



JUDICIAL COUNCIL OF CALIFORNIA

TRIAL COURT BUDGET
ADVISORY COMMITTEE

TRIAL COURT BUDGET ADVISORY COMMITTEE

MATERIALS FOR JULY 31, 2018

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JUDICIAL COUNCIL OF CALIFORNIA

TRIAL COURT BUDGET
ADVISORY COMMITTEE

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TRIAL COURT BUDGET ADVISORY COMMITTEE

NOTICE AND AGENDA OF OPEN IN-PERSON MEETING

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

THIS MEETING IS BEING RECORDED

Date: July 31, 2018
Time: 10:00 a.m. - 2:00 p.m.
Location: 2860 Gateway Oaks Drive, Suite 400, Sacramento, CA 95833
(Veranda Room)
Public Call-in Number: 1-877-820-7831; Passcode 1884843 (Listen Only)

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 [insert e-mail address].

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 Minutes

Approve minutes of the May 31, 2018, Trial Court Budget Advisory Committee meeting.

II. PUBLIC COMMENT (CAL. RULES OF COURT, RULE 10.75(K)(1)-(2))

In-Person Public Comment

Members of the public requesting to speak during the public comment portion of the meeting must place the speaker's name, the name of the organization that the speaker represents if any, and the agenda item that the public comment will address, on the public comment sign-up sheet. The sign-up sheet will be available at the meeting location at least one hour prior to the meeting start time. The Chair will establish speaking limits at the beginning of the public comment session. While the advisory body welcomes and

encourages public comment, time may not permit all persons requesting to speak to be heard at this meeting.

Written Comment

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 or mailed or delivered to Judicial Council of California, 455 Golden Gate Avenue, San Francisco, CA, 94102, attention: Ms. Brandy Sanborn. Only written comments received by 10:00 a.m. on July 30, 2018 will be provided to advisory body members prior to the start of the meeting.

III. DISCUSSION AND POSSIBLE ACTION ITEMS (ITEMS 1–5)

Item 1

Funding Methodology Subcommittee (FMS) Work Plan (Action Required)

Consideration of recommendations of the FMS regarding updates to the work plan.

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

Item 2

Allocation of \$75 Million in New Funding (Action Required)

Consideration of recommendations of the FMS regarding an allocation methodology for the \$75 million in new funding in the Budget Act of 2018.

Presenter(s)/Facilitator(s): Ms. Lucy Fogarty

Item 3

Allocation Methodology for 2019-20 Self-Help Funding (Action Required)

Consideration of recommendations of the FMS regarding an allocation methodology for all self-help funding beginning in 2019-20.

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

Item 4

Allocation Methodology for Interpreter Program Shortfall (Action Required)

Consideration of recommendations of the FMS regarding a methodology for allocating a structural shortfall in Court Interpreter Program beginning in 2018-19.

Presenter(s)/Facilitator(s): Mr. Catrayel Wood, Senior Budget Analyst, Judicial Council Budget Services

Item 5

2017-18 Preliminary One-Time Reduction for Fund Balances Above the 1% Cap (Action Required)

Review of preliminary submissions of 2017-18 one-time reductions for fund balances.

Presenter(s)/Facilitator(s): Ms. Melissa Ng, Senior Budget Analyst, Judicial Council
Budget Services

IV. INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

Info 1

Trial Court Trust Fund (TCTF) Revenue Backfill Shortfall Update

Update on the 2017-18 TCTF shortfall.

Presenter(s)/Facilitator(s): Ms. Donna Newman, Budget Supervisor, Judicial Council
Budget Services

Info 2

2019-20 Court Reporter Budget Change Proposal (BCP)

Update on an addition to the 2019-20 BCP recommendations.

Presenter(s)/Facilitator(s): Ms. Lucy Fogarty

V. ADJOURNMENT

Adjourn



JUDICIAL COUNCIL OF CALIFORNIA

TRIAL COURT BUDGET
ADVISORY COMMITTEE

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TRIAL COURT BUDGET ADVISORY COMMITTEE

MINUTES OF OPEN MEETING

May 31, 2018

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

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

Advisory Body Members Present: Judges: Hon. Jonathan B. Conklin (Chair), Hon. Jeffrey B. Barton, Hon. Andrew S. Blum, Hon. Daniel J. Buckley, Hon. Mark Ashton Cope, Hon. Joyce D. Hinrichs, Hon. Patricia M. Lucas, Hon. Charles Margines, Hon. Paul M. Marigonda, and Hon. Brian L. McCabe (phone).

Executive Officers: Ms. Sherri R. Carter, Ms. Nancy Eberhardt, Mr. Chad Finke, Ms. Kimberly Flener, Mr. Kevin Harrigan, Mr. Michael D. Planet, Mr. Michael M. Roddy, Ms. Linda Romero-Soles, Ms. Tania Ugrin-Capobianco, and Mr. David Yamasaki.

Judicial Council staff advisory members: Mr. John Wordlaw (phone) and Mr. Zlatko Theodorovic (phone).

Advisory Body Members Absent: Judges: Hon. James E. Herman

Executive Officers: Ms. Rebecca Fleming and Mr. Brian Taylor.

Others Present: Ms. Lucy Fogarty, Ms. Brandy Sanborn, Ms. Leah Rose-Goodwin, Ms. Michele Allan, Ms. Donna Newman, Mr. Don Will, Ms. Kathleen Fink, Ms. Melissa Ng, Ms. Bonnie Hough, and Mr. Samuel Hamrick.

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 May 7, 2018 Trial Court Budget Advisory Committee (TCBAC) meeting.

DISCUSSION AND POSSIBLE ACTION ITEMS (ITEM 1-8)

Item 1 – Extension of V3 Case Management System (CMS) Support (Action Required)

Consideration of a recommendation from the Revenue and Expenditure (R&E) Subcommittee to extend use of the funding approved by the Judicial Council in support of V3 CMS past June 30, 2019.

Presenter(s)/Facilitator(s): Hon. Jeffrey Barton, Cochair, Revenue and Expenditure Subcommittee; Ms. Sherri Carter, Cochair, Revenue and Expenditure Subcommittee; and Mr. David Yamasaki, Court Executive Officer, Orange County Superior Court

Action: The Trial Court Budget Advisory Committee approved extending the use of CMS V3 funding through to June 30, 2020, based on reductions achieved each year since the decision to eliminate CMS funding from the IMF. Although the projected need for 2019-20 is currently \$3.46 million, this is not a request for an allocation. The program will return next fiscal year to the R&E Subcommittee in the spring and then to the TCBCAC to request an allocation for 2019-20. The vote was as follows:

- Yes: 15
- No: 0
- Abstain: 5

Item 2 – Allocations from the State Trial Court Improvement and Modernization Fund (IMF) for 2018-19 (Action Required)

Consideration of a recommendation from the R&E Subcommittee regarding allocations from the IMF for 2018-19.

Presenter(s)/Facilitator(s): Hon. Jeffrey Barton, Cochair, Revenue and Expenditure Subcommittee; Ms. Sherri Carter, Cochair, Revenue and Expenditure Subcommittee; and Ms. Donna Newman, Budget Supervisor, Judicial Council Budget Services

Action: The Trial Court Budget Advisory Committee unanimously approved a total of \$60,373,276 in allocations for 2018-19 from the IMF for consideration by the Judicial Council at its July 19-20, 2018 meeting.

