funding Act. Section 41 of SB 709 defined “court operations” eligible for state block grants contingent on the availability of funding to include “court-appointed counsel in juvenile court dependency proceedings.” In 1988, the Brown-Presley Trial Court Funding Act (Assem. Bill 1197 [Stats. 1988, ch. 944]; Sen. Bill 612 [Stats. 1988, ch. 945]) amended the trial court funding structure and secured state appropriations to reimburse the costs of trial court operations, including dependency counsel, at the option of each county.

In the years leading up to the Lockyer-Isenberg Trial Court Funding Act (Assem. Bill 233; Stats. 1997, ch. 850), the Legislature steadily increased funding for court operations. It also took steps to strengthen the voice of children in dependency proceedings. Perhaps most significant was the recognition of children as full parties to dependency proceedings and the entitlement of all represented parties to competent counsel in 1995. (Sen. Bill 783; Stats. 1994, ch. 1073.) The Lockyer-Isenberg Act, which established mandatory, direct state trial court funding, retained court-appointed dependency counsel in the definition of “court operations” in section 77003 of the Government Code. It remains there today.

In 2013 the joint judicial branch-executive branch Trial Court Funding Workgroup recommended that the branch continue its work to ensure that litigants across the state have equal access to justice and that funding is allocated in a fair and equitable manner that promotes

⁹ SB 1195 Task Force, Child Abuse Reporting Laws, Juvenile Court Dependency Statutes, and Child Welfare Services (Jan. 1988) at pp. 2, 8–9.

¹⁰ In 2000, Senate Bill 2160 amended section 317(c) to require appointment of counsel for a child unless the court finds on the record that the child will not benefit from the appointment. Sen. Bill 2160; Stats. 2000, ch. 450, § 1.

greater access consistent with workload.¹¹ The Workgroup's final report highlighted, as an example of structural improvement, the progress made by the judicial branch's court-appointed dependency counsel programs in reducing disparate caseloads and providing education to attorneys across the state.¹²

Caseload per Attorney (Recommendation 9)

The 2007 workload model set a basic caseload standard of 141 cases per dependency attorney. This standard was qualified by noting that many attorneys have access to paralegal, investigator, or social worker staff for appropriate case work. The 2007 workload model estimates that a one-half time social worker/investigator should enable an attorney to carry a caseload of 188 clients. The subcommittee reviewed the original analysis that supports the 141/188 caseload and an analysis of current workload data (Appendix 4). The subcommittee's conclusion is that attorney workload has changed substantially since the original workload study was conducted in 2002, and that more research needs to be done on attorney workload before a new caseload standard can be set. However, it also appeared to the subcommittee that applying the 188-caseload standard statewide, as the current model does, unfairly disadvantaged the many attorneys who are solo practitioners or who do not have access to investigators and social workers. Therefore, the subcommittee recommends that the basic caseload standard of 141 set in the original report be used for statewide workload calculations. This approach is consistent with the subcommittee's approach to overhead costs in recommendations 3 and 4, which makes line attorney cost the basis for total costs.

Comprehensive Update of Workload Data and Time Standards (Recommendation 10)

This report notes, at the beginning of this section, the subcommittee's recognition that time and resources were not available to repeat the research conducted in 2002 and subsequent years, and produce a comprehensive update of the workload model. However, through both its review of available administrative data and the focus groups and surveys of attorneys, the subcommittee found that the current workload model does not adequately capture the work of dependency attorneys.

The quantitative data which the subcommittee reviewed shows serious shortcomings in the existing caseload funding model when compared to a large group of attorneys practicing in 2014 and 2015. In particular, the model appears to greatly underestimate the amount of attorney time that is required for cases that are in the post-permanency phase (most children in these cases will not be reunified with their parents). While the existing model estimates that 5 percent of an attorney's time will be spent on these cases, children's attorneys in the DRAFT program report spending almost 30 percent of their time on those cases. The existing model also significantly underestimates the proportion of time that attorneys are required to spend to in court. Analysis of

¹¹ Trial Court Funding Workgroup, Report to the Judicial Council of California and Governor Edmund G. Brown, Jr. (Apr. 2013) at pp. 8–9, 38–43.

¹² *Id.*, at p. 16.

attorney's time logs shows them consistently spending two to four times as long in court as the model estimates is required. (Appendix 4).

The subcommittee also reviewed the many changes that have taken place in dependency law and practice since the initial research for the existing model was conducted in 2002-2004. Changes that have increased attorney workload but that are not reflected in the existing model include the eligibility of non-minors for dependency and representation, the expansion of dependency drug courts, cases involving dual status proceedings, cases involving special immigrant juvenile status proceedings, and the greatly increased focus on family finding.

The subcommittee noted that it was able, through surveys, focus groups, data review, and public comment, to review a wealth of information on dependency practice as it exists today. However, this practice represents what is possible given current attorney resources, rather than what would represent effective practice. For this reason the subcommittee recommends that updated research on attorney time allocation be linked to a process of expert review to develop a new attorney workload model that reflects statewide standards of practice.

Comments, Alternatives Considered, and Policy Implications

Alternatives Considered

Attorney Salaries (Recommendations 1—2)

The subcommittee considered a number of alternatives to its recommendations.

Update the salaries in the existing workload model.

The existing workload model sets salary ranges in four economic regions. The salary ranges were derived from two data sources. The economic regions were derived from a consultant study conducted for a different purpose for the Judicial Council, and categorizes the courts into regions that are no longer used for Judicial Council planning and budgeting. The subcommittee determined that metrics ought to be whenever possible consistent with those used in WAFM.

Setting salaries within county counsel salaries above the midpoint of the first two ranges.

Each county's salary, for the purposes of calculating a statewide median, was set at the midpoint between the entry level range and the top of the second level range. Some subcommittee members and public commentators strongly recommended setting the salary at the upper level of the second range or within the third range. Discussion centered around two points: that court-appointed dependency counsel should have experience and qualifications equal to county counsel in the third salary range, and that court-appointed dependency counsel salaries must remain competitive with county counsel salaries.

Conduct a more thorough survey of county counsel salaries and benefits.

Posted salary ranges are broad and may not be indicative of the actual salaries and experience levels of county counsel in dependency court. At its November meeting the subcommittee asked

staff to conduct a survey of actual salaries and benefits of county counsel in dependency court. After some outreach to counties, staff concluded that the information the subcommittee wanted could not be gathered in time to review and use in developing recommendations. The subcommittee notes that this survey should be carried out by Judicial Council staff when possible and the results used by the Family and Juvenile Law Advisory Committee to examine recommendations 1 and 2 in the course of further study of the workload model.

Benefits and Overhead Calculations (Recommendations 3—4)

The subcommittee considered two alternatives to its recommendations.

Conduct a more thorough survey of county counsel.

Please see recommendations 1—2 above. The subcommittee agreed that it did not have accurate information on the full compensation package, including benefits, that county counsel receive; and that this information was needed to evaluate whether recommendations on salaries and benefits would create a pay structure that was competitive with the counties. As above, the subcommittee notes that this survey should be carried out by Judicial Council staff when possible and the results used by the Family and Juvenile Law Advisory Committee to examine recommendations 1 and 2 in the course of further study of the workload model.

Set overhead calculation rates to closely reflect local rates.

This alternative was raised by subcommittee members and public commentators. Discussion acknowledged that certain cities in California have market rates for rent and other costs that are not affordable by court-appointed counsel, while at the same time the location of the court constrains where attorneys can locate their offices. Members ultimately decided that a statewide data source on overhead rates would be still be required to ensure that consistency of reporting across counties, and that the Bureau of Labor Statistics governmental salary index would serve this purpose.

Caseload (Recommendations 5—6)

These recommendations generated the most discussion and proposed alternatives. Subcommittee members and public commentators made the point that available statewide data to count dependency cases is limited to the California Department of Social Services child welfare case counts and the Judicial Branch Statistical Information System (JBSIS) filings counts, and that both of these sources are open to question. The child welfare data does not count parents who require dependency representation, and the indicator in the case management system to identify court-ordered dependents from the full census of children under supervision is not consistently applied by the counties. JBSIS data does not count parents. It counts children who enter the system as dependents, but does not count them longitudinally so a total census of dependents in the county is not available.

