



# JUDICIAL COUNCIL OF CALIFORNIA

TRIAL COURT BUDGET  
ADVISORY COMMITTEE

## TRIAL COURT BUDGET ADVISORY COMMITTEE FUNDING METHODOLOGY SUBCOMMITTEE

### MATERIALS FOR MAY 21, 2018

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# JUDICIAL COUNCIL OF CALIFORNIA

TRIAL COURT BUDGET  
ADVISORY COMMITTEE

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## TRIAL COURT BUDGET ADVISORY COMMITTEE FUNDING METHODOLOGY SUBCOMMITTEE

### NOTICE AND AGENDA OF OPEN MEETING

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

THIS MEETING IS BEING CONDUCTED BY ELECTRONIC MEANS

THIS MEETING IS BEING RECORDED

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**Date:** May 21, 2018  
**Time:** 12:00 p.m.  
**Public Call-in Number:** 1-877-820-7831 passcode; passcode 1884843 (Listen Only)

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

Members of the public seeking to make an audio recording of the meeting must submit a written request at least two business days before the meeting. Requests can be e-mailed to [tcbac@jud.ca.gov](mailto:tcbac@jud.ca.gov).

Agenda items are numbered for identification purposes only and will not necessarily be considered in the indicated order.

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#### I. OPEN MEETING (CAL. RULES OF COURT, RULE 10.75(C)(1))

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##### Call to Order and Roll Call

##### Approval of Minutes

Approve minutes of the March 26, 2018, Funding Methodology Subcommittee meeting.

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#### II. PUBLIC COMMENT (CAL. RULES OF COURT, RULE 10.75(K)(1))

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This meeting will be conducted by electronic means with a listen only conference line available for the public. As such, the public may submit comments for this meeting only in writing. In accordance with California Rules of Court, rule 10.75(k)(1), written comments pertaining to any agenda item of a regularly noticed open meeting can be submitted up to one complete business day before the meeting. For this specific meeting, comments should be e-mailed to [tcbac@jud.ca.gov](mailto:tcbac@jud.ca.gov) or mailed or delivered to 455 Golden Gate Avenue, San Francisco, CA 94102, attention: Lucy Fogarty. Only written comments received by May 18, 2018 at 12 p.m. will be provided to advisory body members prior to the start of the meeting.

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**III. DISCUSSION AND POSSIBLE ACTION ITEMS (ITEMS 1-3)**

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**Item 1****Funding Methodology Subcommittee Work Plan (Action Required)**

Review and update work plan including prioritization of Workload-based Allocation and Funding Methodology (WAFM) Adjustment Requests referred by the Trial Court Budget Advisory Committee.

Presenter(s)/Facilitator(s): Ms. Lucy Fogarty, Deputy Director, Judicial Council Budget Services

**Item 2****2018-19 Self Help Funding Allocations (Action Required)**

Consider allocations for self-help funding for 2018-19.

Presenter(s)/Facilitator(s): Ms. Kristin Greenaway, Supervisor, Judicial Council Budget Services

Ms. Bonnie Rose Hough, Managing Attorney, Judicial Council Center for Families, Children, and the Courts

**Item 3****Simplified Displays (Action Required)**

Consider displays for trial court allocations beginning in 2018-19.

Presenter(s)/Facilitator(s): Ms. Brandy Sanborn, Manager, Judicial Council Budget Services

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**IV. INFORMATION ONLY ITEMS (NO ACTION REQUIRED)**

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**Info 1****Budget Update**

Update on the 2018-19 budget.

Presenter(s)/Facilitator(s): Mr. Zlatko Theodorovic, Director, Judicial Council Budget Services

**Info 2****Cluster 2 Review**

Update on the review of the cluster 2 courts.

Presenter(s)/Facilitator(s): Ms. Kristin Greenaway

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**V. ADJOURNMENT**

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**Adjourn**



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TRIAL COURT BUDGET ADVISORY COMMITTEE  
FUNDING METHODOLOGY SUBCOMMITTEE

MINUTES OF OPEN MEETING

March 26, 2018

10:00 a.m. – 2:00 p.m.

Conference Call: 1-877-820-7831, Listen only code: 1884843

**Advisory Body Members Present:** Judges: Hon. Jonathan B. Conklin (Co-Chair), Hon. Mark Ashton Cope, Hon. Joyce D. Hinrichs and Hon. Paul M. Marigonda.

Executive Officers: Ms. Rebecca Fleming (Co-Chair), Ms. Sherri R. Carter, Ms. Kimberly Flener, Mr. Jeffrey E. Lewis, Mr. Michael D. Planet, Mr. Michael M. Roddy, and Ms. Tania Ugrin-Capobianco.

**Advisory Body Members Absent:**

**Others Present:** Hon. Wynne S. Carvill, Mr. John Wordlaw (phone), Mr. Zlatko Theodorovic, Ms. Lucy Fogarty, Ms. Brandy Sanborn, Ms. Leah Rose-Goodwin, Ms. Kristin Greenaway, Mr. James Baird, Mr. Chad Finke, and Mr. Colin Simpson.

OPEN MEETING

**Call to Order and Roll Call**

The chair called the meeting to order at 10:03 a.m. and roll was called.

**Approval of Minutes**

The advisory body reviewed and approved the minutes of the November 14, 2017 Funding Methodology Subcommittee meeting.

**ACTION ITEMS (ITEMS 1-3)**

**Item 1 – Allocation of the \$47.8 million in Governor’s Proposed Budget (Action Required)**

Determine allocation methodology for the proposed \$47.8 million intended to equalize funding among courts by bringing all trial courts up to the statewide average funding level.

Presenter(s)/Facilitator(s): Hon. Jonathan B. Conklin, Cochair, Funding Methodology Subcommittee; Ms. Rebecca Fleming, Cochair, Funding Methodology Subcommittee; and Ms. Kristin Greenaway, Supervising Research Analyst, Judicial Council Budget Services

*Action: The Funding Methodology Subcommittee unanimously approved option 1, which states would bring all courts to 78.3% of need or above and establishes a new statewide average funding level of 80.8%. The following steps are taken:*

- *Bring courts below 76.9% of need to 76.9% (to bring courts to 76.9% it takes \$35.9 million of the \$47.8 million);*
- *To determine the allocation of the remaining \$11.9 million, total the allocation of all courts below the new statewide average and add the remaining \$11.9 million to be allocated and divide by total need of those courts below the average. This creates a percentage floor of 78.3%;*
- *There are two courts that were below the statewide average but above 78.3% (floor average): Los Angeles (78.4%) and Sacramento (78.5%); under this scenario, these courts do not get any of the \$47.8 million.*

**Item 2 – Funding Methodology Subcommittee Work Plan (Action Required)**

Prioritize and take possible action on the Funding Methodology Subcommittee Work Plan items.