Item 3 – Allocations from the Trial Court Trust Fund (TCTF) for 2018-19 (Action Required)

Consideration of recommendations from the R&E Subcommittee regarding allocations from the TCTF for 2018-19.

Presenter(s)/Facilitator(s): Hon. Jeffrey Barton, Cochair, Revenue and Expenditure Subcommittee; Ms. Sherri Carter, Cochair, Revenue and Expenditure Subcommittee; and Ms. Michele Allan, Budget Supervisor, Judicial Council Budget Services

Action: The Trial Court Budget Advisory Committee unanimously recommended a total of \$2.0 billion in preliminary allocations for 2018-19 from the TCTF for consideration by the Judicial Council at its July 19-20, 2018 meeting and approved \$68.8 million General Fund allocation for employee benefits.

Item 4 – Allocation of \$47.8 Million in Governor’s Proposed Budget (Action Required)

Consideration of recommendations from the Funding Methodology Subcommittee (FMS) on the allocation methodology for the proposed \$47.8 million in the Governor’s proposed budget.

Presenter(s)/Facilitator(s): Hon. Jonathan B. Conklin, Cochair, Funding Methodology Subcommittee; Ms. Rebecca Fleming, Cochair, Funding Methodology Subcommittee; and Ms. Leah Rose-Goodwin, Manager, Judicial Council Budget Services

Action: The Trial Court Budget Advisory Committee unanimously recommended Option 1 which focused on allocating the remaining dollars to the courts furthest away from the statewide average need, reducing funding inequity across the courts and raising the statewide funding average.

Item 5 – 2018-19 Self-Help Funding Allocations (Action Required)

Consideration of recommendations of the FMS regarding the allocations for self-help for 2018-19, including updated population data to the methodology.

Presenter(s)/Facilitator(s): Hon. Jonathan B. Conklin, Cochair, Funding Methodology Subcommittee; Ms. Rebecca Fleming, Cochair, Funding Methodology Subcommittee; Ms. Leah Rose-Goodwin, Manager, Judicial Council Budget Services; and Ms. Bonnie Hough, Managing Attorney, Judicial Council Center for Families, Children, and the Courts

Action: The Trial Court Budget Advisory Committee unanimously approved the 2018-19 self-help allocations, contingent on additional self-help funding being provided in the Budget Act of 2018. In the event there are not additional funds for self-help in the Budget Act of 2018, the Trial Court Budget Advisory Committee unanimously approved the use of the updated population data to determine allocation of the existing \$11.2 million in funding for 2018-19.

Item 6 – Simplified Displays (Action Required)

Consideration of recommendations of the FMS regarding displays for trial court allocations, including WAFM, beginning in 2018-19.

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

Action: The Trial Court Budget Advisory Committee unanimously approved the simplified displays; a high-level display for use in providing a 58-court view of last year allocations, WAFM changes, and other allocations to reach the new-year base allocation totals, and a single court executive summary to be provided to all courts which would be subject to changes annually, both effective 2018-19.

Item 7 – 2018-19 Trial Court Allocations (Action Required)

Consideration of the 2018-19 allocations, including the Workload-based Assessment and Funding Methodology (WAFM), self-help, and benefits.

Presenter(s)/Facilitator(s): Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee; and Ms. Michele Allan, Budget Supervisor, Judicial Council Budget Services

Action: The Trial Court Budget Advisory Committee approved the 2018-19 Workload-based Allocation and Funding Methodology (WAFM) allocation of \$1.835 billion and the 2018-19 other allocations of \$105.0 million in a vote as follows:

- Yes: 19
- No: 1
- Abstain: 0
- Absent: 3

Item 8 – 2018-19 Court-Appointed Dependency Counsel Allocations (Action Required)

Consideration of the 2018-19 allocations from the TCTF for court-appointed dependency counsel.

Presenter(s)/Facilitator(s): Mr. Don Will, Principal Manager, Judicial Council Center for Families, Children, and the Courts

Action: The Trial Court Budget Advisory Committee unanimously approved the allocation of \$136.7 million for court-appointed dependency counsel to the trial courts using the methodology specified by the Judicial Council.

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

Info 1 – Budget Update for 2018-19

Update on the budget for 2018-19.

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

Action: No action taken.

ADJOURNMENT

There being no further business, the meeting was adjourned at 12:01 p.m.

Approved by the advisory body on enter date.

JUDICIAL COUNCIL OF CALIFORNIA
BUDGET SERVICES
Report to the Trial Court Budget Advisory Committee

(Action Item)

Title: Funding Methodology Subcommittee Work Plan
Date: 7/31/2018
Contact: Lucy Fogarty, Deputy Director, Budget Services
415-865-7587 | lucy.fogarty@jud.ca.gov

Issue

The Funding Methodology Subcommittee’s (FMS) proposed work plan as updated on March 26, May 21, and July 12, 2018 requires review and approval of the Trial Court Budget Advisory Committee (TCBAC).

Background

The FMS prepares an annual work plan to direct its efforts in developing and refining the Workload-based Allocation and Funding Methodology (WAFM) model as well as other methodologies including self-help, court-appointed dependency counsel, and interpreter funding. The TCBAC approved changes to the 2017-18 work plan at its meeting on December 4, 2017 (Attachment 1A).

The FMS is proposing the following changes to the work plan:

- a. Mark item 1 as complete and add the charge of the subcommittee to ensure that it is clear that the FMS will continue to review and refine WAFM.
- b. Defer items 2 and 7 to 2019-20.
- c. Add the following language to item 4, “and determine allocation methodology for all self-help funding beginning in 2019-20.”
- d. Mark item 6 as complete.
- e. Add the following language to item 8, “including a review of the WAFM adjustment request from Del Norte Superior Court, submitted on January 8, 2018.”
- f. Add a new item for 2018-19, “Develop policy parameters regarding an allocation methodology for trial courts that exceed 100% of their need.”
- g. Add a new item for 2018-19, “Review court-appointed dependency allocations and determine allocation methodology for 2019-20.”
- h. Move item 9 to 2018-19 and amend to read, “Evaluate how to include unfunded costs for facilities – courthouse construction, maintenance and modifications, including a review of the WAFM adjustment request from Stanislaus Superior Court, submitted on January 16, 2018.”

FUNDING METHODOLOGY SUBCOMMITTEE (FMS) WORK PLAN
Updated on October 26 and November 14, 2017

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. Address new judgeship staffing complement funding when necessary.
3. Evaluate the impact of civil assessments as it relates to the Workload-based Allocation and Funding Methodology (WAFM).
4. Review TCTF and IMF self-help funding allocation.
5. Identify all funding sources and determine allocation models.
6. Evaluate special circumstances cases funding.
7. Evaluate impact of JCC and other provided services.
8. Evaluate the cluster 2 Bureau of Labor Statistics and small court adjustment contributions.

2019-20

9. Evaluate how to include unfunded costs – courthouse construction.

Annual Updates

10. Review the base and graduated funding floor amounts annually to determine whether an inflationary adjustment is needed.
11. Track technology funding streams (quarterly updates from JCTC and CITMF).
12. 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.

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BUDGET SERVICES
Report to the Trial Court Budget Advisory Committee

- i. Amend item 10 to read, “Review the base and graduated funding floor amounts annually, for presentation to the TCBAC in December, to determine whether an inflationary adjustment is needed.”
- j. Amend item 11 to read, “Track technology funding streams to identify any potential impacts on trial court workload (updates from JCTC and ITAC in June and December).”
- k. Add a reference to the Workload Assessment Advisory Committee to item 12.