In addition, neither data source makes allowances from differences in practice among courts and counties. Many differences were pointed out. Some counties have the resources to conduct lengthy investigations before deciding to file a dependency petition and others do not, so that in

some counties there are fewer cases filed but the cases have more issues, are likely to stay longer in care and are more time-consuming. Some counties have a much higher proportion of non-minor dependents than others, and some counties have very high levels of out-of-county placement. Some counties have a much higher proportion of parents represented. These and factors make it difficult to know if the amount of work is represented by a child in dependency is the same from court to court.

Create a new system of case counting in which dependency attorneys or courts would report their exact child and parent caseloads.

It is possible that the current system that attorneys use to report their clients in the DRAFT program could be expanded to provide a full coverage of cases in California. At this time, given the staffing available to the trial courts and the Judicial Council, managing such a system is not feasible. Asking trial courts to confirm the attorney case counts would add an additional layer of reporting and require additional resources.

Create a means of making the current statewide data sources more specific to the workload represented by dependency cases in the court.

Alternatives proposed included weighting non-minor dependent cases or the ratio of parents to children represented on a county-by-county basis. The subcommittee discussed these issues at length and decided that there was no clear justification for attempting to account for individual child welfare department practice.

Use a higher or lower proportion of JBSIS filings in the recommended model.

The subcommittee reviewed relative proportions of cases in courts, ranging from the existing model's use of child welfare case counts exclusively, to a model that used only JBSIS filings. It also reviewed analysis showing the change in relative proportions of case counts at 10 percent, 30 percent, and 50 percent JBSIS filings. It discussed and heard comment that recommended the lower proportion of filings, because the child welfare census numbers give a better approximation of workload. Members also noted that the greatest proportion of workload in a dependency case is in the first year, so that a higher proportion of filings is also justified.

Small Courts (Recommendation 7)

The subcommittee discussed, but did not recommend for the reasons given above, setting a minimum budget amount for small courts.

Through public comment a proposal was recommended that the Judicial Council establish a contract for regional attorney services, so that the many small courts in the northern region of the state would have access to trained dependency attorneys when they did experience the need for additional counsel. The subcommittee notes that this proposal could be reviewed by the Family and Juvenile Law Advisory Committee as part of its further work on dependency counsel, should the Judicial Council approve recommendation 10 of this report.

Court or County Obligation (Recommendation 8)

The subcommittee considered the alternative of recommending legislative changes to transfer funding responsibility for dependency counsel services to the counties. In 2015 the Legislature affirmed its commitment to state funding of court-appointed dependency counsel by devoting a separate item to it in the Budget Act of 2015 and increasing the statewide appropriation by \$11 million to its highest level in history. Given the emphasis placed by both the executive and legislative branches of California government on promoting equal access to justice, allocating trial court funding equitably, and adopting uniform standards and procedures, it seems unlikely that responsibility for dependency counsel services will be returned to the counties.¹³

Caseload per Attorney (Recommendation 9)

The subcommittee discussed setting the recommended attorney caseload at a level other than that recommended in the original caseload study. For the reasons given in the rationales for recommendations 9 and 10, the subcommittee noted that it is not possible to develop a new caseload standard from the data currently available.

Attachments and Links

Appendix 1. County Counsel Salary Median

Appendix 2. Comparison of Court Filings and Child Welfare Caseload

Appendix 3. Caseload Changes in Courts

Appendix 4. Workload Study Data Analysis (not completed)

¹³ In 40 states and the District of Columbia, children’s dependency counsel costs (fees and expenses) are paid by the state or the court. In only 12 states is the county responsible for at least some of these costs. Child Welfare Information Gateway, Representation of Children in Child Abuse and Neglect Proceedings (2014) at pp. 4–5.

Associate, Assistant or Deputy County Counsel Salary Information

BLS index applied to median salary

County website searches October 2015

COUNTY	Class I or II	Class I or II	Midrange	BLS Index 2011-2013	Index applied to	Workload
	Min	Max			median salary	Model Estimate
Alameda	73,611	175,115	124,363	1.42	111,072	95,892
Alpine				0.82	64,406	79,539
Amador	72,838	104,878	88,858	0.99	77,602	79,539
Butte	50,714	78,815	64,764	0.92	71,895	67,143
Calaveras	60,307	73,286	66,797	0.86	66,976	79,539
Colusa				0.70	55,066	67,143
Contra Costa	87,010	126,079	106,545	1.25	97,693	114,800
Del Norte	56,117	72,888	64,503	0.79	61,849	67,143
El Dorado	90,210	129,480	109,845	0.99	77,581	79,539
Fresno	49,608	81,146	65,377	1.00	77,958	67,143
Glenn				0.68	53,149	79,539
Humboldt	51,246	77,525	64,386	0.76	59,361	67,143
Imperial	59,400	88,236	73,818	0.77	60,208	67,143
Inyo	68,304	87,240	77,772	0.83	65,027	79,539
Kern	57,830	81,179	69,505	1.05	82,229	79,539
Kings	60,050	85,114	72,582	0.89	69,296	67,143
Lake	47,838	67,314	57,576	0.76	59,366	79,539
Lassen	59,376	71,688	65,532	0.80	62,573	67,143
Los Angeles	65,591	80,084	72,838	1.34	104,396	95,892
Madera	63,646	89,401	76,524	0.94	73,078	79,539
Marin	83,044	119,392	101,218	1.30	101,386	114,800
Mariposa	59,785	79,936	69,861	0.74	57,845	67,143
Mendocino	57,075	72,842	64,958	0.86	67,141	79,539
Merced	58,282	87,526	72,904	0.91	70,923	67,143
Modoc				0.61	47,477	67,143
Mono	108,684	108,684	108,684	1.20	93,721	79,539
Monterey	61,560	100,920	81,240	1.19	93,005	95,892
Napa	80,101	116,917	98,509	1.21	94,625	95,892
Nevada	78,254	105,553	91,904	0.97	75,516	79,539
Orange	70,404	85,116	77,760	1.30	101,519	95,892
Placer	85,051	114,192	99,622	1.14	89,376	95,892
Plumas	52,140	91,788	71,964	0.70	55,081	67,143
Riverside	68,936	121,620	95,278	1.07	83,700	95,892
Sacramento	92,498	106,363	99,430	1.28	99,947	79,539
San Benito	56,856	84,036	70,446	0.97	76,096	79,539
San Bernardino	59,717	100,110	79,914	1.05	82,067	79,539
San Diego	62,754	96,075	79,414	1.17	91,590	95,892
San Francisco	107,952	148,200	128,076	1.61	126,133	114,800

Associate, Assistant or Deputy County Counsel Salary Information
BLS index applied to median salary

County website searches October 2015

COUNTY	Class I or II	Class I or II	Midrange	BLS Index 2011-2013	Index applied to	Workload
	Min	Max			median salary	Model Estimate
San Joaquin	63,379	93,677	78,528	1.11	86,861	79,539
San Luis Obispo	67,870	95,514	81,692	1.07	83,780	79,539
San Mateo	86,194	148,468	117,331	1.45	113,129	114,800
Santa Barbara	107,742	145,422	126,582	1.16	90,285	95,892
Santa Clara	101,419	129,164	115,291	1.47	114,839	114,800
Santa Cruz	65,064	109,968	87,516	1.17	91,510	95,892
Shasta	64,524	89,040	76,782	0.85	66,352	67,143
Sierra				0.71	55,856	67,143
Siskiyou	44,244	63,812	54,028	0.71	55,531	67,143
Solano	68,866	113,279	91,072	1.22	95,677	95,892
Sonoma	83,986	112,162	98,074	1.17	91,243	95,892
Stanislaus	57,658	97,802	77,730	1.02	79,977	79,539
Sutter	73,961	99,654	86,808	0.95	74,181	79,539
Tehama	62,172	83,580	72,876	0.80	62,593	67,143
Trinity				0.65	51,119	67,143
Tulare	57,632	79,913	68,773	0.82	64,264	67,143
Tuolumne	57,969	81,370	69,669	0.91	71,035	79,539
Ventura	65,307	116,912	91,109	1.23	95,917	95,892
Yolo	66,965	100,074	83,520	1.01	79,009	79,539
Yuba	61,638	71,148	66,393	0.94	73,509	79,539
Median salary	64,085	94,595	78,150			