Presenter(s)/Facilitator(s): Hon. Jonathan B. Conklin and Ms. Rebecca Fleming

*Action 1: The subcommittee voted unanimously to make the following changes to the work plan:*

*Re-prioritize the work plan to move the following items to 2019-20:*

- 2. Address new judgeship staffing complement funding when necessary.*
- 7. Evaluate impact of JCC and other provided services.*

*Consider item 6 of the work plan to be complete after consideration of the report regarding special circumstances case funding.*

*Action 2: The subcommittee voted unanimously to allocate fund for self-help using the current methodology, modified by updated census figures, to be placed on the agenda for the Funding Methodology Subcommittee in May 2018 for final recommendation to the Judicial Council in July. This recommendation is contingent on additional self-help funding being provided in the Budget Act of 2018.*

*Action 3: The subcommittee voted unanimously to have staff prepare an analysis regarding alternatives to the existing court clusters that would be based on workload. The analysis would be reviewed by the Funding Methodology Subcommittee and referred to the Workload Assessment Advisory Committee for consideration.*

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

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There being no further business, the meeting was adjourned at 1:32 p.m.

Approved by the advisory body on enter date.

## FUNDING METHODOLOGY SUBCOMMITTEE (FMS) WORK PLAN

Updated ~~on October 26 and November 14, 2017~~ March 23, 2018

### 2017-18

1. Plans for FY 2018–2019 and year 6 and beyond
  - a. Simplify display of worksheets for after year 5
  - b. Review and evaluate funding methodology

### 2018-19

~~2.1. Address new judgeship staffing complement funding when necessary.~~

~~3.2.~~ Evaluate the impact of civil assessments as it relates to the Workload-based Allocation and Funding Methodology (WAFM).

~~4.3.~~ Review TCTF and IMF self-help funding allocation.

~~5.4.~~ Identify all funding sources and determine allocation models.

~~6. Evaluate special circumstances cases funding.~~

~~7. Evaluate impact of JCC and other provided services.~~

~~8.5.~~ Evaluate the cluster 2 Bureau of Labor Statistics and small court adjustment contributions.

### 2019-20

6. Address new judgeship staffing complement funding when necessary.

7. Evaluate impact of JCC and other provided services.

~~9.8.~~ Evaluate how to include unfunded costs – courthouse construction.

### Annual Updates

~~10.9.~~ Review the base and graduated funding floor amounts annually to determine whether an inflationary adjustment is needed.

~~11.10.~~ Track technology funding streams (quarterly updates from JCTC and CITMF).

12.11. Track joint working group with Family and Juvenile Law Advisory Committee to evaluate the allocation methodology for Child Support Commissioner and Family Law Facilitator Program funding. Subsequent to receiving information from working group, FMS will continue to review AB 1058 revenue as an offset to WAFM funding need.

## FUNDING METHODOLOGY SUBCOMMITTEE (FMS) WORK PLAN

Updated ~~March 23, 2018~~ May 21, 2018

### 2017-18

1. Plans for FY 2018–2019 and year 6 and beyond
  - a. Simplify display of worksheets for after year 5
  - ~~b. Review and evaluate funding methodology~~

### 2018-19

2. Evaluate the impact of civil assessments as it relates to the Workload-based Allocation and Funding Methodology (WAFM).
3. Review TCTF and IMF self-help funding allocations and determine allocation methodology for all self-help funding beginning in 2019-20.
4. Identify all funding sources and determine allocation models.
5. Evaluate the cluster 2 Bureau of Labor Statistics and small court adjustment contributions.

### 2019-20

6. Address new judgeship staffing complement funding when necessary.
7. Evaluate impact of JCC and other provided services.
8. Evaluate how to include unfunded costs – courthouse construction.

### Annual Updates

9. Review the base and graduated funding floor amounts annually, for presentation to the TCBAC in December, to determine whether an inflationary adjustment is needed.
10. Track technology funding streams to identify any potential impacts on trial court workload (quarterly updates from JCTC and CITMF in June and December).
11. Track joint working group with the Family and Juvenile Law Advisory Committee and the Workload Assessment Advisory Committee to evaluate the allocation methodology for Child Support Commissioner and Family Law Facilitator Program funding. Subsequent to receiving information from working group, FMS will continue to review AB 1058 revenue as an offset to WAFM funding need.

**(Action Item)**

**Title:** Workload-based Allocation and Funding Methodology Adjustment Request Procedure Requests

**Date:** 5/17/2018

**Contact:** James Baird, Senior Research Analyst, Office of Court Research

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On April 5, 2018, the Trial Court Budget Advisory Committee (TCBAC) was presented with two Adjustment Request Procedure (ARP) requests to be considered. Per the updated ARP (Attachment 1D), TCBAC's role was to refer the ARP requests to the Funding Methodology Subcommittee (FMS) to be reviewed and considered as possible items to add to the FMS work plan. A summary and recommendation for each request follows below.

**ARP Requests Submitted for Consideration**

1. Superior Court of California, County of Del Norte, submitted January 8, 2018 (Attachment 1E)
2. Superior Court of California, County of Stanislaus, submitted January 16, 2018 (Attachment 1F)

**1. Superior Court of California, County of Del Norte****Request**

The submission from Del Norte requests a review of how WAFM affects small courts. While acknowledging the funding floor adjustment, Del Norte requests that WAFM be re-evaluated in terms of how it affects small courts, specifically if there "is a need for a unique weighting scenario" for small courts.