The updated work plan is provided as Attachments 1B and 1C (tracked changes).

Recommendations

The following recommendations are presented for the TCBAC’s consideration:

1. Approve the FMS proposed 2018-19 Work Plan as presented.

Or
2. Make changes to the FMS proposed 2018-19 Work Plan and approve with those changes.

FUNDING METHODOLOGY SUBCOMMITTEE (FMS) WORK PLAN
Updated on March 26, May 21, and July 12, 2018

Charge of the Funding Methodology Subcommittee

Focus on the ongoing review and refinement of the Workload-based Allocation and Funding Methodology, develop a methodology for allocations from the Trial Court Trust Fund Court Interpreter Program (0150037) in the event of a funding shortfall, and consider funding allocation methodologies for other non-discretionary dollars as necessary.

2018-19

1. Evaluate the impact of civil assessments as it relates to the Workload-based Allocation and Funding Methodology (WAFM).
2. Review TCTF and IMF self-help funding allocations and determine allocation methodology for all self-help funding beginning in 2019-20.
3. Identify all funding sources and determine allocation models.
4. Evaluate the cluster 2 Bureau of Labor Statistics and small court adjustment contributions including a review of the WAFM adjustment request from Del Norte Superior Court, submitted on January 8, 2018.
5. Develop policy parameters regarding an allocation methodology for trial courts that exceed 100% of their need.
6. Review court-appointed dependency allocations and determine allocation methodology for 2019-20.
7. Evaluate how to include unfunded costs for facilities – courthouse construction, maintenance and modifications, including a review of the WAFM adjustment request from Stanislaus Superior Court, submitted on January 16, 2018.

2019-20

8. Address new judgeship staffing complement funding when necessary.
9. Evaluate impact of JCC and other provided services.

Annual Updates

10. Review the base and graduated funding floor amounts annually, for presentation to the TCBAC in December, to determine whether an inflationary adjustment is needed.
11. Track technology funding streams to identify any potential impacts on trial court workload (updates from JCTC and ITAC in June and December).
12. 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.

FUNDING METHODOLOGY SUBCOMMITTEE (FMS) WORK PLAN
 Updated on ~~October 26 and November 14, 2017~~ March 26, May 21, and July 12, 2018

Charge of the Funding Methodology Subcommittee

Focus on the ongoing review and refinement of the Workload-based Allocation and Funding Methodology, develop a methodology for allocations from the Trial Court Trust Fund Court Interpreter Program (0150037) in the event of a funding shortfall, and consider funding allocation methodologies for other non-discretionary dollars as necessary.

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

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

- ~~2.1~~ Evaluate the impact of civil assessments as it relates to the Workload-based Allocation and Funding Methodology (WAFM).
- ~~3.2~~ Review TCTF and IMF self-help funding allocations and determine allocation methodology for all self-help funding beginning in 2019-20.
- ~~4.3~~ Identify all funding sources and determine allocation models.
- ~~5. Evaluate special circumstances cases funding.~~
- ~~6. Evaluate impact of JCC and other provided services.~~
4. Evaluate the cluster 2 Bureau of Labor Statistics and small court adjustment contributions including a review of the WAFM adjustment request from Del Norte Superior Court, submitted on January 8, 2018.
5. Develop policy parameters regarding an allocation methodology for trial courts that exceed 100% of their need.
6. Review court-appointed dependency allocations and determine allocation methodology for 2019-20.

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7. Evaluate how to include unfunded costs for facilities – courthouse construction, maintenance and modifications, including a review of the WAFM adjustment request from Stanislaus Superior Court, submitted on January 16, 2018.

2019-20

8. Address new judgeship staffing complement funding when necessary.

9. Evaluate impact of JCC and other provided services.

~~7. Evaluate how to include unfunded costs – courthouse construction.~~

Annual Updates

~~8,10.~~ Review the base and graduated funding floor amounts annually, for presentation to the TCBAC in December, to determine whether an inflationary adjustment is needed.

~~9,11.~~ Track technology funding streams to identify any potential impacts on trial court workload (~~quarterly~~ updates from JCTC and CITMFITAC in June and December).

~~10,12.~~ 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.

JUDICIAL COUNCIL OF CALIFORNIA
BUDGET SERVICES
Report to the Trial Court Budget Advisory Committee

(Action Item)

Title: Allocation of \$75 Million in New, Discretionary Funding
Date: 7/31/2018
Contact: Lucy Fogarty, Deputy Director, Budget Services
415-865-7587 | lucy.fogarty@jud.ca.gov

Background

The Budget Act of 2018 provides several new appropriations for the trial courts. While allocation methodologies have already been approved by the Judicial Council for two appropriations—\$47.8 million for courts below the statewide average and \$19.1 million in self-help funding—the Trial Court Budget Advisory Committee (TCBAC) must review and recommend a methodology for allocating the \$75 million in discretionary funding. There is budget bill language expressing legislative intent for \$10 million to be utilized to increase the level of court reporters in family law cases.

Option 1 (Modified WAFM)

The Funding Methodology Subcommittee (FMS) met on July 12, 2018 to consider allocation of the \$75 million in discretionary funding. The FMS is recommending that the \$75 million be allocated using the existing Workload-based Allocation and Funding Methodology (WAFM) policy with one adjustment, for this year only, as identified below.

The WAFM policy, approved by the Judicial Council in January 2018, had the following provisions for allocation of new funding:

1. Bring all Cluster 1 courts up to at least 100 percent of funding need.
2. Allocate up to 50 percent of remaining funding to courts under the statewide average funding ratio. Allocated funds will bring courts up to but not over the statewide average funding ratio.
3. Allocate remaining funding to all courts based on WAFM.
4. Allow no court's allocation to exceed 100 percent of its need unless it is the result of a funding floor calculation.

The FMS is recommending that the \$75 million be allocated consistent with the above provisions save for item 2 which allocates up to 50 percent of funding to courts under the statewide average funding ratio. When these provisions were developed, the appropriation of \$47.8 million for courts below the statewide average funding ratio was not anticipated. Applying the WAFM policy as is, coupled with the new \$47.8 million, would result in a disproportionate amount of the \$75 million going to the courts below the average with little remaining to distribute to all courts.

JUDICIAL COUNCIL OF CALIFORNIA
BUDGET SERVICES
Report to the Trial Court Budget Advisory Committee

Option 1 would allocate funds in the following manner:

- i. Bring all Cluster 1 courts up to 100% of funding need based on WAFM.
- ii. Allocate a 1.96% increase for court-provided non-sheriff security.
- iii. Allocate the remainder of the \$75 million based on the modified WAFM.

The allocations for this option are identified in column D of Attachment 2A.

Guidance from the Judicial Council

During the July 20, 2018 business meeting of the Judicial Council, Judge Jonathan B. Conklin, Chair of TCBAC, provided the Judicial Council with an overview of the discussions that took place at the July 12, 2018 meeting. In addition, he sought guidance and input from the council regarding the allocation of the \$75 million in preparation for the FMS recommendation being presented to TCBAC on July 31, 2018.