Model Combining Filings and Child Welfare Case Numbers

COUNTY	Average Filings	Average CW	Filings %	Cases %
	12-14	Cases 12-14		
Alameda	628	1,769	1.63%	2.44%
Alpine	0	0	0.00%	0.00%
Amador	37	55	0.10%	0.08%
Butte	268	561	0.70%	0.77%
Calaveras	105	135	0.27%	0.19%
Colusa	28	35	0.07%	0.05%
Contra Costa	728	1,214	1.89%	1.67%
Del Norte	50	111	0.13%	0.15%
El Dorado	197	353	0.51%	0.49%
Fresno	874	1,950	2.27%	2.69%
Glenn	53	100	0.14%	0.14%
Humboldt	146	302	0.38%	0.42%
Imperial	211	372	0.55%	0.51%
Inyo	9	19	0.02%	0.03%
Kern	844	1,805	2.19%	2.49%
Kings	196	478	0.51%	0.66%
Lake	53	133	0.14%	0.18%
Lassen	53	71	0.14%	0.10%
Los Angeles	16,700	29,089	43.38%	40.08%
Madera	227	373	0.59%	0.51%
Marin	63	106	0.16%	0.15%
Mariposa	25	30	0.07%	0.04%
Mendocino	158	298	0.41%	0.41%
Merced	406	688	1.05%	0.95%
Modoc	14	15	0.04%	0.02%
Mono	4	10	0.01%	0.01%
Monterey	160	367	0.41%	0.51%
Napa	87	151	0.23%	0.21%
Nevada	66	117	0.17%	0.16%
Orange	1,389	3,051	3.61%	4.20%
Placer	515	392	1.34%	0.54%
Plumas	33	55	0.08%	0.08%
Riverside	3,035	5,254	7.88%	7.24%
Sacramento	1,121	2,637	2.91%	3.63%
San Benito	58	110	0.15%	0.15%
San Bernardino	2,544	4,700	6.61%	6.48%
San Diego	1,609	3,862	4.18%	5.32%
San Francisco	570	1,296	1.48%	1.79%
San Joaquin	599	1,486	1.56%	2.05%
San Luis Obispo	269	443	0.70%	0.61%
San Mateo	204	485	0.53%	0.67%

Santa Barbara	263	630	0.68%	0.87%
Santa Clara	545	1,495	1.42%	2.06%
Santa Cruz	203	357	0.53%	0.49%
Shasta	256	611	0.66%	0.84%
Sierra	3	3	0.01%	0.00%
Siskiyou	76	118	0.20%	0.16%
Solano	246	440	0.64%	0.61%
Sonoma	259	628	0.67%	0.87%
Stanislaus	390	630	1.01%	0.87%
Sutter	82	155	0.21%	0.21%
Tehama	143	207	0.37%	0.29%
Trinity	47	77	0.12%	0.11%
Tulare	605	1,088	1.57%	1.50%
Tuolumne	73	126	0.19%	0.17%
Ventura	598	1,040	1.55%	1.43%
Yolo	204	336	0.53%	0.46%
Yuba	169	159	0.44%	0.22%
Total	38,497	72,577	100.00%	100.00%

Model Combining

COUNTY	10%		30%		50% Filings	Change from 100% CW
	Filings Propor. of state	Change from 100% CW	Filings Propor. of state	Change from 100% CW		
Alameda	2.36%	-3.3%	2.19%	-9.9%	2.03%	-16.5%
Alpine	0.00%	-10.0%	0.00%	-30.0%	0.00%	-50.0%
Amador	0.08%	2.6%	0.08%	7.7%	0.09%	12.8%
Butte	0.76%	-1.0%	0.75%	-2.9%	0.73%	-4.9%
Calaveras	0.19%	4.6%	0.21%	13.8%	0.23%	23.1%
Colusa	0.05%	5.0%	0.05%	15.1%	0.06%	25.2%
Contra Costa	1.69%	1.3%	1.74%	3.9%	1.78%	6.6%
Del Norte	0.15%	-1.5%	0.15%	-4.4%	0.14%	-7.3%
El Dorado	0.49%	0.5%	0.49%	1.5%	0.50%	2.6%
Fresno	2.65%	-1.5%	2.56%	-4.6%	2.48%	-7.7%
Glenn	0.14%	0.0%	0.14%	0.1%	0.14%	0.1%
Humboldt	0.41%	-0.9%	0.41%	-2.7%	0.40%	-4.6%
Imperial	0.52%	0.7%	0.52%	2.1%	0.53%	3.5%
Inyo	0.03%	-1.5%	0.03%	-4.6%	0.02%	-7.7%
Kern	2.46%	-1.2%	2.40%	-3.6%	2.34%	-5.9%
Kings	0.64%	-2.3%	0.61%	-6.8%	0.58%	-11.3%
Lake	0.18%	-2.5%	0.17%	-7.5%	0.16%	-12.4%
Lassen	0.10%	4.0%	0.11%	12.0%	0.12%	19.9%
Los Angeles	40.41%	0.8%	41.07%	2.5%	41.73%	4.1%
Madera	0.52%	1.5%	0.54%	4.4%	0.55%	7.3%
Marin	0.15%	1.1%	0.15%	3.4%	0.15%	5.7%
Mariposa	0.04%	6.1%	0.05%	18.3%	0.05%	30.5%
Mendocino	0.41%	0.0%	0.41%	-0.1%	0.41%	-0.2%
Merced	0.96%	1.1%	0.98%	3.3%	1.00%	5.6%
Modoc	0.02%	8.0%	0.03%	24.0%	0.03%	40.1%
Mono	0.01%	-2.8%	0.01%	-8.5%	0.01%	-14.2%
Monterey	0.50%	-1.8%	0.48%	-5.4%	0.46%	-9.0%
Napa	0.21%	0.8%	0.21%	2.5%	0.22%	4.1%
Nevada	0.16%	0.6%	0.16%	1.8%	0.17%	3.1%
Orange	4.14%	-1.4%	4.03%	-4.3%	3.91%	-7.1%
Placer	0.62%	14.8%	0.78%	44.4%	0.94%	73.9%
Plumas	0.08%	1.1%	0.08%	3.4%	0.08%	5.6%
Riverside	7.30%	0.9%	7.43%	2.7%	7.56%	4.4%
Sacramento	3.56%	-2.0%	3.42%	-6.0%	3.27%	-9.9%
San Benito	0.15%	0.0%	0.15%	0.1%	0.15%	0.1%
San Bernardino	6.49%	0.2%	6.52%	0.6%	6.54%	1.0%
San Diego	5.21%	-2.1%	4.98%	-6.4%	4.75%	-10.7%
San Francisco	1.76%	-1.7%	1.69%	-5.1%	1.63%	-8.5%
San Joaquin	2.00%	-2.4%	1.90%	-7.2%	1.80%	-12.0%
San Luis Obispo	0.62%	1.4%	0.64%	4.3%	0.65%	7.2%
San Mateo	0.65%	-2.1%	0.63%	-6.2%	0.60%	-10.3%

Santa Barbara	0.85%	-2.1%	0.81%	-6.3%	0.78%	-10.6%
Santa Clara	2.00%	-3.1%	1.87%	-9.4%	1.74%	-15.6%
Santa Cruz	0.50%	0.7%	0.50%	2.1%	0.51%	3.5%
Shasta	0.82%	-2.1%	0.79%	-6.3%	0.75%	-10.5%
Sierra	0.00%	15.1%	0.01%	45.4%	0.01%	75.7%
Siskiyou	0.17%	2.2%	0.17%	6.5%	0.18%	10.8%
Solano	0.61%	0.5%	0.62%	1.6%	0.62%	2.7%
Sonoma	0.85%	-2.2%	0.81%	-6.7%	0.77%	-11.1%
Stanislaus	0.88%	1.7%	0.91%	5.1%	0.94%	8.4%
Sutter	0.21%	0.0%	0.21%	-0.1%	0.21%	-0.2%
Tehama	0.29%	3.1%	0.31%	9.2%	0.33%	15.3%
Trinity	0.11%	1.6%	0.11%	4.9%	0.11%	8.2%
Tulare	1.51%	0.5%	1.52%	1.5%	1.54%	2.4%
Tuolumne	0.18%	0.9%	0.18%	2.8%	0.18%	4.7%
Ventura	1.45%	0.8%	1.47%	2.5%	1.49%	4.2%
Yolo	0.47%	1.4%	0.48%	4.3%	0.50%	7.2%
Yuba	0.24%	10.1%	0.28%	30.2%	0.33%	50.4%
<u>Total</u>						

Draft February 10, 2016

Appendix 3.