**Background**

The Resource Assessment Study (RAS) and the Workload-based Allocation and Funding Methodology (WAFM) include nine small court adjustments – 5 in RAS and 4 in WAFM. The RAS/WAFM small court adjustments were summarized and discussed at the Funding Methodology Subcommittee meeting on October 26, 2017:

## Small Court Adjustments: RAS Model

1. Rounding to whole numbers
2. Manager/Supervisor Ratio
3. Program 90
4. Infractions case weights

## Small Court Adjustments: WAFM

5. Allotment Factor – applied to pre-benefits adjusted need
6. Allotment Factor – applied to benefits (Program 10)

7. Allotment Factor – applied to benefits (Program 90)
8. Funding Floor
9. Operating Expenses & Equipment (OE&E) Clustering (OE&E for cluster 1; OE&E for clusters 2-4)

Additionally, the updates to the funding allocation methodology, approved by the Judicial Council in January 2018, call for special considerations for the cluster 1 courts; specifically, those courts are to be funded at 100% of need in years when there is new money to be allocated via WAFM.

### **Recommendation**

The FMS work plan includes an item to “evaluate the cluster 2 Bureau of Labor Statistics (BLS) and small court adjustment contributions.” This work plan item addresses concerns about how the workload models can better meet the needs of the smallest trial courts; while Del Norte is a cluster 1 court, it is possible that the adjustments contemplated may have a spillover impact on cluster 1. Staff will include the concerns expressed by Del Norte when examining this item on the work plan. When this work plan item is presented and discussed in future FMS meetings, staff proposes addressing the concerns expressed in this ARP at that same time.

## **2. Superior Court of California, County of Stanislaus**

### **Request**

The submission from Stanislaus is requesting that court-funded lease/rent be included in the OE&E calculations.

### **Background**

Some OE&E expenditures are included in WAFM and the dollar amounts of those expenditures are updated annually. However, not all OE&E expenditures are included in WAFM. The decision to include or exclude OE&E expenditures was based on identifying if those expenditures were consistent with RAS-related workload. If they were related, then those expenditures were included. If not, they were excluded. At the time these decisions were made, the Judicial Council determined that court-funded lease/rent dollars should be excluded from WAFM.

### **Recommendation**

Work plan item 8, currently scheduled for review in 2019-20 includes an evaluation of unfunded costs, including courthouse construction. This request relates to a broader discussion about the costs to operate facilities which are not a court operations expense. It is recommended that this request be incorporated into work plan item 8. The subcommittee will need to determine if the timing of the review of that item should be adjusted.

***Workload-Based Allocation and Funding Methodology (WAFM) Adjustment Request Procedures***

The submission, review and approval process shall be under the direction of the Judicial Council and would be as follows:

1. Initial requests shall be submitted to the Administrative Director either by the trial court's Presiding Judge or Executive Officer no later than January 15 of each year, commencing January 15, 2018.
2. The Administrative Director shall forward the request to the Director of Judicial Council Budget Services. The Director of the Judicial Council Budget Services, in consultation with the Chair of the TCBAC shall review each request and refer the request to the Funding Methodology Subcommittee at the April meeting of the TCBAC.
3. The Funding Methodology Subcommittee shall review the referral from TCBAC and prioritize the request into the proposed annual work plan to be submitted back to TCBAC in July of the new fiscal year.
4. Once prioritized, requests will be evaluated by the TCBAC's Funding Methodology Subcommittee. The review of WAFM Adjustment Requests shall include a three-step process including:
  - a) initial review to determine whether the factor identified in a court's request should form the basis of a potential modification to WAFM;
  - b) evaluation of whether and how the modification should occur; and
  - c) evaluation of whether, for those circumstances where it is determined that the factor should ultimately be included in the underlying Resource Assessment Study model (RAS), an interim adjustment should be made to a trial court's WAFM funding need pending a more formal adjustment to the RAS model.
5. The Funding Methodology Subcommittee shall review any requests and present its recommendation(s) to the TCBAC no later than January prior to the year proposed for implementation.
6. The TCBAC shall make final recommendations to the Judicial Council for consideration no later than March/April Judicial Council meeting. Requested adjustments that are approved by the Judicial Council shall be included in the allocation based on the timing included in the recommendation. TCBAC will make no further recommendations for changes to the WAFM formulae impacting the next fiscal year after the March/April Judicial Council meeting of the current fiscal year.

Upon approval by the Judicial Council of an adjustment to WAFM, the Director of the Budget Services, in consultation with the TCBAC, shall notify all trial courts. In some circumstances, the nature of the adjustment will automatically apply to all courts.

7. Adjustments to WAFM will impact the funding need for each trial court that is subject to the adjustment, along with the overall statewide funding need. Therefore, final allocations will be implemented consistent with the WAFM allocation implementation plan as approved by the Judicial Council or as amended in the future. Because funding need is currently greater than available funding and because only a portion of trial court funding is currently allocated under the WAFM, allocated funding will not equal, and may be substantially less than, the funding need identified for the adjustment being made, just as the allocated funding is substantially less than the entire WAFM funding need.
8. This policy does not preclude the Funding Methodology subcommittee from taking expedited action per the direction of the TCBAC committee.

Trial courts requesting an adjustment in accordance with the WAFM Adjustment Request Process shall be required to submit detailed information documenting the need for such adjustment. The Director of Budget Services shall develop an application form that solicits at minimum, the following information:

1. A description of how the factor is not currently accounted for in WAFM.
2. Identification and description of the basis for which the adjustment is requested.
3. A detailed analysis of why the adjustment is necessary.
4. A description of whether the unaccounted for factor is unique to the applicant court(s) or has broader applications.
5. Detailed description of staffing need(s) and/or costs required to support the factor that is unaccounted for by WAFM.
6. Description of the consequence to the public and access to justice without the funding.
7. Description of the consequences to the requesting court(s) of not receiving the funding.
8. Any additional information requested by the JCC Budget Services, Funding Methodology Subcommittee, and/or TCBAC deemed necessary to fully evaluate the request.

WAFM Adjustment Request Process

January 8, 2017

**1. A description of how the factor is not currently accounted for in WAFM.**

Small courts are uniquely disadvantaged when applying WAFM. While this model relies heavily on workload analysis based on filings, it does not appear to consider the baseline complement of staff needed to operate a Court with the standards and efficiencies expected of the Judicial Branch. Additionally, while constructing funding around filings, there is little consideration of the impact small fluctuations can affect a small court. Staffing redundancies are required to maintain continuity of operations.