The council provided clear direction that the new money should not be allocated via the WAFM methodology. The intent from the Legislature and the Administration has been clear, since the Governor's proposed budget was released in January, that the \$75 million was not to be allocated according to WAFM. It was clearly stated that the \$47.8 million would be.

The council expressed its intent that the methodology used should result in all 58 trial courts receiving benefit from the funding. This would afford all courts the ability to report service level improvements as a result of the investment from the Legislature.

In light of this guidance, the following two options are presented for consideration.

Option 2 (Proportionate Share)

Option 2 would allocate funds in the following manner:

- i. Bring all Cluster 1 courts up to 100% of funding need based on WAFM.
- ii. Allocate a 1.96% increase for court-provided non-sheriff security.
- iii. Allocate the remainder of the \$75 million to all courts, save for the Cluster 1 courts, proportionally based on their 2018-19 base allocation following the Judicial Council actions taken on July 20, 2018.

The allocations for this option are identified in column G of Attachment 2A.

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BUDGET SERVICES
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Option 3 (Pro Rata)

Option 3 was before the FMS for consideration on July 12, 2018 and would allocate funds in the following manner:

- i. Bring all Cluster 1 courts up to 100% of funding need based on WAFM.
- ii. Allocate a 1.96% increase for court-provided non-sheriff security.
- iii. Allocate the remainder of the \$75 million to all courts, save for the Cluster 1 courts, pro rata based on 2017-18 ending base allocations.

The FMS did not support this methodology as it is inconsistent with the judicial branch's continued support to allocate funding via the WAFM pursuant to its existing policy.

The allocations for this option are identified in column J of Attachment 2A.

Alternate Information

Attachment 2A, column m also includes information on the allocation if it were allocated via the approved WAFM from January 2018; however, this is not presented as an option.

Court Reporters in Civil

As stated above, there is budget bill language expressing legislative intent for \$10 million to be utilized to increase the level of court reporters in family law cases. In addition, the recent Supreme Court opinion in *Jameson v. Desta* requires trial courts to provide a court reporter in all civil matters, at the court's expense, to litigants with fee waivers.

Court reporters in civil are not currently factored into the WAFM need calculation as the Resource Assessment Study (RAS), the foundation for WAFM, only measures workload for case types for which a court reporter is mandated in statute. To accurately reflect the funding need for the trial courts, with the enhanced level of court reporter services they will be required to provide, the RAS model would have to include court reporters in civil.

Recommendations

It is recommended that the TCBAC:

1. Select one of the three options identified above for recommendation to the Judicial Council. These options are for allocation of the \$75 million only and will not impact future allocations of new funding.
2. Refer the issue of court reporters in civil being part of RAS to the Workload Assessment Advisory Committee for consideration.

Attachments

Attachment 2A: Allocation Scenarios

Cluster	Court	2018-19 WAFM Need A	\$75 Million New Funding Deductions		Option 1 Modified WAFM			Option 2 Proportional Share			Option 3 Pro Rata			Informational WAFM As Approved		
			Cluster 1 to 100% B	1.96% Non-Sheriff Security C	Modified WAFM Allocation D	2018-19 Total WAFM Allocation¹ E	% of Need F (E/A)	Proportional Allocation G	2018-19 Total WAFM Allocation¹ H	% of Need I (H/A)	Pro Rata Allocation J	2018-19 Total WAFM Allocation¹ K	% of Need L (K/A)	WAFM As Approved Allocation M	2018-19 Total WAFM Allocation¹ N	% of Need O (N/A)
4	Alameda	81,002,945	-	62,960	2,838,293	73,376,308	90.6%	2,807,210	73,345,225	90.7%	2,969,634	73,501,170	90.7%	1,390,742	71,928,764	88.8%
1	Alpine	423,375	-	-	-	750,000	177.1%	-	750,000	177.1%	-	750,000	177.1%	-	750,000	177.1%
1	Amador	2,875,289	593,910	-	-	2,893,823	100.6%	-	2,893,823	100.6%	-	2,893,614	100.6%	-	2,893,823	100.6%
2	Butte	13,374,342	-	9,255	431,860	11,152,999	83.4%	428,976	11,150,114	83.1%	399,290	11,119,444	83.1%	476,282	11,197,420	83.7%
1	Calaveras	2,611,172	483,502	-	-	2,632,987	100.8%	-	2,632,987	100.8%	-	2,632,792	100.8%	-	2,632,987	100.8%
1	Colusa	1,994,887	64,812	-	-	2,005,530	100.5%	-	2,005,530	100.5%	-	2,005,351	100.5%	-	2,005,530	100.5%
3	Contra Costa	49,564,075	-	-	1,600,435	41,477,191	83.7%	1,507,159	41,383,916	83.6%	1,545,090	41,418,183	83.6%	1,765,056	41,641,812	84.0%
1	Del Norte	2,821,641	438,565	-	-	2,834,735	100.5%	-	2,834,735	100.5%	-	2,834,516	100.5%	-	2,834,735	100.5%
2	El Dorado	8,706,630	-	-	281,139	7,278,753	83.6%	265,574	7,263,188	83.3%	258,926	7,255,897	83.3%	310,057	7,307,671	83.9%
3	Fresno	61,505,974	-	-	1,986,041	51,268,604	83.4%	1,872,068	51,154,631	83.2%	1,865,218	51,143,253	83.2%	2,190,327	51,472,888	83.7%
1	Glenn	2,131,394	185,696	194	-	2,145,268	100.6%	-	2,145,268	100.6%	-	2,145,089	100.6%	-	2,145,268	100.7%
2	Humboldt	7,859,064	-	3,324	253,771	6,555,644	83.4%	246,823	6,548,697	83.4%	249,292	6,550,586	83.4%	279,874	6,581,747	83.7%
2	Imperial	10,646,670	-	8,330	343,783	8,882,283	83.4%	337,904	8,876,403	83.4%	338,728	8,876,443	83.4%	379,145	8,917,644	83.8%
1	Inyo	2,005,177	17,282	3,698	-	2,014,165	100.3%	-	2,014,165	100.4%	-	2,013,981	100.4%	-	2,014,165	100.4%
3	Kern	64,924,267	-	1,299	2,096,419	54,042,447	83.2%	1,989,078	53,935,107	82.8%	1,809,562	53,750,819	82.8%	2,312,058	54,258,085	83.6%
2	Kings	8,937,370	-	8,359	288,590	7,452,114	83.4%	292,293	7,455,817	83.3%	279,064	7,441,930	83.3%	318,274	7,481,798	83.7%
2	Lake	4,564,481	-	3,893	147,388	3,800,412	83.3%	145,079	3,798,103	82.9%	133,388	3,786,077	82.9%	162,549	3,815,572	83.6%
1	Lassen	2,147,934	291,511	5,821	-	2,162,865	100.4%	-	2,162,865	100.9%	-	2,166,511	100.9%	-	2,162,865	100.7%
4	Los Angeles	638,806,215	-	283,197	20,770,402	536,092,399	83.9%	20,385,116	535,707,115	83.9%	20,859,388	536,134,054	83.9%	22,906,856	538,228,843	84.3%
2	Madera	9,793,045	-	7,556	316,220	8,162,031	83.3%	305,180	8,150,992	83.1%	296,067	8,141,158	83.1%	348,746	8,194,557	83.7%
2	Marin	12,566,559	-	191	480,953	12,426,372	98.9%	444,417	12,389,836	98.7%	461,388	12,405,710	98.7%	235,663	12,181,083	96.9%
1	Mariposa	1,345,369	172,351	-	-	1,354,133	100.7%	-	1,354,133	105.7%	-	1,422,350	105.7%	-	1,354,133	100.7%
2	Mendocino	7,193,213	-	5,931	232,270	5,982,722	83.2%	225,723	5,976,175	82.9%	214,406	5,964,329	82.9%	256,162	6,006,614	83.5%
2	Merced	15,840,897	-	-	511,506	13,213,028	83.4%	487,205	13,188,727	83.0%	449,772	13,150,127	83.0%	564,120	13,265,641	83.7%
1	Modoc	1,028,437	148,851	16	-	1,033,062	100.4%	-	1,033,062	100.4%	-	1,032,981	100.4%	-	1,033,062	100.4%
1	Mono	1,921,905	149,585	479	-	1,928,522	100.3%	-	1,928,522	105.3%	-	2,024,584	105.3%	-	1,928,522	100.3%
3	Monterey	23,133,221	-	17,236	746,977	19,315,557	83.5%	732,723	19,301,303	83.3%	694,624	19,261,498	83.3%	823,811	19,392,391	83.8%
2	Napa	8,401,332	-	5,855	280,802	7,249,511	86.3%	282,501	7,251,211	86.4%	290,643	7,258,712	86.4%	309,685	7,278,394	86.6%
2	Nevada	5,843,371	-	8,587	188,684	4,872,802	83.4%	200,973	4,885,092	83.6%	203,129	4,886,817	83.6%	208,092	4,892,211	83.7%
4	Orange	158,456,848	-	54,161	5,351,704	138,397,955	87.3%	5,187,611	138,233,863	87.3%	5,341,717	138,375,747	87.3%	5,902,183	138,948,431	87.7%
2	Placer	20,276,800	-	-	654,742	16,928,158	83.5%	637,875	16,911,291	83.4%	630,216	16,902,137	83.4%	722,089	16,995,505	83.8%
1	Plumas	1,248,131	160,602	-	-	1,257,703	100.8%	-	1,257,703	100.8%	-	1,257,602	100.8%	-	1,257,703	100.8%
4	Riverside	115,862,199	-	38,267	3,741,216	96,823,287	83.6%	3,630,293	96,712,364	83.3%	3,453,343	96,526,864	83.3%	4,126,039	97,208,108	83.9%
4	Sacramento	94,395,798	-	36,937	3,048,061	78,677,410	83.3%	2,936,221	78,565,570	83.3%	2,970,989	78,593,391	83.3%	3,361,586	78,990,933	83.7%
1	San Benito	3,296,242	680,861	-	-	3,323,701	100.8%	-	3,323,701	100.8%	-	3,323,461	100.8%	-	3,323,701	100.8%
4	San Bernardino	122,742,865	-	64,773	3,963,394	102,396,352	83.4%	3,912,674	102,345,632	83.3%	3,792,345	102,216,262	83.3%	4,371,071	102,804,027	83.8%
4	San Diego	149,934,947	-	13,020	5,486,897	141,914,165	94.7%	5,241,847	141,669,116	94.5%	5,287,217	141,701,954	94.5%	2,688,538	139,115,819	92.8%
4	San Francisco	50,232,141	-	-	3,239	53,105,884	105.7%	1,980,599	55,083,235	109.7%	2,022,275	55,120,032	109.7%	1,511	53,104,156	105.7%
3	San Joaquin	44,735,096	-	5,701	1,444,506	37,300,014	83.4%	1,370,793	37,226,301	83.1%	1,343,094	37,195,308	83.1%	1,593,089	37,448,595	83.7%