Year-to-year changes in court caseload

	Child Welfare Caseload			Change 2013 -- 2015			
	2013	2014	2015	2013-2014	2014-2015	2013-2014	2014-2015
	n	n	n	n	n	%	%
Sierra	1	1	4	0	3	0%	300%
Modoc	11	20	15	9	-5	82%	-25%
Mono	11	9	10	-2	1	-18%	11%
Inyo	23	14	26	-9	12	-39%	86%
Colusa	32	44	31	12	-13	38%	-30%
Mariposa	37	20	17	-17	-3	-46%	-15%
Amador	42	62	85	20	23	48%	37%
Plumas	45	45	65	0	20	0%	44%
Trinity	75	79	89	4	10	5%	13%
Lassen	78	75	61	-3	-14	-4%	-19%
Glenn	86	106	103	20	-3	23%	-3%
Calaveras	105	183	176	78	-7	74%	-4%
Marin	108	116	129	8	13	7%	11%
Siskiyou	109	125	130	16	5	15%	4%
Tuolumne	113	111	132	-2	21	-2%	19%
Nevada	119	112	99	-7	-13	-6%	-12%
Del Norte	122	100	117	-22	17	-18%	17%
San Benito	126	105	99	-21	-6	-17%	-6%
Lake	128	145	142	17	-3	13%	-2%
Napa	140	168	185	28	17	20%	10%
Sutter	152	138	154	-14	16	-9%	12%
Yuba	153	188	234	35	46	23%	24%
Tehama	205	213	251	8	38	4%	18%
Humboldt	280	348	412	68	64	24%	18%
Mendocino	293	337	313	44	-24	15%	-7%
Yolo	310	358	360	48	2	15%	1%
Madera	336	427	359	91	-68	27%	-16%
Monterey	349	407	433	58	26	17%	6%
Santa Cruz	358	303	341	-55	38	-15%	13%
Imperial	360	412	515	52	103	14%	25%
El Dorado	382	366	352	-16	-14	-4%	-4%
Placer	382	429	421	47	-8	12%	-2%
Solano	411	444	532	33	88	8%	20%
San Mateo	469	515	541	46	26	10%	5%
Kings	483	500	653	17	153	4%	31%
San Luis Obispo	486	451	421	-35	-30	-7%	-7%
Butte	498	525	656	27	131	5%	25%
Shasta	614	636	576	22	-60	4%	-9%
Sonoma	617	607	599	-10	-8	-2%	-1%

Attachment 5A

Stanislaus	634	728	621	94	-107	15%	-15%
Santa Barbara	666	599	577	-67	-22	-10%	-4%
Merced	725	743	660	18	-83	2%	-11%
Ventura	957	1149	1060	192	-89	20%	-8%
Tulare	1020	1121	1257	101	136	10%	12%
Contra Costa	1223	1200	1221	-23	21	-2%	2%
San Francisco	1280	1315	1263	35	-52	3%	-4%
San Joaquin	1437	1627	1643	190	16	13%	1%
Santa Clara	1461	1598	1669	137	71	9%	4%
Alameda	1702	1860	1817	158	-43	9%	-2%
Kern	1789	1647	1800	-142	153	-8%	9%
Fresno	1823	2027	2200	204	173	11%	9%
Sacramento	2346	2879	3091	533	212	23%	7%
Orange	3090	2959	2906	-131	-53	-4%	-2%
San Diego	3832	3726	3653	-106	-73	-3%	-2%
San Bernardino	4618	5040	5687	422	647	9%	13%
Riverside	4931	5536	5669	605	133	12%	2%
Los Angeles	28556	30776	30631	2220	-145	8%	0%
Total	70923	75965	77453	5042	1488	7%	2%

Item 6
Children's Waiting Room Distribution Request
(Action Item)

Issue

The Superior Court of California, San Bernardino County is requesting a children's waiting room (CWR) distribution of \$5 per applicable paid first paper civil fee for filings within the county, effective July 1, 2016, to defray the operating costs associated with two CWRs, which have not yet opened. The court is requesting that the council consider its request at the council's April 15, 2016 business meeting.

Background

According to Government Code section 70640, after January 1, 2006 a court may apply to the Judicial Council for a CWR distribution between \$2 and \$5, inclusive, from applicable filing fees (see Attachment B). The Judicial Council's policy requires the Trial Court Budget Advisory Committee to adopt a recommendation related to a court's request for council consideration (see Attachment A). The court's request is provided in Attachment E.

Attachment C provides the current distribution amount and total distributions for calendar years 2013, 2014, and 2015 for the 21 courts that currently have a CWR distribution. It also provides the estimated total distribution that the Superior Court of California, San Bernardino County would have received in calendar years 2013, 2014, and 2015 if the court had received a distribution of \$5.

Attachment D provides the current distributions from the \$435 first paper general civil unlimited fee for filings in San Bernardino County, and also provides the requested distribution change: a \$5 CWR distribution and a corresponding \$5 decrease to the distribution that supports all courts' base allocation for court operations.

Attachments

- A. Children's Waiting Room Distribution and Fund Balance Policy
- B. Government Code Section 70640
- C. Children's Waiting Room – Distribution Amount and Total Distribution
- D. Distributions from First Paper General Civil Unlimited Uniform Filing Fee (GC 70611) in San Bernardino County
- E. Superior Court of California, San Bernardino County's CWR Distribution Request

Children's Waiting Room (CWR) Distribution and Fund Balance Policy

A. Applying for a New CWR Distribution

- A court's presiding judge or executive officer must submit a request to the director of the Judicial Council Finance Office 45 days prior to the date of the council meeting at which the court is requesting consideration.
- The request must include the following information:
 - Date of the council meeting at which the court is requesting consideration.
 - Requested effective date of the distribution (July 1 or January 1). 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).
 - The scheduled opening date of the CWR(s).
 - Description of the CWR(s).
 - The date when the court intends to make expenditures related to operating its CWR(s).
 - The requested distribution amount between \$2 and \$5. Courts can request the Judicial Council Finance Office to provide an estimate of annual distributions.
- The Trial Court Budget Advisory Committee (TCBAC) will make a recommendation to the council on each court's request.
- If the council approves that distributions begin prior to the operating of a CWR but the court does not operate a CWR six months after their planned opening date, the court must apply for a continued distribution.

B. Requesting a Decreased CWR Distribution Amount

- Any court's request to decrease its existing CWR distribution is approved by the Judicial Council and the request can be implemented by Judicial Council staff, effective either January 1 or July 1.

C. Temporarily or Permanently Ceasing CWR Operations

- Courts that cease operating all CWRs must notify the director of the JC Finance Office within 60 days of the cessation date. Unless a court provides notification and submits an application to continue receiving distributions while not operating a CWR within 60 days of the cessation date, the court's CWR distributions will be stopped either January 1 or July 1, whichever is earlier, and the court will be required to return any CWR fund balance to the TCTF.
- For courts that are required to return all of their remaining CWR fund balance to the TCTF, the return of the CWR fund balance will occur on the February trial court distribution for those courts that the CWR distribution stopped on January 1, and on the August distribution for those courts that the CWR distributions stopped on July 1.
- If there is a dispute between a court and JC staff over the amount of CWR fund balance that should be returned to the TCTF, the dispute will be brought before the TCBAC and the Judicial Council if the two parties cannot come to a resolution within 90 days of the cessation date.