For example, our Court assigns two Court Clerks to the public counter for traffic-related cases and fine payments. These two incumbents work partial day at the counter and the remainder at their desks doing administrative duties in support of the Traffic Court and collections. While, due to large staffing changes at our local California Highway Patrol, filings and citations are significantly lower this fiscal year. This is related to recruits in our local CHP office are not trained and certified with the Radar requirements. This reduction in tickets is beyond this Court's control. However, the Court anticipates a further reduction in this area when WAFM is calculated. There are no redundancies left in our staffing. We currently have no functional area of the Court with more than two employees assigned to that area, except the Courtroom and we have two clerks per judge for a total of four. The majority of the positions currently filled with the Court are single incumbent positions. This leaves no room for coverage when employees are absent, or vacancies occur.

**2. Identification and description of the basis for which the adjustment is requested.**

Del Norte is requesting that there is a re-evaluation on how WAFM affects small courts and whether there is a need for a unique weighting scenario for small court. While we understand there is a minimum funding floor; that is insufficient when discussing the basic complement of staff and small Court.

**3. A detailed analysis of why the adjustment is necessary.**

Much of this point was covered in the first question. Del Norte and similarly sized courts are facing the same issues. There appears to be a need to establish a baseline and standard staffing complement per JPE. An adjustment to how funding is allocated and, more significantly, cut from a smaller court's budget is necessary. The impact of funding and/or staffing is only feasible to a point. The predicament of small courts is whether to

limit the public's access to justice or continue to overburden a stretched staff to continue to do more work with fewer resources.

**4. A description of whether the unaccounted for factor is unique to the applicant court(s) or has broader applications.**

It is immediately clear; small courts are at a unique disadvantage when applying broad funding methodologies such as WAFM. Small courts do not have the resources, either financial or staffing, to shoulder dramatic shifts in funding annually. Staffing structures of small courts, such as Del Norte, have several program areas that are staffed by no more than two employees. When positions and funding are cut in a small court, there is a limit to reductions that can be withstood before jeopardizing the employee and the public's access to the Court.

Anecdotally, a cursory review of the FY 17/18 WAFM allocations, the three largest staffing reductions was assigned to the smallest courts. When determining WAFM, several areas are weighted to determine funding and staffing levels. Using annual case filings as a basis for funding places the small courts at the mercy of agencies with staffing, budget and internal issues as the basis for our funding. These fluctuations have a greater impact on a small court without any redundancies in their budget or staffing.

**5. Detailed description of staffing need(s) and/or costs required to support the factor that is unaccounted for by WAFM.**

Each organizational area of the Court requires a minimum staffing level. Current filings only dictate the volume and speed of the work completed, not the minimum administrative duties of the daily functional activities. WAFM seems to miss the outlier data of each organization. Each Court/County has operated independently for years, allowing for unique workflows and staffing structures that fit the needs of their Court. This inherent uniqueness is not accounted for in WAFM.

**6. Description of the consequence to the public and access to justice without the funding.**

While we have often discussed the potential risk to the public and access to justice, we have not fully explored the opposite. When filings are down, access to justice to the public increases. Wait times are reduced, and more resources can be allocated. When workload increases, especially following years of systematic reductions in funding and staff, this workload increase is amplified untold amounts. It is impossible to determine the final detriment to the public. This is why we are calling for a re-evaluation of our funding before this turn in our filings.

**7. Description of the consequences to the requesting court(s) of not receiving the funding.**

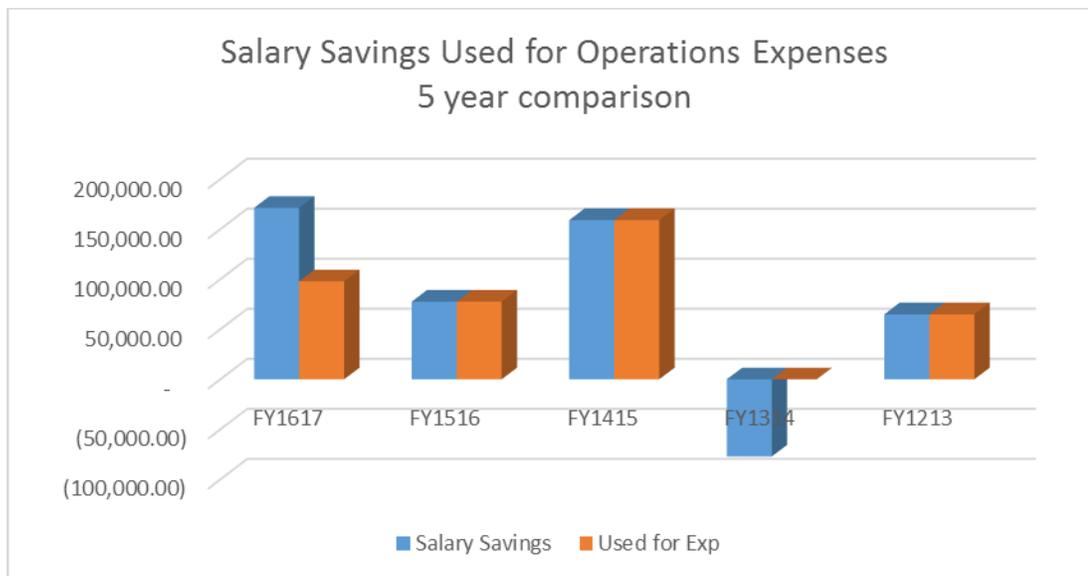
Del Norte has been shouldering the reductions through attrition for the past several budget cycles. To cover the basic operating costs of the Court, salary savings from held vacant position has been heavily relied upon. This Court is in the position of merely existing. There is no possibility to expand programs to better serve the needs of our community or improve access to justice. The WAFM funding pattern for this Court has slowly eroded

security and solvency of this Court, the workforce of the Court, and the Court’s ability to proactively meet the needs of the public.

While it appears to be justified in the WAFM formulaic approach, there are factors that are not explained and understood by “filings” alone. There is a clear correlation between the reduction in funding this Court has seen in past two fiscal years to the large decrease in filings. However, the fewer filings have not correlated into less production by court staff. The workload of a staff member remains static. It is the backlog that is eliminated first, during these times of reduced filings. Litigants access to the Court improves and there is no wait to get court dates, access mediation or any hurdles to Court research and assistance.