¹ Includes pro rata allocation, cluster 1 to 100%, \$47.8 million, SJO adjustments, micrographics, benefits funding, funding floor adjustment, and \$19.1 million self help (excludes non-sheriff security).

2018-19 New Funding Allocation Scenarios
July 2018

Cluster	Court	2018-19 WAFM Need A	\$75 Million New Funding Deductions		Option 1 Modified WAFM			Option 2 Proportional Share			Option 3 Pro Rata			Informational WAFM As Approved		
			Cluster 1 to 100% B	1.96% Non-Sheriff Security C	Modified WAFM Allocation D	2018-19 Total WAFM Allocation ¹ E	% of Need F (E/A)	Proportional Allocation G	2018-19 Total WAFM Allocation ¹ H	% of Need I (H/A)	Pro Rata Allocation J	2018-19 Total WAFM Allocation ¹ K	% of Need L (K/A)	WAFM As Approved Allocation M	2018-19 Total WAFM Allocation ¹ N	% of Need O (N/A)
2	San Luis Obispo	16,955,493	-	4,788	547,497	14,136,010	83.4%	529,022	14,117,536	83.1%	505,330	14,092,595	83.1%	603,812	14,192,326	83.7%
3	San Mateo	44,665,811	-	8,777	1,442,269	37,254,079	83.4%	1,401,210	37,213,020	83.2%	1,334,802	37,143,323	83.2%	1,590,621	37,402,431	83.7%
3	Santa Barbara	27,023,513	-	20,904	872,595	22,531,895	83.4%	860,903	22,520,203	83.3%	853,252	22,510,562	83.3%	962,351	22,621,650	83.7%
4	Santa Clara	84,090,893	-	-	3,041,186	78,706,211	93.6%	2,827,186	78,492,212	93.5%	2,931,549	78,589,624	93.5%	1,490,158	77,155,190	91.8%
2	Santa Cruz	15,685,230	-	-	506,480	13,085,426	83.4%	475,253	13,054,200	83.1%	456,144	13,033,935	83.1%	558,576	13,137,522	83.8%
2	Shasta	14,659,632	-	52,181	473,363	12,191,202	83.2%	545,780	12,263,619	83.4%	515,113	12,231,876	83.4%	522,053	12,239,892	83.5%
1	Sierra	384,421	-	-	-	750,000	195.1%	-	750,000	195.1%	-	750,000	195.1%	-	750,000	195.1%
2	Siskiyou	2,947,529	-	-	5,298	2,969,110	100.7%	115,659	3,079,470	104.4%	114,992	3,078,532	104.4%	5,298	2,969,110	100.7%
3	Solano	26,312,624	-	8,626	849,640	21,937,819	83.4%	821,797	21,909,975	83.2%	818,920	21,905,161	83.2%	937,035	22,025,213	83.7%
3	Sonoma	26,972,981	-	8,717	920,882	23,792,996	88.2%	885,596	23,757,712	88.2%	914,397	23,784,411	88.2%	1,015,604	23,887,718	88.6%
3	Stanislaus	31,117,525	-	185	1,004,792	25,959,508	83.4%	943,000	25,897,717	82.9%	841,673	25,794,097	82.9%	1,108,145	26,062,861	83.8%
2	Sutter	6,637,467	-	4,895	214,325	5,527,607	83.3%	206,350	5,519,632	83.0%	197,887	5,510,681	83.0%	236,371	5,549,652	83.6%
2	Tehama	5,482,422	-	-	177,029	4,557,924	83.1%	162,453	4,543,348	82.6%	149,948	4,530,441	82.6%	195,238	4,576,133	83.5%
1	Trinity	1,577,430	179,799	10,201	-	1,584,008	99.8%	-	1,584,008	100.4%	-	1,583,879	100.4%	-	1,584,008	100.4%
3	Tulare	26,630,469	-	309	859,904	22,217,583	83.4%	809,784	22,167,463	83.0%	734,898	22,090,615	83.0%	948,354	22,306,032	83.8%
2	Tuolumne	4,353,053	-	4,369	140,561	3,620,882	83.2%	140,251	3,620,572	82.9%	130,653	3,610,654	82.9%	155,019	3,635,340	83.5%
3	Ventura	44,625,264	-	30,890	1,440,960	37,262,730	83.5%	1,421,034	37,242,805	83.4%	1,392,533	37,211,014	83.4%	1,589,177	37,410,947	83.8%
2	Yolo	13,505,143	-	11,548	436,084	11,257,377	83.4%	433,447	11,254,740	83.0%	384,824	11,205,123	83.0%	480,940	11,302,233	83.7%
2	Yuba	5,960,394	-	2,626	192,462	4,957,713	83.2%	181,971	4,947,222	82.9%	178,900	4,943,712	82.9%	212,259	4,977,509	83.5%
Total		2,214,738,616	3,567,327	818,056	70,614,617	1,908,780,971	86.2%	70,614,617	1,908,780,971	86.2%	70,614,617	1,908,780,971	86.2%	70,614,617	1,908,780,971	86.2%