Revised June 26, 2015

- An application for a continued distribution must include all the information required of courts applying for a new distribution (see section A above) as well as the amount of any CWR fund balance.
- The TCBAC will make a recommendation to the Judicial Council on each court's application.
- For courts that apply and whose application is denied by the Judicial Council, any CWR fund balance shall be returned to the TCTF.

D. Cap on CWR Fund Balance

- Courts shall monitor the CWR distribution amount per filing to ensure it is adequate to meet the CWR needs of the court without accumulating an amount in excess of the cap described below.
- Effective July 1, 2015, there shall be a cap on the amount of CWR fund balance that courts can carry forward from one fiscal year to the next. The cap shall be the amount of the highest annual distribution within the three most recent fiscal years.
- Courts that have a CWR fund balance greater than the cap (as described above) at the end of the fiscal year will be required to return to the TCTF the amount above the cap in the subsequent fiscal year.
- For courts that are required to return the portion of their CWR fund balance above the cap to the TCTF, the return of the CWR fund balance will occur on the August trial court distribution.
- If there is a dispute between a court and JC staff over the amount of CWR fund balance that should be returned to the TCTF, the dispute will be brought before the TCBAC and the Judicial Council if the two parties cannot come to a resolution within 90 days of the end of the applicable fiscal year.
- The cap applies only to courts that have received at least 12 months of distributions in a fiscal year while operating a CWR.
- If a court wants a cap adjustment, it must submit a request explaining the extenuating circumstance and including its CWR expenditure plan to the director of the JC Finance Office for consideration by the TCBAC and the Judicial Council. The request must be received by the Finance Director within 60 days of the end of the fiscal year for which the adjustment is being requested.
- JC staff will report any return of CWR fund balance through the trial court distribution process to the TCBAC and the Judicial Council.

E. Courts that have Received a Distribution but Never Operated a CWR

- Courts that received distributions between January 1, 2006 and June 30, 2014 but did not operate a CWR during that time period must either apply for a continued distribution by September 26, 2015 or have their distributions stopped and return to the TCTF any CWR fund balance.
- For courts that are required to return all of their remaining CWR fund balance to the TCTF, the return will occur on the October 2015 trial court distribution.
- If there is a dispute between a court and JC staff over the amount of CWR fund balance that should be returned to the TCTF, the dispute will be brought before the TCBAC and the Judicial Council if the two parties cannot come to a resolution within 90 days of the cessation date.

Revised June 26, 2015

Government Code 70640

(a) It is the policy of the state that each court shall endeavor to provide a children's waiting room in each courthouse for children whose parents or guardians are attending a court hearing as a litigant, witness, or for other court purposes as determined by the court. To defray that expense, monthly allocations for children's waiting rooms shall be added to the monthly apportionment under subdivision (a) of Section 68085 for each court where a children's waiting room has been established or where the court has elected to establish that service.

(b) The amount allocated to each court under this section shall be equal to the following: for each first paper filing fee as provided under Section 70611, 70612, 70613, 70614, or 70670, and each first paper or petition filing fee in a probate matter as provided under Section 70650, 70651, 70652, 70653, 70654, 70655, 70656, or 70658, the same amount as was required to be collected as of December 31, 2005, to the Children's Waiting Room Fund under former Section 26826.3 in the county in which the court is located when a fee was collected for the filing of a first paper in a civil action under former Section 26820.4.

(c) Notwithstanding any other provision of law, the court may make expenditures from these allocations in payment of any cost, excluding capital outlay, related to the establishment and maintenance of the children's waiting room, including personnel, heat, light, telephone, security, rental of space, furnishings, toys, books, or any other item in connection with the operation of a children's waiting room.

(d) If, as of January 1, 2006, there is a Children's Waiting Room Fund in the county treasury established under former Section 26826.3, the county immediately shall transfer the moneys in that fund to the court's operations fund as a restricted fund. By February 15, 2006, the county shall provide an accounting of the fund to the Administrative Office of the Courts.

(e) After January 1, 2006, the court may apply to the Judicial Council for an adjustment of the amount distributed to the fund for each uniform filing fee. A court that wishes to establish a children's waiting room, and does not yet have a distribution under this section, may apply to the Judicial Council for a distribution. Applications under this subdivision shall be made according to trial court financial policies and procedures authorized by the Judicial Council under subdivision (a) of Section 77206. Adjustments and new distributions shall be effective January 1 or July 1 of any year beginning January 1, 2006.

(f) The distribution to a court under this section per each filing fee shall be not less than two dollars (\$2) and not more than five dollars (\$5).

(Amended by Stats. 2007, Ch. 130, Sec. 135. Effective January 1, 2008.)

**Attachment C -- Children's Waiting Room --
Distribution Amount and Total Distribution**

Court	Distribution Amount	Total Distribution		
		2013	2014	2015
Alameda	\$5	184,373	164,577	165,671
Butte	\$5	-	11,390	19,972
Contra Costa	\$5	132,591	112,116	105,044
El Dorado	\$5	20,888	8,072	
Fresno	\$3	109,563	103,094	97,948
Los Angeles	\$5	957,583	884,665	820,348
Merced	\$5	23,759	21,550	11,856
Monterey	\$5	-	17,554	34,189
Orange	\$5	432,761	401,059	367,444
Riverside	\$5	302,681	271,766	250,294
Sacramento	\$4	294,715	273,822	431,307
San Diego	\$5	402,888	365,724	338,943
San Francisco	\$5	117,133	99,517	115,430
San Luis Obispo	\$5	27,394	25,764	24,615
San Mateo	\$5	78,854	72,059	64,646
Santa Barbara	\$5	44,012	42,350	39,858
Santa Clara	\$5	182,305	164,445	149,204
Solano	\$5	58,200	51,974	45,978
Sonoma	\$5	54,527	52,473	46,342
Stanislaus	\$5	61,382	46,493	20,094
Ventura	\$5	94,585	88,852	83,257
Total		3,580,193	3,279,316	3,232,441

Court	Requested Distribution Amount	Total distribution that would have occurred from a \$5 CWR distribution		
		2013	2014	2015
San Bernardino	\$5	290,345	245,712	234,120

**Attachment D -- Distributions from First Paper General Civil
Unlimited Uniform Filing Fee (GC 70611) in San Bernardino
County**

Distribution	State vs. Local	Curren	Requested
Trial Court Trust Fund Base Allocation	State	\$323	\$318
Children's Waiting Room	State	\$0	\$5
Automated Record-Keeping and Micrographics	State	\$3	\$3
Judges' Retirement Fund	State	\$3	\$3
State Court Facilities Construction Fund	State	\$0	\$0
Immediate & Critical Needs Account	State	\$30	\$30
Local Courthouse Construction Surcharges		\$35	\$35
Equal Access Fund	Local	\$5	\$5
Dispute Resolution	Local	\$8	\$8
Law Library	Local	\$29	\$29
Fee Amount		\$435	\$435



**Superior Court of California
County of San Bernardino**

**COURT EXECUTIVE OFFICE
247 West Third Street, Eleventh Floor
San Bernardino, CA 92415**

**CHRISTINA M. VOLKERS
COURT EXECUTIVE OFFICER**

**PHONE (909) 708-8747
FAX (909) 708-8784**

February 25, 2016

Zlatko Theodorovic
Director of Finance
Members of the California Judicial Council
455 Golden Gate Avenue
San Francisco, California 94102-3688

Re: Children's Waiting Room Distribution

Dear Mr. Theodorovic and Members:

We respectfully request your consideration at the April 14/15 Judicial Council meeting to consider providing the Superior Court of California, County of San Bernardino distribution for Children's Waiting Room (CWR) services, pursuant to Government Code § 70640. Listed below is additional information relating to this request:

- Requested effective date of distribution: July 1, 2016 and monthly thereafter
- Scheduled opening date of CWR: September 2016
- Description of CWRs: The first CWR will be located in a room specifically designed for this service at the new San Bernardino Justice Center. The second CWR will be located in the Historic Courthouse. The distribution will be utilized for contracted services, furnishings, toys, and books.
- Anticipated date of CWR expenditures: Fall 2016
- Requested distribution amount: \$5 per filing fee, translating to an annual distribution of \$217,643 (Court will revisit funding needs after first year of services)

If approved, this distribution will help facilitate CWR services for the first time in San Bernardino County.