**8 Any additional information requested by the Judicial Council Budget Services Office, Funding Methodology Subcommittee, and TCBAAC deemed necessary to fully evaluate the request.**

Here is a simple illustration on how reductions in our budget correlates directly to reduction in staffing. The Court has utilized 100% of each Fiscal Year salary saving to cover operations.





# SUPERIOR COURT OF CALIFORNIA COUNTY OF STANISLAUS

**Hugh K. Swift**  
Court Executive Officer  
Jury Commissioner

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January 16, 2018

VIA EMAIL ATTACHMENT

Martin Hoshino  
Administrative Director  
Judicial Council of California  
455 Golden Gate Ave.  
San Francisco, CA

RE: Workload-Based Allocation and Funding Methodology (WAFM) Adjustment Request

Dear Mr. Hoshino,

The Superior Court of California, County of Stanislaus submits the following WAFM Adjustment Request regarding increased costs in Operating Expenditures and Equipment (OE&E) not factored into WAFM at this time:

- Court-Funded Lease/Rent

1) Description of how the factor is not currently accounted for in WAFM:

The costs of leasing or renting space for court operations is specifically excluded from WAFM calculation.

2) Basis for adjustment request:

We currently conduct trial court operations in five separate facilities. The Judicial Council leases at least a portion of four of the facilities from the county or private parties. However, through the CFR process, the court funds a portion of the lease payments at three of the facilities. In addition, due to inadequate space to accommodate a multi-defendant homicide case, the court (using the CFR process) leased an additional offsite court location for over two years (14/15 through 16/17).

When construction of the New Modesto Courthouse is completed the court will consolidate all of its operations into one building. However, the project is still in the Design Drawings phase and construction will not be completed for another four to five years, at the earliest.

The Judicial Council has the statutory responsibility to provide court facilities. (Gov.Code § 70312.) With the exception of court records storage, the rental of space for court operations is not an allowable cost of court operations. (Cal. Rules of Court, Rule 10.810(b)(2).) The CFR process provides a method for a court to meet its space requirements without committing a technical violation of Rule 10.810. However, the CFR process appears to place form over substance as the court effectively pays the rent on leased facilities through reductions in its TCTF allocations. Because WAFM does not account for these unallowable expenditures, the funding to support core court operations is reduced.

3) Analysis of adjustment necessity:

Over the previous five fiscal years, CFR payments for leased spaces has averaged \$179,332 annually. We expect to pay \$157,042 for leased spaces in 17/18.

Stanislaus remains one of the three most underfunded courts in the state. Our staffing levels are well below our RAS need of 268. Positions that may have been filled remained vacant because the court was required to use funding it received for operations to meet its facility needs.

4) Unique or broad application:

This issue is not unique to our court. The application will depend on whether there is sufficient state-owned space to meet a court's facility needs, or whether the court must use a portion of its TCTF allocation to fund leases in facilities owned by third-parties.

5) Description of costs required to support the factor that is unaccounted for by WAFM:

Leased Facilities Costs – either shared usage costs or court funded request

6) Public access consequence:

Court funding that would otherwise be used to fill vacant positions is instead used to make lease payments on space used for trial court operations. The lack of adequate staffing in the clerk's offices and self-help already negatively impacts the public's access to justice. Keeping positions open so the court can pay rent, only exacerbates the problem.

7) Consequences of not receiving funding:

Stanislaus had to freeze 12 vacancies for full fiscal year 2017-2018 in order to meet our OE&E obligations. In addition, we operated this year with an average monthly vacancy rate of 22, or ten positions over and above the 12 deemed to be frozen the entire year. We typically hold current year vacancies for 3-4 months in order to ensure we can meet expenditure obligations for leases and other unfunded cost increases, i.e., psychological evaluations.

8) Additional Information:

These are not new issues; rather, these are issues we wanted documented for our court. Specifically for lease/rent, we spoke on various occasions with JCC Facilities staff request funding of a leased facility for multi-defendant criminal cases due to lack of adequate sized and secure courtrooms and were told there was no avenue for funding other than court-funded requests. These costs are documented on our supporting spreadsheet listed as Department 26.

Thank you for your consideration of this request. If you have any questions or comments, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Hugh K. Swift". The signature is fluid and cursive, with the first name being the most prominent.

Hugh K. Swift  
Court Executive Officer

Rent/Lease		Historical Costs FY 1213 Forward		Department 26 (Criminal Courtroom for Multi Defendant Trials too large to hold in Main Courthouse)		Traffic (Addtl Lobby Space)		Total		Percentage Increase from Prior Year		Cumulative e 5-Year Percentage e Increase 12/13 to 1718 YEP	
FY	Hall of Records	Juvenile											
1213	\$102,984	\$1,658	\$0	\$0	\$104,642								WAFM Yr1
1314	\$106,352	\$1,566	\$0	\$0	\$107,918	3.13%							WAFM Yr1
1415	\$113,443	\$1,613	\$33,258	\$0	\$148,314	37.43%							WAFM Yr2
1516	\$110,864	\$1,812	\$133,035	\$0	\$245,711	65.67%							WAFM Yr3
1617	\$116,748	\$1,866	\$133,035	\$38,427	\$290,077	18.06%							WAFM Yr4
<b>1718 Est.</b>	<b>\$116,748</b>	<b>\$1,866</b>	<b>\$0</b>	<b>\$38,427</b>	<b>\$157,042</b>	<b>-45.86%</b>							WAFM Yr5

(Action Item)

**Title:** Self-Help Funding Allocations

**Date:** 5/17/2018

**Contact:** James Baird, Senior Research Analyst, Office of Court Research  
Bonnie Hough, Managing Attorney, Center for Families, Children & the Courts

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**Background**

On March 21, 2018, The Funding Methodology Subcommittee (FMS) requested that the methodology for self-help funding be unchanged for the upcoming fiscal year with the exception of updating census information. The following report uses updated census data from the California Department of Finance, Demographic Research Unit, Population Estimates for Cities and Counties and the State, January 1, 2016 and 2017. It proposes reallocation of the \$11.2 million in self-help funding along with the additional \$19 million in the current Governor’s budget.