¹ Includes pro rata allocation, cluster 1 to 100%, \$47.8 million, SJO adjustments, micrographics, benefits funding, funding floor adjustment, and \$19.1 million self help (excludes non-sheriff security).

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Report to the Trial Court Budget Advisory Committee

(Action Item)

Title: Self-Help Funding Allocation Methodology for 2019-20 and Beyond
Date: 7/31/2018
Contact: Kristin Greenaway, Supervising Research Analyst, Budget Services
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Issue

The Trial Court Budget Advisory Committee (TCBAC) has previously reviewed and approved an allocation methodology for 2018-19 self-help allocations totaling \$30.3 million. The purpose of this report is to consider two potential revisions to the methodology for allocating self-help funding for 2019-20 and beyond.

Background

2018-19 Self-help Funding Methodology

At its May 31, 2018 meeting, the TCBAC unanimously approved a recommendation by the Funding Methodology Subcommittee (FMS) that the population-based methodology for self-help funding be unchanged for 2018-19 allocations, with the exception of updating population data. This recommendation was approved by the Judicial Council at its July 20, 2018 business meeting.

Proposed Methodological Changes

At its July 12, 2018 meeting, the FMS discussed two potential changes related to self-help funding allocations as part of its workplan item to *review TCTF and IMF self-help funding allocations and determine allocation methodology for all self-help funding beginning in 2019-20*. These two items are:

- Population/Census Data Update Schedule
- Increases to Baseline Funding

Population/Census Data Update Schedule

Population data, for use in allocating self-help funding, was updated for 2018-19 allocations using 2017 Department of Finance data. These data are based on the decennial census, but are

updated annually using local data sources such as driver license address change data.¹ Prior to that update, self-help funding allocations had been based on 2005 population data. The issue under consideration is to determine how often population data should be updated to reflect timely information without burdening the courts with constant shifts in funding due to too frequent updates.

California continues to be a high growth state, with some counties experiencing 10-year changes in population as high as 41.7% (Riverside County)². For that reason, decennial updates are too infrequent to reflect current population. Therefore, it is reasonable to update the population data more frequently.

At the July 12, 2018 FMS meeting, the subcommittee was presented with a proposal to revise self-help funding allocations every five years based on a single year of population data updated every five years. However, concerns were raised that using single-year data and updating population data every five years might create large funding shifts especially if there are extreme population changes in that five-year period. To mitigate extreme changes, committee members proposed using a three-year rolling average of population data with allocation changes made every three years. A rolling three-year average is similar to how other data is used in the Resource Assessment Study model and the Workload-based Allocation and Funding Methodology. The committee also requested that staff provide annual updates for informational purposes only so the trial courts are aware of any population trends that may impact them when the three-year updates are made.

Increases to Baseline Funding

The methodology for annual allocation includes \$34,000 per court as a baseline, with the remainder of the funds proportionally allocated based on the population in the county. The baseline allocation, at the time it was calculated, reflected approximately one-third of the statewide average salary and benefits paid to a family law facilitator.

However, due to the increase in overall self-help funding (\$19.1 million) and changes to allocation amounts resulting from updated population data, the FMS' recommendation is that the TCBC delay a discussion on a baseline funding increase until there is more information—including from the cost-benefit analysis—and until such time that courts can adjust to new self-help funding. In addition to the cost-benefit analysis, language in the 2018 Budget Act requires courts to revert any unspent funds. This may change how courts deploy self-help services. Because of these larger programmatic changes, the recommendation is that baseline funding should not be adjusted at this time.

Recommendations

¹ More information about the methodology is at: <http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-1/>

² Population data obtained from the American Community Survey, U.S. Census Bureau (2000 to 2010)

The FMS recommends that the TCBAC:

1. Adopt a three-year population update schedule using rolling 3-year average census data from the California Department of Finance, Demographic Research Unit, Population Estimates for Cities and Counties and the State. The next update, and potential change in self-help allocations, would be made in 2021-22.
2. For information purposes only, Judicial Council Budget Services staff will provide annual updates of three-year average census data from the California Department of Finance, Demographic Research Unit, Population Estimates for Cities and Counties and the State. The next informational update would be for 2019-20.
3. Maintain the current baseline allocation of \$34,000 per courts and revisit in 2021 after the November 30, 2020 report to the Legislature.

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Report to the Trial Court Budget Advisory Committee

(Action Item)

Title: Allocation Methodology for Interpreter Program Shortfall
Date: 7/24/2018
Contact: Catrayel Wood, Senior Budget Analyst, Judicial Council Budget Services
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Issue

Consideration of the Funding Methodology Subcommittee (FMS) recommendation from its July 12, 2018 meeting to approve a methodology effective October 1, 2018 as a result of a projected shortfall in the Court Interpreters Program (CIP).

Background

Current projections for the Trial Court Trust Fund CIP 0150037 (formerly known as Program 45.45) indicate that the fund balance has been depleted and, with expenditures exceeding allocations, the fund will become insolvent in the current fiscal year. A methodology was requested of the FMS for allocations from this fund as a result of the structural deficit, including a later review of existing methodologies as needed (e.g., reimbursement vs. allocation methodology).

A fundamental goal of the California judicial system is equal access to justice and to the courts, regardless of any individual's ability to communicate in English. With over 200 languages spoken in California, court interpreters play a critical role in achieving this goal by accurately interpreting for persons with limited-English proficient (LEP) language skills.

In 1998, the Judicial Council approved the establishment of the CIP. The CIP oversees program development and is responsible for the recruitment, orientation, testing, and certification of individuals seeking to become court interpreters. The CIP also oversees mandatory ethics training for newly certified or registered interpreters and monitors annual renewal requirements, which include compliance with the continuing education and professional assignment requirements of certified and registered interpreters in California's courts.

Mandates to Provide Court Interpreting Services

Article I, section 14 of the California Constitution was amended in 1974 to provide that "[a] person unable to understand English who is charged with a crime has a right to an interpreter throughout the proceedings." This provision established a mandate for courts to provide

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interpreters in criminal matters to all defendants who have a limited ability to understand or speak English. The constitutional mandate and subsequent case law has been interpreted to include proceedings related to criminal, misdemeanor, and delinquency matters as well as certain civil matters such as divorce or separation involving a protective order, and child custody and visitation proceedings.