Sincerely,

A handwritten signature in black ink that reads "Christina M. Volkers".

Christina M. Volkers
Court Executive Officer

Item 7
TCBAC Annual Agenda
(Action Item)

Attachment A contains a draft proposed TCBAC agenda for calendar year 2016. California Rules of Court 10.34, Duties and responsibilities of advisory committees, requires the TCBAC to submit annually a proposed annual agenda to the Executive and Planning Committee (E&P) of the Judicial Council, which is the council's internal committee that has been assigned the oversight responsibility for the TCBAC. E&P will discuss the proposed agenda with the chair and principal staff at its in-person meeting on April 13, 2016.

Advisory Body Name
Annual Agenda—2016
Approved by E&P/RUPRO/JCTC (select one): E&P

I. ADVISORY BODY INFORMATION

Chair:	Hon. Jonathan B. Conklin, Superior Court of Fresno County
Staff:	Mr. Steven Chang, Manager, Judicial Council Finance
<p>Advisory Body’s Charge: Rule 10.64. Trial Court Budget Advisory Committee</p> <p><u>Area of focus</u> 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.</p> <p><u>Additional duties</u> In addition to the duties specified in rule 10.34, the committee may make recommendations to the council on:</p> <ol style="list-style-type: none"> 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. <p>The advisory committee currently plans to meet in-person approximately five times in 2016 and several more times by teleconference, contingent on available funding.</p>	

Advisory Body's 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.
- 2) A presiding judge and court executive officer 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 finance director serve as non-voting members.

Subgroups/Working Groups:

- 1) 2% Funding Request Review Subcommittee
- 2) AB 1058 Funding Allocation Subcommittee (Joint subcommittee with Family and Juvenile Law Advisory Committee)
- 3) Court-Appointed Dependency Counsel Funding Allocation Methodology Subcommittee (Joint subcommittee with Family and Juvenile Law Advisory Committee)
- 4) Criminal Justice Realignment Subcommittee
- 5) Fiscal Planning Working Group
- 6) Funding Methodology Subcommittee
- 7) Revenue and Expenditure Subcommittee
- 8) V3 Case Management System Working Group (Joint working group with Judicial Council Technology Committee)

Advisory Body's Key Objectives for 2016:

1. Develop, review, and refine allocation methodologies related to trial court funding.
2. Develop recommendations regarding expenditures from the State Trial Court Improvement and Modernization Fund and the Trial Court Trust Fund to address any structural shortfall in either fund.
3. In order to provide for more effective fiscal management and planning for the trial courts, develop a proposal regarding the use of trial court funds that revert to the Trial Court Trust Fund pursuant to GC 77203.

II. ADVISORY BODY PROJECTS

#	Project ¹	Priority ²	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
1.	<p>Workload-based Allocation and Funding Methodology (WAFM)</p> <p>The Funding Methodology Subcommittee will continue to review and refine the WAFM model. The work plan for FY 2015-2016 includes evaluating the impact of civil assessments on WAFM.</p>	2	<p>Judicial Council Direction: Part of the charge of the Committee pursuant to rule 10.64. In April 2013, the Judicial Council approved the WAFM for use in allocating the annual state trial court operations funds with the understanding that ongoing technical adjustments will continue to be evaluated and submitted to the Judicial Council for approval.</p> <p>Origin of Project: This phase of the project is part of the Funding Methodology Subcommittee's annual work plan approved on August 5, 2015.</p> <p>Resources: Finance and OCR staff</p> <p>Key Objective Supported: 1</p>	Ongoing. It is expected that the evaluation of the impact of civil assessments will be completed by June 30, 2016.	The result of this work will be an improvement to the WAFM to more accurately capture the WAFM-related funding needs of the trial courts.
2.	<p>Proposition 47 Funding</p> <p>The Criminal Justice Realignment Subcommittee will continue to review and</p>	1	<p>Judicial Council Direction: Part of the charge of the Committee pursuant to rule 10.64.</p> <p>Origin of Project:</p>	Ongoing. The Subcommittee will continue to review and refine the allocation methodology based on	This will appropriately allocate funds based on workload.

¹ 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.

² 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.

#	Project ¹	Priority ²	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	refine the allocation methodology related to funds received for criminal justice realignment and the workload associated with Proposition 47.		<p>Proposition 47 became effective on November 5, 2014. The Budget Act of 2015 included \$26.9 million from the General Fund to address increased trial court workload associated with Proposition 47. The Governor's proposed budget for FY 2016-2017 includes \$21.4 million.</p> <p>Resources: Finance and CJS staff</p> <p>Key Objective Supported: 1</p>	updated statistical data and provision of additional funding in future fiscal years.	
3.	<p>Court-Appointed Dependency Counsel Funding</p> <p>In collaboration with the Family and Juvenile Law Advisory Committee, the Court-Appointed Dependency Counsel Funding Allocation Subcommittee will review the workload model for court-appointed dependency counsel.</p>	2	<p>Judicial Council Direction: Part of the charge of the Committee pursuant to rule 10.64.</p> <p>Origin of Project: April 17, 2015 Judicial Council meeting (recommendation from the Family and Juvenile Law Advisory Committee).</p> <p>Resources: Finance, OCR, and CFCC staff</p> <p>Key Objective Supported: 1</p>	April 30, 2016	This will appropriately allocate funds based on workload.
4.	<p>Child Support Commissioner and Family Law Facilitator (AB 1058) Funding</p> <p>In collaboration with the Family and Juvenile Law</p>	2	<p>Judicial Council Direction: Part of the charge of the Committee pursuant to rule 10.64.</p> <p>Origin of Project:</p>	February 29, 2016	This will appropriately allocate funds based on workload.

#	Project ¹	Priority ²	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	Advisory Committee, the Workload Assessment Advisory Committee, and representatives from the California Department of Child Support Services, the AB 1058 Funding Allocation Subcommittee will reconsider the AB 1058 allocation methodology developed in 1997.		<p>April 17, 2015 Judicial Council meeting (recommendation from the Family and Juvenile Law Advisory Committee).</p> <p>Resources: Finance, OCR, and CFCC staff</p> <p>Key Objective Supported: 1</p>		
5.	<p>State Trial Court Improvement and Modernization Fund (IMF) and Trial Court Trust Fund (TCTF) Allocations</p> <p>The Revenue and Expenditure Subcommittee will review FY 2016-2017 allocations from the IMF and TCTF to ensure consistency with Judicial Council goals and objectives and propose solutions to address any structural shortfall in either fund.</p>	1	<p>Judicial Council Direction: Part of the charge of the Committee pursuant to rule 10.64.</p> <p>Origin of Project: Structural shortfalls in the IMF and TCTF.</p> <p>Resources: Finance and multiple other office staff that have programs funded from the IMF and TCTF</p> <p>Key Objective Supported: 2</p>	Ongoing. Allocations for FY 2016-2017 will be approved by June 30, 2016.	This will assist the Judicial Council in ensuring the solvency of the IMF and TCTF.
6.	<p>V3 Case Management System Funding</p> <p>In collaboration with the Judicial Council Technology Committee, develop a plan for</p>	1	<p>Judicial Council Direction: Part of the charge of the Committee pursuant to rule 10.64.</p> <p>Origin of Project:</p>	June 30, 2019	This will eliminate the branch subsidies for the V3 case management system by identifying alternate ways for the courts' case

#	Project ¹	Priority ²	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	phasing out branch subsidies for the V3 case management system by June 30, 2019. Determine allocations each fiscal year pending the phase out.		<p>April 17, 2015 Judicial Council meeting.</p> <p>Resources: Finance and IT staff</p> <p>Key Objective Supported: 2</p>		managements systems to be funded.
7.	<p>State-Level Reserve Policy</p> <p>Develop a process for trial courts to follow to apply for funding for emergencies from the \$10 million reserve held in the Trial Court Trust Fund.</p>	1	<p>Judicial Council Direction: Part of the charge of the Committee pursuant to rule 10.64.</p> <p>Origin of Project: The establishment of this reserve is part of the Governor’s proposed budget for FY 2016-2017.</p> <p>Resources: Finance staff</p> <p>Key Objective Supported: 1</p>	August 31, 2016	This will establish a process for trial courts to follow including establishing criteria and timelines.
8.	<p>Fiscal Planning Proposal</p> <p>Develop a proposal to allow a trial court’s funds that revert to the TCTF pursuant to GC 77203 be retained for the benefit of that court for specific one-time costs.</p>	2	<p>Judicial Council Direction: Part of the charge of the Committee pursuant to rule 10.64.</p> <p>Origin of Project: This work was initiated by the Trial Court Budget Advisory Committee.</p> <p>Resources: Finance staff</p> <p>Key Objective Supported: 3</p>	April 30, 2016	This will result in a policy that will allow trial courts to set aside funds to plan for one time expenditures approved by the Judicial Council.

