



JUDICIAL COUNCIL
OF CALIFORNIA

TRIAL COURT BUDGET
ADVISORY COMMITTEE

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TRIAL COURT BUDGET ADVISORY COMMITTEE

MINUTES OF OPEN MEETING

March 10, 2016

10:04 a.m. - 1:35 p.m.

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

Advisory Body Members Present: Judges: Jonathan B. Conklin (Chair), Hon. Mark Ashton Cope, Hon. Laurie M. Earl, Hon. Barry P. Goode, Hon. James E. Herman, Hon. Joyce D. Hinrichs, Hon. Ira R. Kaufman, Hon. Cynthia Ming-mei Lee, Hon. Paul M. Marigonda, Hon. Glenda Sanders, and Hon. Winifred Younge Smith.

Executive Officers: Ms. Sherri R. Carter, Ms. Rebecca Fleming, Ms. Tammy L. Grimm (telephone), Mr. José O. Guillén, Mr. W. Samuel Hamrick, Jr., Mr. Kevin Harrigan, Mr. Michael D. Planet, Mr. Michael M. Roddy, Ms. Linda Romero-Soles, Mr. Brian Taylor, Ms. Tania Ugrin-Capobianco, Ms. Christina M. Volkens, and Mr. David Yamasaki.

Advisory Body Members Absent: Judges: Hon. Jeffrey B. Barton, Hon. Lesley D. Holland, Hon. Carolyn B. Kuhl, and Hon. Brian L. McCabe.

Executive Officers: Mr. Richard D. Feldstein and Mr. Jeffrey E. Lewis.

Judicial Council staff advisory members: Mr. Zlatko Theodorovic,

Others Present: Ms. Lucy Fogarty, Mr. Colin Simpson, Ms. Vicki Muzny, Mr. Patrick Ballard, Mr. Catrayel Wood, and Mr. Steven Chang.

OPEN MEETING

Call to Order and Roll Call

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

Approval of Minutes

The advisory body reviewed and approved the minutes of the January 14, 2016 Trial Court Budget Advisory Committee (TCBAC) meeting.

DISCUSSION AND ACTION ITEMS (ITEMS 1 – 6)

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

Presentation by Deputy Director of Finance: Lucy Fogarty

This was a discussion item with no action taken.

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

TCBAC members unanimously voted to approve the following four recommendations presented by the Funding Methodology Subcommittee.

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.
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.
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.

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

TCBAC members unanimously voted to approve the following three recommendations presented by the Ad Hoc Working Group on Fiscal Planning.

1. Approve the “Recommended Process for Trial Court Trust Fund Fund Balance Held on Behalf of the Courts”. (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”.
3. Approve the “Recommended Information Required to be Provided by Trial Courts for TCTF Fund Balance Held on Behalf of the Courts”.

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

Members of TCBAC unanimously voted to approve the following motion from the Revenue and Expenditures Subcommittee

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 the Administrative Director.

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

Members of TCBAC considered the following motion:

Motion to suspend the remaining three year phase in re-allocation plan but allocate any new funds to severely underfunded counties, and adopt the recommendation to continue to develop the attorney workload model. Voting as follows.

- All in favor:5
- Against: 20
- Absent: 5

Motion failed.

The TCBAC Members unanimously voted to approve the following ten recommendations as specified by the joint subcommittee.

1. 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. 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. 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. 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. 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. 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. That a program be established for providing emergency funding to small courts experiencing unexpected short-term caseload increases.
8. That dependency counsel funding is established in statute as a court function.
9. 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. 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.

In addition to the ten recommendations approved by Members of TCBAC, the committee also approved the following recommendation:

1. To provide to the Judicial Council materials that provide the 60/40 split so that the Council can see the impact and have information about what happened this year and what will happen next year.

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

Members of TCBAC unanimously approved the following recommendation:

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.

Item 7 – TCBAC Annual Agenda (Action Item)

Members of TCBAC unanimously voted to approve the TCBAC annual agenda as presented to E&P

Item 8 – Open Discussion

ADJOURNMENT

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

Approved by the advisory body on May 19, 2016.