Effective January 1, 2015, the enactment of Assembly Bill (AB)1657 (Stats. 2014, ch.721) expanded California's constitutional mandate and authorized courts to provide interpreters to all parties in civil matters, regardless of income, and set forth a priority and preference order¹ when courts do not have sufficient resources to provide interpreters for all persons.

Current Reimbursement Process

Reimbursements to courts for interpreter expenditures are made monthly. Funds are advanced to the courts for staff interpreter costs based on the salary and benefit information for filled positions reported by the courts in their most current Schedule 7A; and contract interpreter costs are reimbursed based on the actual expenditures reported by courts in the Trial Court Financial System (Phoenix), as are cross-assignment costs.

At the end of the fiscal year, a year-end adjustment template is completed by each court in which they report their eligible reimbursable interpreter costs for the year. This amount is then compared with the amount reimbursed to the court for that fiscal year. Courts either receive additional funds if they were under-reimbursed, or have their current reimbursements reduced, if they were over-reimbursed.

Allowable Expenditures

The following expenditures qualify for reimbursement under the Trial Court Trust Fund (TCTF) CIP 150037:

- Contract court interpreters, including per diems and travel;
- Certified and registered court interpreters employed by the courts, including salaries, benefits, and travel;
- Court interpreter coordinators who are certified or registered court interpreters², including salaries and benefits; and
- Four court interpreter supervisor positions: two in Los Angeles County, one in Orange County, and one in San Diego County.

¹ https://www.occourts.org/directory/cris/forms/order_of_priority.pdf

² Interpreter coordinators no longer need to be certified and or registered starting in 2017-18.

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Appropriation & Expenditures

In 2016-17, the most current fiscal year for which we have available data, the available funding from the annual appropriation in the TCTF CIP 0150037 for reimbursement of court interpreter costs was \$103.458 million. Less the \$87,000 designated for the Court Interpreter Data Collection System, the appropriation for reimbursement was \$103.371 million. The appropriation included an additional \$7 million in ongoing funds to advance the implementation of the Strategic Plan for Language Access in the California Courts adopted in January 2015, and \$603,000 for interpreter benefits.

2016-17 Court Interpreter Program 0150037 (formerly Program 45.45)	
Expenditures Overview	
1. Total Mandated Criminal	\$ 100,780,466
2. Total Domestic Violence reported by courts:	1,424,228
3. Total Civil reported by courts:	3,930,041
Court Total Reimbursements (sum of 1, 2, 3)	\$ 106,134,735
Court Interpreter Data Collection System	87,000
Total Expenditures	106,221,735

The 2016-17 CIP fund balance totaled \$5.7 million. The fund balance is designated as restricted in the TCTF per Judicial Council policy and available to reimburse trial courts for interpreter services. The 2017-18 CIP fund balance will not be known until the 2017-18 fund balance templates are returned from the courts around November 2018.

For 2017-18, the appropriation was \$103.632 million. The appropriation for reimbursement of the court interpreter costs, excluding the \$87,000 designated for the Court Interpreter Data Collection System, is \$103.545 million. The difference in appropriation of \$173,000 from 2016-17 is for interpreter benefits.

Historical appropriation and language changes can be referenced at Attachment 4A.

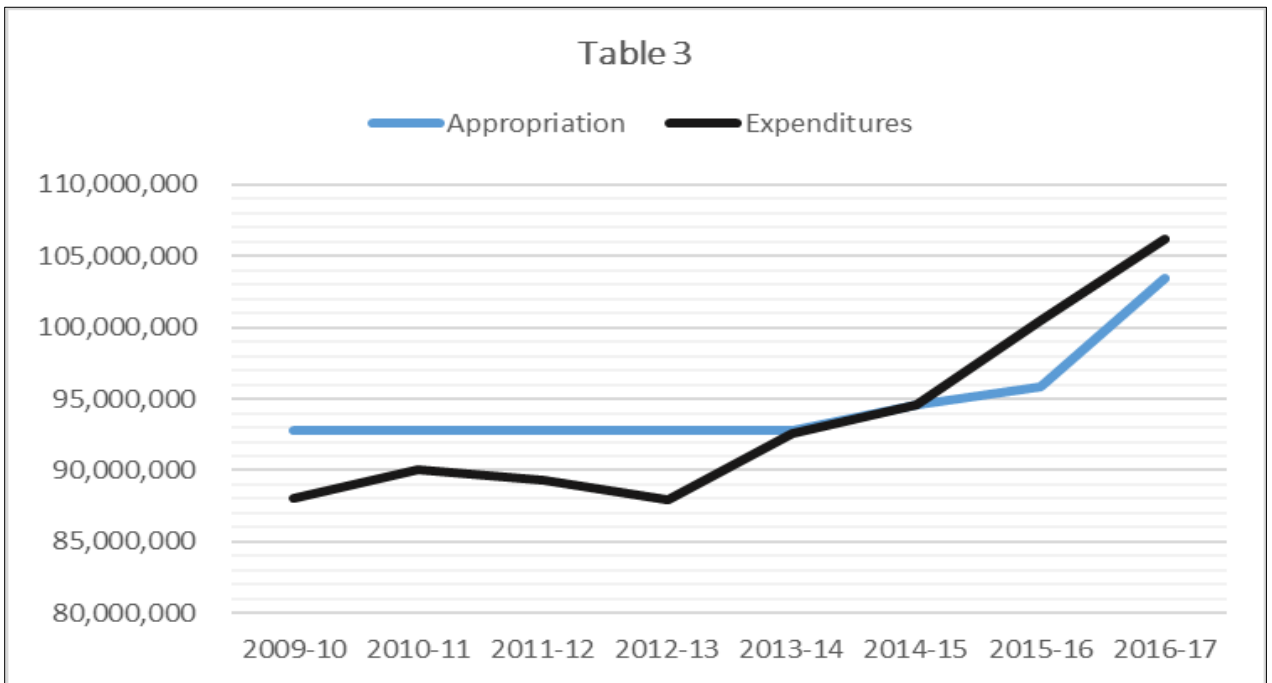
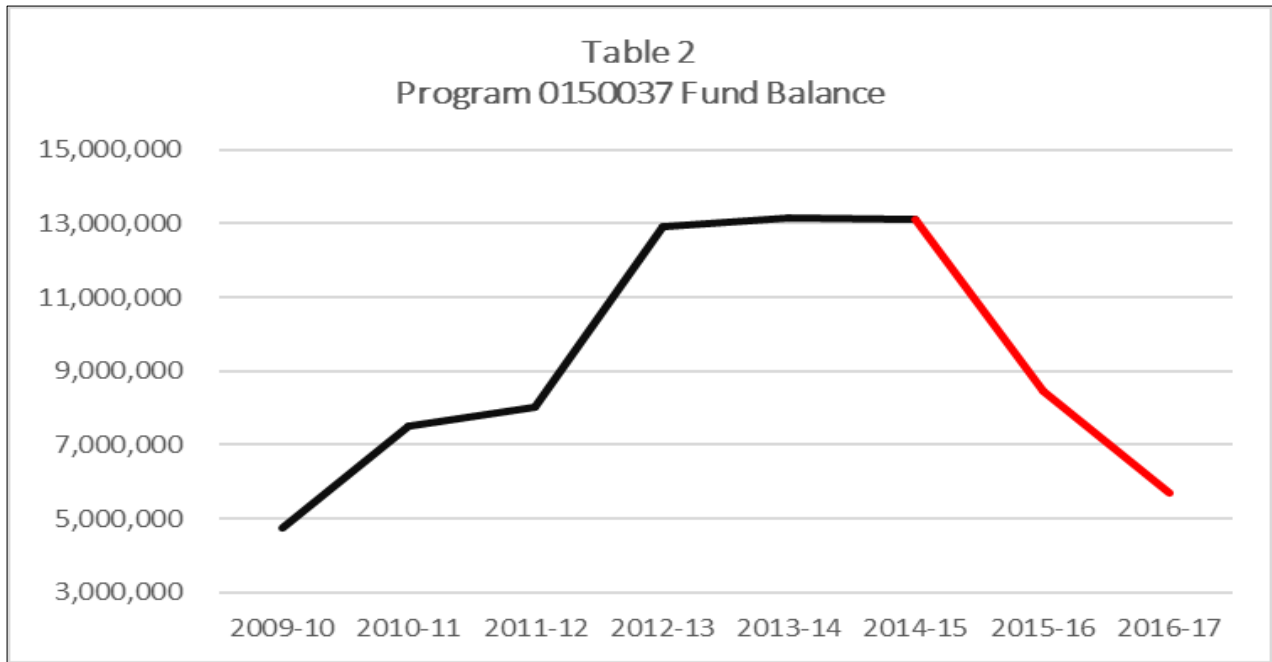
Past Practice