#	Project ¹	Priority ²	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
9.	<p>Language Access Funding</p> <p>Develop a funding methodology for allocations of new Program 45.45 funds received as part of the Budget Act of 2016.</p>	1	<p>Judicial Council Direction: Part of the charge of the Committee pursuant to rule 10.64.</p> <p>Origin of Project: The Governor’s proposed budget for FY 2016-2017 includes \$7 million to support implementation of a key element of the Judicial Council-approved Strategic Plan for Language Access in the California Courts by expanding interpreter access into all civil proceeding.</p> <p>Resources: Finance staff</p> <p>Key Objective Supported: 1</p>	June 30, 2016	This will appropriately allocate funds based upon criteria proposed by the Committee.
10.	<p>Reallocation of New Judgeships</p> <p>Assist in the development of a statutory framework that would authorize the Judicial Council to reallocate up to five existing vacant judgeships to areas with the greatest need. In addition, develop a funding methodology for a shift of resources, if necessary.</p>	1	<p>Judicial Council Direction: Part of the charge of the Committee pursuant to rule 10.64.</p> <p>Origin of Project: The Governor’s proposed budget for FY 2016-2017 indicates the Administration is proposing to work with the Judicial Council to reallocate up to five vacant superior court judgeships.</p> <p>Resources: Finance and OCR staff</p> <p>Key Objective Supported: 1</p>	August 31, 2016	Appropriate reallocation of up to five vacant judgeships with a funding shift, if necessary.

III. STATUS OF 2015 PROJECTS:

Not applicable. There were no projects identified in the 2015 Annual Agenda.

IV. Subgroups/Working Groups – Detail

Subgroups/Working Groups:

#	Name and Purpose	Date Formed	Members	Meetings Per Year	Estimated Completion Date
1	2% Funding Request Review Subcommittee	October 2014	7	As needed	Ongoing
	This group reviews and makes recommendations on court supplemental funding requests received in conjunction with the 2% emergency reserve funding process and that relate to unforeseen emergencies or unanticipated expenses.				
2	AB 1058 Funding Allocation Subcommittee	June 2015	5*		February 2016
	To enrich recommendations to the council and avoid duplication of effort, members of the Committee will collaborate with members of Family and Juvenile Law Committee, the Workload Assessment Advisory Committee, and representatives from the California Department of Child Support Services to reconsider the AB 1058 funding allocation methodology developed in 1997 and to report back at the February 2016 Judicial Council meeting. *This is a joint subcommittee and has 10 members in addition to the five from the Trial Court Budget Advisory Committee. Those members are from the Family and Juvenile Law Advisory Committee, the Workload Assessment Advisory Committee, and the Department of Child Support Services.				
3	Court-Appointed Counsel Funding Allocation Methodology Subcommittee	June 2015	4*		February 2016
	To enrich recommendations to the council and avoid duplication of effort, members of the Committee will collaborate with members of the Family and Juvenile Law Advisory Committee to review the workload model for court-appointed dependency counsel and report back no later than the April 2016 Judicial Council meeting. *This is a joint subcommittee and has six members from the Family and Juvenile Law Advisory Committee in addition to the four members of the Trial Court Budget Advisory Committee.				
4	Criminal Justice Realignment Subcommittee	2013	10	2-4	Ongoing
	This group's focus will be funding methodology and allocations relating to criminal justice realignment, specifically Proposition 47 workload.				
5	Fiscal Planning Working Group	July 2015	8	2-4	May 2016

#	Name and Purpose	Date Formed	Members	Meetings Per Year	Estimated Completion Date
	This group will develop fiscal planning and management guidelines, including a proposal to allow a trial court's funds that revert to the Trial Court Trust Fund pursuant to GC 77203 be retained for the benefit of that court for specific one-time costs.				
6	Funding Methodology Subcommittee	July 2013	15	2-4	Ongoing
	This group will continue to focus on the ongoing review and refinement of the Workload-based Allocation and Funding Methodology approved by the council in April 2013.				
7	Revenue and Expenditure Subcommittee	July 2013	14	2-4	Ongoing
	The primary focus of this group is the ongoing review of TCTF and IMF allocations supporting trial court projects and programs as well as any systemic cash flow issues affecting the trial courts.				
8	V3 Case Management System Working Group	April 2015	3*	2-4	June 30, 2019
	<p>This group will identify an alternate funding model for the V3 case management system as the judicial branch subsidies are being phased out by June 30, 2019.</p> <p>*This is a joint working group and has three members from the Judicial Council Technology Committee in addition to the three members from the Trial Court Budget Advisory Committee.</p>				

Item 4
Recommendations of the Revenue and Expenditure Subcommittee
(Action Item)

Issue

Consider the Revenue and Expenditure Subcommittee's recommendation on LAN/WAN as discussed below.

Background

At its February 4, 2016 meeting, the Revenue and Expenditure Subcommittee adopted Scenario 3. Under Scenario 3, equipment would be replaced on schedule by either financing the purchase of some equipment or by lease arrangement. As outlined in IT's budget presentation, Attachment A, it is the assessment of the California Department of General Services that leasing generally costs more than financing. When the costs associated with leasing were compared to the costs related to financing (financed for 3 years at 3% APR), the difference between leasing and financing was estimated to be in the neighborhood of approximately \$200,000 more on the leasing side. With those added costs come lower payments, access to the latest technology, equipment that is usually replaced in a timely manner, and equipment that retains tangible value when replaced. At the same meeting, there was also discussion on referring the options that were reviewed by the Revenue and Expenditure Subcommittee to the Judicial Council Technology Committee (JCTC) for input on leasing vs. financing.

Recommendation

The subcommittee is recommending that TCBAC support the following recommendation:

1. For the Telecommunications program in 2016-2017, address the goal of replacing equipment on the schedule through Scenario 3 by either financing the purchase of some equipment or by lease arrangement, with the option of lease vs. finance to be determined by Judicial Council.

Attachment

- A. LAN/WAN 5 Year Budget Presentation 2016-02 Update (002)

IMF Budget Review

Judicial Council Information Technology Office Telecommunications Program

Prepared for the Trial Court Budget Advisory Committee
Revenue and Expenditures Subcommittee

February 4, 2016



JUDICIAL COUNCIL OF CALIFORNIA

Agenda

- Review of Open Items
- Findings and Recommendations
- Q&A



Items for Review

- Recap: addressing the budget shortfall
- Lease vs. finance
- One-time, periodic or ongoing?
- Revised budgeting scenarios
- Procurement options post-CALNET 2



Addressing the Budget Shortfall

- Working from a needs-based approach, our estimated need for FY 16-17 was approximately \$35M
- CALNET 3 introduced new service-based options, which give us the ability to migrate to a managed firewall solution that reduces the estimated FY 16-17 need to approximately \$28.8M
- A lease/finance approach was proposed to address the remaining shortfall.