**Allocation Methodology**

The methodology for annual allocation includes \$34,000 per court as a baseline. For the 58 trial courts, the baseline total is \$1,972,000. The remainder of the funds are currently proportionally allocated based on the population in the county. This includes \$4,228,000 from the TCTF (\$6,200,000 less the base of \$1,972,000), \$5M from the IMF, and the additional \$19.1M currently in the Governor’s budget. The population data was updated from 2005 census data to 2017 Department of Finance estimates. The Judicial Council requires that at least 80 percent of the funding be used for staff, with a provision that courts can request exceptions to that requirement based on need in a given year, and that the courts make a provision to provide services to persons with limited English proficiency.

Table 1 shows the proposed 2018-19 allocation of \$30.3 million in self-help funding and Table 2 provides the difference compared to prior year allocations as a result of updating the population.

**Table 1 IMF and TCTF Funding for Self-Help in Fiscal Year 2018-19**

County	Total Population*	% of State Population	Base of \$34,000	TCTF Self-Help Funding	IMF Self-Help Funds	New \$19.1M	Total Self-Help Allocation
	A	B	C	D = (B * 4,228,000) + C	E = B * 5,000,000	F = B * 19,100,000	G = D + E + F
Alameda	1,645,359	4.163%	34,000	210,011	208,149	795,129	1,213,288
Alpine	1,151	0.003%	34,000	34,123	146	556	34,825
Amador	38,382	0.097%	34,000	38,106	4,856	18,548	61,510
Butte	226,404	0.573%	34,000	58,219	28,642	109,411	196,272
Calaveras	45,168	0.114%	34,000	38,832	5,714	21,828	66,374
Colusa	22,043	0.056%	34,000	36,358	2,789	10,652	49,799
Contra Costa	1,139,513	2.883%	34,000	155,898	144,156	550,676	850,730
Del Norte	27,124	0.069%	34,000	36,902	3,431	13,108	53,441

County	Total Population*	% of State Population	Base of \$34,000	TCTF Self-Help Funding	IMF Self-Help Funds	New \$19.1M	Total Self-Help Allocation
El Dorado	185,062	0.468%	34,000	53,797	23,412	89,432	166,641
Fresno	995,975	2.520%	34,000	140,543	125,997	481,310	747,851
Glenn	28,731	0.073%	34,000	37,073	3,635	13,884	54,593
Humboldt	136,953	0.347%	34,000	48,650	17,325	66,183	132,159
Imperial	188,334	0.477%	34,000	54,147	23,826	91,013	168,986
Inyo	18,619	0.047%	34,000	35,992	2,355	8,998	47,345
Kern	895,112	2.265%	34,000	129,754	113,238	432,568	675,559
Kings	149,537	0.378%	34,000	49,997	18,917	72,265	141,179
Lake	64,945	0.164%	34,000	40,947	8,216	31,385	80,548
Lassen	30,918	0.078%	34,000	37,307	3,911	14,941	56,160
Los Angeles	10,241,278	25.912%	34,000	1,129,551	1,295,590	4,949,153	7,374,294
Madera	156,492	0.396%	34,000	50,741	19,797	75,626	146,163
Marin	263,604	0.667%	34,000	62,199	33,348	127,388	222,935
Mariposa	18,148	0.046%	34,000	35,941	2,296	8,770	47,007
Mendocino	89,134	0.226%	34,000	43,535	11,276	43,074	97,886
Merced	274,665	0.695%	34,000	63,382	34,747	132,733	230,862
Modoc	9,580	0.024%	34,000	35,025	1,212	4,630	40,866
Mono	13,713	0.035%	34,000	35,467	1,735	6,627	43,829
Monterey	442,365	1.119%	34,000	81,322	55,962	213,775	351,059
Napa	142,408	0.360%	34,000	49,234	18,016	68,819	136,069
Nevada	98,828	0.250%	34,000	44,572	12,502	47,759	104,834
Orange	3,194,024	8.081%	34,000	375,678	404,065	1,543,529	2,323,272
Placer	382,837	0.969%	34,000	74,954	48,431	185,008	308,393
Plumas	19,819	0.050%	34,000	36,120	2,507	9,578	48,205
Riverside	2,384,783	6.034%	34,000	289,110	301,691	1,152,459	1,743,260
Sacramento	1,514,770	3.833%	34,000	196,041	191,628	732,021	1,119,690
San Benito	56,854	0.144%	34,000	40,082	7,192	27,475	74,749
San Bernardino	2,160,256	5.466%	34,000	265,091	273,287	1,043,955	1,582,333
San Diego	3,316,192	8.390%	34,000	388,746	419,520	1,602,568	2,410,835
San Francisco	874,228	2.212%	34,000	127,520	110,596	422,475	660,591
San Joaquin	746,868	1.890%	34,000	113,895	94,484	360,928	569,307
San Luis Obispo	280,101	0.709%	34,000	63,964	35,435	135,360	234,758
San Mateo	770,203	1.949%	34,000	116,392	97,436	372,205	586,032
Santa Barbara	450,663	1.140%	34,000	82,209	57,012	217,785	357,006
Santa Clara	1,938,180	4.904%	34,000	241,335	245,193	936,636	1,423,164
Santa Cruz	276,603	0.700%	34,000	63,589	34,992	133,670	232,251
Shasta	178,605	0.452%	34,000	53,106	22,595	86,312	162,013
Sierra	3,207	0.008%	34,000	34,343	406	1,550	36,299
Siskiyou	44,688	0.113%	34,000	38,780	5,653	21,596	66,030
Solano	436,023	1.103%	34,000	80,643	55,160	210,710	346,513
Sonoma	505,120	1.278%	34,000	88,035	63,901	244,102	396,038
Stanislaus	548,057	1.387%	34,000	92,628	69,333	264,852	426,812
Sutter	96,956	0.245%	34,000	44,372	12,266	46,855	103,492
Tehama	63,995	0.162%	34,000	40,846	8,096	30,926	79,868
Trinity	13,628	0.034%	34,000	35,458	1,724	6,586	43,768
Tulare	471,842	1.194%	34,000	84,475	59,691	228,020	372,186
Tuolumne	54,707	0.138%	34,000	39,852	6,921	26,437	73,210
Ventura	857,386	2.169%	34,000	125,718	108,465	414,336	648,519
Yolo	218,896	0.554%	34,000	57,416	27,692	105,783	190,891
Yuba	74,577	0.189%	34,000	41,978	9,434	36,040	87,452
<b>Total</b>	<b>39,523,613</b>		<b>1,972,000</b>	<b>6,200,000</b>	5,000,000	19,100,000	<b>30,300,000</b>