Lease vs. Finance

- Conclusion: Finance
 - Briefing provided by the California Department of General Services (DGS) that reviewed both options.
 - DGS can arrange either option, but their advice is that a lease generally costs more.
- Considerations
 - This would be a secured loan. The equipment being purchased serves as the collateral
 - We need to be cognizant of unencumbered obligations.
 - Payment issues impact the state's bond rating



Decision Factors

Factor	Lease	Finance
1. How long will we keep the asset?	Shorter Term	Longer Term
2. Is there a chance that we want to own the equipment after the lease term?	No	Yes
3. What is more important from a technology perspective?	Latest Technology	Established/ Stable Technology
4. What is more important from a financial perspective?	Lower Payments	Lower Overall Cost
5. Will the asset still have tangible value when it is replaced?	Yes	No
6. Is the equipment usually replaced in a timely manner?	Yes	No
7. Is a thorough financial understanding critical? (level of complication/possibility for misunderstanding or mistakes)	More Complicated	Less Complicated
8. Is legal review a factor? (difficulty to properly evaluate)	More Difficult	Less Difficult



Finance Process

- Facilitated by the Department of General Service's GS \$mart program
- No fees from DGS. We pay only interest and bond counsel.
- DGS screens lenders to determine which will provide the best deal.
- We need to adhere to the established purchase schedule. Courts will lose the flexibility to defer implementations.



One-time, Periodic or Ongoing?

- Conclusion: Periodic
- Basis:
 - Provides the flattest budget with the least amount of finance charges.
 - We still anticipate fluctuations from year to year, even with efforts to shift expenses out of peak years.
 - Financing provides no benefit in off-peak years

Scenarios Considered

- Three scenarios were modeled in this review:
 - **Scenario 1:** assumes full funding of program obligations
 - **Scenario 2:** assumes reduced funding based on current budget limitations, and addresses the shortfall through the deferral of hardware replacement
 - **Scenario 3:** assumes reduced funding based on current budget limitations, and addresses the shortfall through financing.

Option Comparison*

Scenario 1: Original obligation without leveling or financing

Option	TECHNOLOGY REFRESH FIVE YEAR BUDGET FORECAST					Program Totals
	FY 15-16 (TR9)	FY 16-17 (TR10)	FY 17-18 (TR11)	FY 18-19 (TR12)	FY 19-20 (TR13)	
1	\$16,099,422	\$28,774,039	\$11,375,749	\$9,773,660	\$15,835,226	\$81,858,096

Scenario 2: Reduction from base need; defer 370 network switches 1 year past EOS

Option	TECHNOLOGY REFRESH FIVE YEAR BUDGET FORECAST					Program Totals
	FY 15-16 (TR9)	FY 16-17 (TR10)	FY 17-18 (TR11)	FY 18-19 (TR12)	FY 19-20 (TR13)	
2	\$16,099,422	\$22,500,000	\$17,649,788	\$9,773,660	\$15,835,226	\$81,858,096

Scenario 3: Reduction from base need with shortfall financed for 3 years @ 3% APR

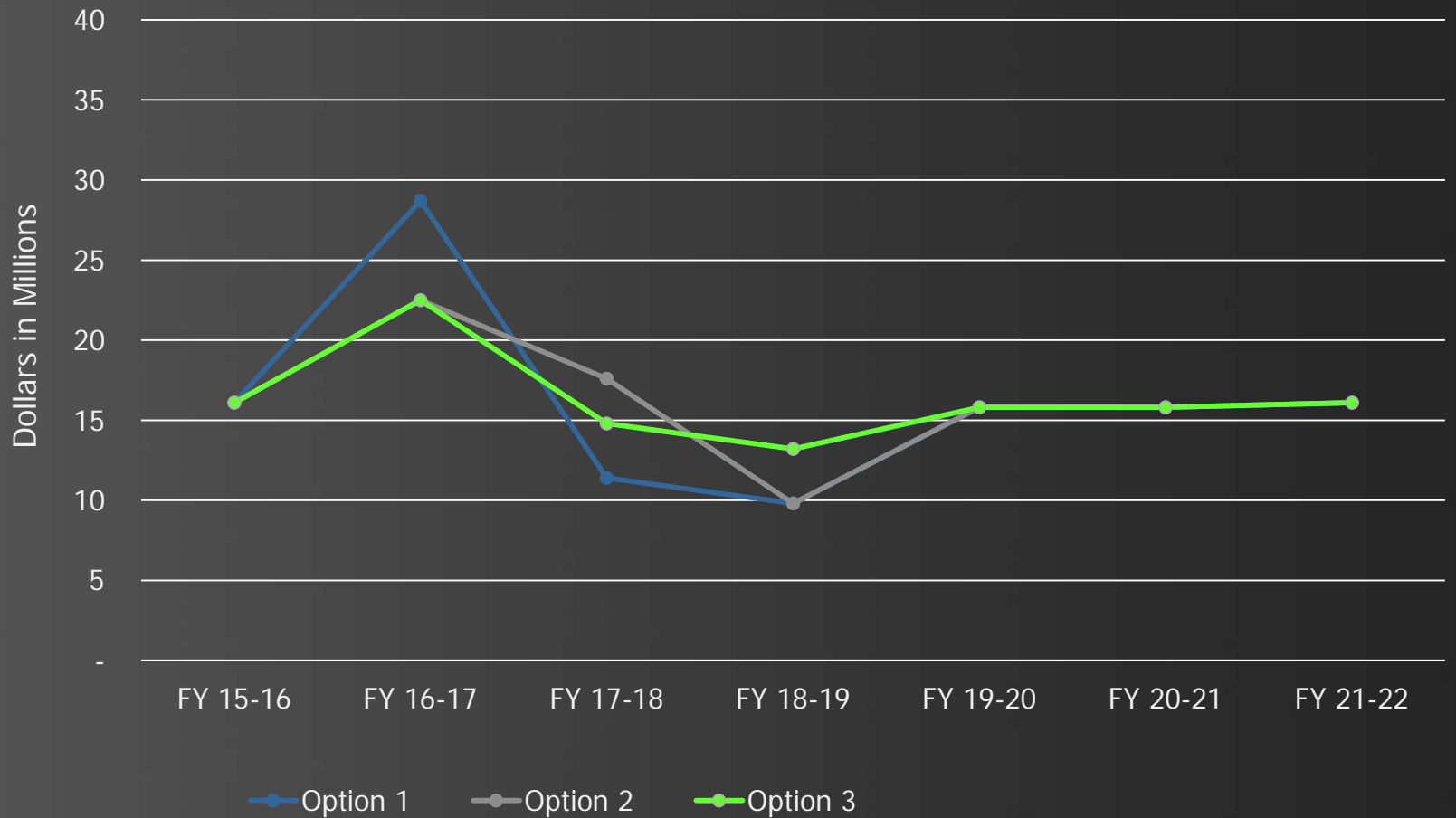
Option	TECHNOLOGY REFRESH FIVE YEAR BUDGET FORECAST					Program Totals
	FY 15-16 (TR9)	FY 16-17 (TR10)	FY 17-18 (TR11)	FY 18-19 (TR12)	FY 19-20 (TR13)	
3	\$16,099,422	\$22,500,000	\$14,817,727	\$13,215,638	\$15,835,226	\$82,468,013

* Preliminary



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Comparison Chart



Conclusion

- Scenario 3 provides the most effective balance between the need to level the budget, while keeping the finance charges at a reasonable level.
- Resolves the funding shortfall that is inherent with option 1
- Avoids the need to defer hardware replacement
- Least risk of impact to the court's daily operations



Procurement Vehicles

- CALNET 3
 - Currently in effect, but does not provide the full range of products and services that have previously been procured through CALNET 2
- CALNET 2
 - Expired but subsequently extended through January 2016
 - The California Department of Technology recently announced that it is working with AT&T and Verizon to extend the CALNET 2 agreements for two additional years



CITMF Review

Consensus on:

- Flexibility on the procurement model so long as court needs are met, and that it doesn't lock us into the same replacement cycle with the attendant budget peaks and valleys.
- The need to ensure that whichever option is selected provides a long term solution, vs. for several years until we have to face the problem again.
- The need to focus on stable ongoing funding now vs. down the road, and ensuring that the funding approach complies with the Judicial Branch Technology Governance and Funding Model.

California Judicial Branch Strategic Plan for Technology:

"Stable, long-term funding must be secured to support infrastructure maintenance, replacement, and improvement."



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Questions and Answers



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