**Table 2 Changes to the Allocation of \$11.2M of TCTF and IMF based upon updated Population**

County	2018-19 Proposed TCTF Self-Help Allocation	2017-18 TCTF Allocation (Old Population Data)	2018-19 Proposed IMF Self-Help Allocation	2017-18 IMF Allocation (Old Population Data)	Effect of Updates to Population
Alameda	210,011	205,784	208,149	203,151	9,225
Alpine	34,123	34,141	146	166	(38)
Amador	38,106	38,337	4,856	5,129	(505)
Butte	58,219	58,706	28,642	29,216	(1,061)
Calaveras	38,832	39,199	5,714	6,149	(802)
Colusa	36,358	36,447	2,789	2,894	(194)
Contra Costa	155,898	151,083	144,156	138,460	10,511
Del Norte	36,902	37,321	3,431	3,927	(915)
El Dorado	53,797	54,042	23,412	23,701	(535)
Fresno	140,543	136,312	125,997	120,993	9,236
Glenn	37,073	37,259	3,635	3,854	(405)
Humboldt	48,650	49,074	17,325	17,826	(924)
Imperial	54,147	52,948	23,826	22,407	2,617
Inyo	35,992	36,106	2,355	2,490	(249)
Kern	129,754	122,703	113,238	104,900	15,388
Kings	49,997	50,803	18,917	19,871	(1,760)
Lake	40,947	41,291	8,216	8,623	(751)
Lassen	37,307	38,032	3,911	4,769	(1,582)
Los Angeles	1,129,551	1,199,346	1,295,590	1,378,130	(152,335)
Madera	50,741	50,424	19,797	19,422	692
Marin	62,199	62,815	33,348	34,077	(1,346)
Mariposa	35,941	36,072	2,296	2,450	(285)
Mendocino	43,535	44,287	11,276	12,166	(1,642)
Merced	63,382	62,066	34,747	33,190	2,873
Modoc	35,025	35,119	1,212	1,323	(205)
Mono	35,467	35,547	1,735	1,828	(173)
Monterey	81,322	82,322	55,962	57,146	(2,184)
Napa	49,234	49,292	18,016	18,084	(126)
Nevada	44,572	45,382	12,502	13,460	(1,768)
Orange	375,678	383,452	404,065	413,259	(16,968)
Placer	74,954	70,000	48,431	42,574	10,811
Plumas	36,120	36,439	2,507	2,885	(697)
Riverside	289,110	256,174	301,691	262,743	71,884
Sacramento	196,041	191,601	191,628	186,378	9,691
San Benito	40,082	40,555	7,192	7,751	(1,032)
San Bernardino	265,091	260,554	273,287	267,920	9,904
San Diego	388,746	382,825	419,520	412,517	12,925
San Francisco	127,520	124,843	110,596	107,430	5,842
San Joaquin	113,895	110,009	94,484	89,889	8,481
San Luis Obispo	63,964	63,942	35,435	35,408	48
San Mateo	116,392	116,361	97,436	97,399	68
Santa Barbara	82,209	81,956	57,012	56,713	552
Santa Clara	241,335	235,693	245,193	238,521	12,314
Santa Cruz	63,589	63,840	34,992	35,289	(548)
Shasta	53,106	54,642	22,595	24,411	(3,352)

County	2018-19 Proposed TCTF Self-Help Allocation	2017-18 TCTF Allocation (Old Population Data)	2018-19 Proposed IMF Self-Help Allocation	2017-18 IMF Allocation (Old Population Data)	Effect of Updates to Population
Sierra	34,343	34,398	406	471	(120)
Siskiyou	38,780	39,249	5,653	6,208	(1,023)
Solano	80,643	82,095	55,160	56,878	(3,170)
Sonoma	88,035	88,588	63,901	64,555	(1,207)
Stanislaus	92,628	92,505	69,333	69,188	268
Sutter	44,372	44,402	12,266	12,301	(66)
Tehama	40,846	40,999	8,096	8,277	(334)
Trinity	35,458	35,595	1,724	1,886	(299)
Tulare	84,475	81,842	59,691	56,577	5,747
Tuolumne	39,852	40,623	6,921	7,833	(1,683)
Ventura	125,718	126,966	108,465	109,941	(2,724)
Yolo	57,416	55,650	27,692	25,603	3,855
Yuba	41,978	41,942	9,434	9,393	77
<b>Total</b>	<b>6,200,000</b>	<b>6,200,000</b>	<b>5,000,000</b>	<b>5,000,000</b>	

## Recommendation

It is recommended that the subcommittee:

1. Approve the 2018-19 self-help allocations provided in Table 1, contingent on additional self-help funding being provided in the Budget Act of 2018.
2. Determine whether allocations for 2018-19 be updated to reflect the new population data in the event there are not additional funds for self-help in the Budget Act of 2018.

**Current Year Trial Court Allocations**

May 2018

For illustrative purposes.  
Dollar amounts are hypothetical.

Court	Prior Year Total Allocation	Changes to WAFM Allocation								WAFM Allocation	WAFM Need	WAFM Funding to Need	Other Allocations						Current Year Total Allocation
		PY WAFM Allocation	TCTF Reduction for SJO Conversion (PY)	SJO Adjustment (Change from PY)	Automated Recordkeeping & Micrographics (Change from PY)	Benefits Funding (PY)	WAFM Funding Floor Adjustment	New WAFM Funding	Non-Sheriff Security Base (2010-11)				SJOs (excludes AB 1058)	Criminal Justice Realignment	Court Appointed Dependency Counsel	New Other Allocation	Total Other Allocations		
A	B	C	D	E	F	H	I	J (B:I)	K	L (J/K)	M	N	O	P	Q	R (M:Q)	S (J+R)		
Sample Court 1	3,600,000	1,850,000	(18,000)	500	3,000	2,000	1,650	-	1,839,150	2,100,000	87.6%	-	150,000	1,200	1,500	-	152,700	1,991,850	
Sample Court 2	18,000,000	15,000,000	-	(60,000)	1,500	1,250,000	(75)	-	16,191,425	19,500,000	83.0%	1,250,000	2,000,000	1,800	2,500	-	3,254,300	19,445,725	
Sample Court 3	547,125,000	425,000,000	-	4,000,000	500	12,000,000	(2,000)	-	440,998,500	495,001,000	89.1%	-	15,000,000	4,050,000	2,500,000	-	21,550,000	462,548,500	
Sample Court 4	25,000,000	13,850,000	(250,100)	650,000	(6,500)	3,500,000	(300)	-	17,743,100	22,150,000	80.1%	2,500,400	1,800,000	150,000	275,000	-	4,725,400	22,468,500	
Sample Court 5	6,650,000	4,500,000	-	(1,500)	1,000	125,000	(25)	-	4,624,475	5,700,000	81.1%	-	550,000	2,500	1,800	-	554,300	5,178,775	
Sample Court 6	68,000,700	55,800,700	-	(125,000)	12,800	2,500,700	(500)	-	58,188,700	68,500,000	84.9%	12,000,000	6,750,000	2,405,000	1,875,000	-	23,030,000	81,218,700	
Sample Court 7	1,518,000	800,000	-	750	(12,500)	21,000	1,250	-	810,500	950,000	85.3%	-	125,000	890	500	-	126,390	936,890	
<b>Total</b>	<b>669,893,700</b>	<b>516,800,700</b>	<b>(268,100)</b>	<b>4,464,750</b>	<b>(200)</b>	<b>19,398,700</b>	<b>-</b>	<b>-</b>	<b>540,395,850</b>	<b>613,901,000</b>	<b>88.0%</b>	<b>15,750,400</b>	<b>26,375,000</b>	<b>6,611,390</b>	<b>4,656,300</b>	<b>-</b>	<b>53,393,090</b>	<b>593,788,940</b>	



**SUPERIOR COURT OF CALIFORNIA**  
**2018-19 ALLOCATION SUMMARY**  
 MAY 2018

For illustrative purposes. Dollar amounts are hypothetical.

### Court Perspective

	Prior Year 2017-18	Current Year 2018-19	Difference
<b>WAFM Funding Need</b>	<b>12,345,678</b>	<b>16,966,674</b>	<b>4,620,996</b>
WAFM-Related Allocation	12,318,837	13,573,327*	1,254,490
<i>*Share of \$47.8m New Funding</i>	0	937,173	
<i>Percent of Need Funded via WAFM</i>	99.8%	80.0%	
Other Allocations	500,866	1,849,845	1,348,979
<b>Total Estimated Allocation</b>	<b>12,819,703</b>	<b>15,423,172</b>	<b>2,603,469</b>
	Prior Year 2016-17	Current Year 2017-18	Difference
<b>RAS FTE Need</b>	<b>138.00</b>	<b>139.00</b>	<b>1.00</b>

### Statewide Perspective

	Prior Year 2017-18	Current Year 2018-19	Difference
<b>WAFM Funding Need</b>	<b>2,225,678,910</b>	<b>2,217,013,520</b>	<b>(8,665,390)</b>
WAFM-Related Allocation	1,745,554,822	1,840,427,086	23,424,481
<i>*Share of \$47.8m New Funding</i>	0	47,800,000	
<i>Percent of Need Funded via WAFM</i>	74.4%	83.0%	
Other Allocations	30,000,000	21,900,000	(8,100,000)
<b>Total Estimated Allocation</b>	<b>1,826,192,314</b>	<b>2,013,020,396</b>	<b>186,828,082</b>
	Prior Year 2016-17	Current Year 2017-18	Difference
<b>RAS FTE Need</b>	<b>20,222.00</b>	<b>20,111.00</b>	<b>(111.00)</b>

## Additional Court Information

### 2017-18 WAFM Annual Salary

	Salary	Salary-Driven Benefits	Total	FTE
Program 10	7,125,406	2,633,152	<b>9,758,588</b>	106.00
Program 90	1,209,487	487,248	<b>1,696,735</b>	14.00
<b>Total</b>	<b>8,334,893</b>	<b>3,120,400</b>	<b>11,455,293</b>	<b>120.00</b>

### WAFM 2018-19 Allocation Highlights

TCTF Reduction for SJO Conversions	0
SJO Adjustment (2017-18)	15,487
Auto. Recordkeeping/Micrographics (2016-17)	14,981
Full-Year Benefits Funding (2017-18)	132,962
Replacement of 2% Automation	130,020
WAFM Funding Floor Adjustment	574

### Other 2018-19 Allocations Highlights

Non-Sheriff Security Base	244,286
Subordinate Judicial Officers	417,124
Criminal Justice Realignment	70,753
Court Appointed Dependency Counsel	703,001

### Self-Help Funding

#### Statewide Perspective

TCTF	IMF	New	Total
6.2m	5.0m	TBD	TBD

#### Court Perspective

	2017-18	2018-19	Difference
TCTF	53,934	63,934	10,000
IMF	49,000	50,000	1,000
New Funding	0	132,540	132,540
<b>Total</b>	<b>102,934</b>	<b>246,474</b>	<b>143,540</b>

### 2016-17 Civil Assessments

State	Total Collected	MOE Obligation	Distributed
	111.7m	48.3m	67.2m

Court	Total Collected	MOE Obligation	Distributed
	143,000	85,000	58,000

Annual MOE obligations not met with court collections are covered by the TCTF.

In 2016-17, the TCTF fund balance covered 4.2m.

**FTE**  
FULL-TIME  
EQUIVALENT

**IMF**  
STATE TRIAL COURT  
IMPROVEMENT AND  
MODERNIZATION  
FUND

**MOE**  
MAINTENANCE  
OF EFFORT

**RAS**  
RESOURCE  
ASSESSMENT  
STUDY

**SJO**  
SUBORDINATE  
JUDICIAL  
OFFICER

**TCTF**  
TRIAL COURT  
TRUST FUND

**WAFM**  
WORKLOAD-BASED  
ALLOCATION AND  
FUNDING  
METHODOLOGY