In 2008-09, court interpreter expenditures exceeded the appropriation by \$912k and the funding shortfall was covered by one time funding allocated by the Judicial Council³. Prior to that, and until recently, there has historically been sufficient fund balance⁴ (see Table 2) to address instances where expenditures have exceeded appropriation (see Table 3):

³ <http://www.courts.ca.gov/documents/min072909.pdf> (see page 5, item 7).

⁴ The fund balance is designated as restricted in the TCTF per Judicial Council policy and available to reimburse trial courts for eligible interpreter services.

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Prior Projections

The projected expenditures below reflect the following: 1) an estimated six percent wage growth over a three-year term starting in 2018-19; 2) AB1657 (Stats. 2014, ch.721) mandate for the ongoing expansion of court interpreter services into all civil matters; and 3) the cost of interpreter coordinators that no longer need to be certified and or registered:

PROJECTED EXPENDITURES					
Expenditure Categories		2017-18	2018-19	2019-20	2020-21
		A	B	C	D
1	Mandated Criminal	100,780,466	102,339,457	103,920,316	105,532,792
2	Domestic Violence	1,307,433	1,346,656	1,387,056	1,428,667
3	Civil <i>(expansion locked at 87% of rollout)</i>	3,802,455	3,878,504	3,956,074	4,035,196
5	Additional Interpreter Coordinator Expenses	1,000,000	2,637,215	2,637,215	2,637,215
6	Estimated Wage Increases	1,558,991	1,580,859	1,612,476	1,644,726
7	Court Interpreter Data Collection System	87,000	87,000	87,000	87,000
Total Projected Expenditures		108,536,345	111,869,691	113,600,137	115,365,596

The civil projection of \$3.9 million above is comprised of the following: Priority 2) Unlawful Detainer, \$1.12 million; Priority 3) Parental Termination, \$11,000; Priority 4) Conservatorship / Guardianship, \$150,000; Priority 5) Custody / Visitation, \$80,000; Priority 7) Other Family Law, \$2.07 million; Priority 8) Other Civil, \$320,000; and Unidentified Civil, \$130,000.

The 2018 Budget Act included a one-time, \$4 million funding award for the interpreter fund, resulting in an estimated shortfall of (\$3.4 million) for 2018-19. The deficit is expected to increase by nearly \$6 million in 2019-20 through a combination of estimated increased costs of \$1.7 million and the sunset of the \$4 million one-time funding:

PROJECTED FUND BALANCE *				
Description	2017-18	2018-19	2019-20	2020-21
Beginning Fund Balance <i>(prior year carry over)</i>	5,698,434	794,089	-	-
Allocation	103,632,000	107,632,000	103,632,000	103,632,000
Projected Expenditures	(108,536,345)	(111,869,691)	(113,600,137)	(115,365,596)
Surplus / (Deficit)	(4,904,345)	(4,237,691)	(9,968,137)	(11,733,596)
Ending Fund Balance	794,089	(3,443,602)	(9,968,137)	(11,733,596)

*Assumes no additional increases to the appropriation for 2019-20 and 2020-21.

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Updated Civil and Increased Appropriation Projections

With a current-year anticipated shortfall of \$3.4 million for the fund, the FMS identified an estimated \$3.9 million expenses for all of civil as a means to resolve the deficit in the current fiscal year:

UPDATED PROJECTED FUND BALANCE *				
Description	2017-18	2018-19 **	2019-20	2020-21
Beginning Fund Balance <i>(prior year carry over)</i>	5,698,434	794,089	-	-
Allocation	103,632,000	107,632,000	103,632,000	103,632,000
Projected Expenditures	(108,536,345)	(108,960,813)	(113,600,137)	(115,365,596)
Surplus / (Deficit)	(4,904,345)	(1,328,813)	(9,968,137)	(11,733,596)
Ending Fund Balance	794,089	(534,724)	(9,968,137)	(11,733,596)

**Assumes no additional increases to the appropriation for 2019-20 and 2020-21.*

***Excludes reimbursement for eligible interpreter services in all of civil beginning October 1, 2018.*

There is a 2019-20 budget change proposal in process that is requesting an additional \$11 million ongoing for the CIP, which would resolve the shortfall issue for the budget year:

UPDATED PROJECTED FUND BALANCE *				
Description	2017-18	2018-19	2019-20	2020-21
Beginning Fund Balance <i>(prior year carry over)</i>	5,698,434	794,089	-	1,031,863
Allocation	103,632,000	107,632,000	114,632,000	114,632,000
Projected Expenditures	(108,536,345)	(108,960,813)	(113,600,137)	(115,365,596)
Surplus / (Deficit)	(4,904,345)	(1,328,813)	1,031,863	(733,596)
Ending Fund Balance	794,089	(534,724)	1,031,863	298,267

**Assumes an ongoing \$11 million increase to the appropriation beginning in 2019-20.*

Until additional, ongoing funding is secured, the subcommittee is focused on cutting non-mandated services in all of civil rather than cutting funding to the trial courts. In addition, ongoing cuts may be required even if the fund receives an ongoing appropriation increase beginning in 2021-22, as \$11 million is not enough to cover increases in costs or additional expansion beyond 2020-21.

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Recommendation

The following FMS recommendation is presented to the Trial Court Budget Advisory Committee for consideration:

1. Discontinue funding for all civil matters at the local level in the current year and direct Judicial Council Budget Services staff to notice all courts of a pending motion that as of October 1, 2018, funding for interpreter services in civil will no longer be reimbursed for 2018-19.

Attachments

Attachment 4A: Historical Appropriation & Language Changes

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Historical Appropriation & Language Changes

2000–01 (Initial Language)

The funds appropriated in Schedule (d) shall be for payments for services of contractual court interpreters, certified court interpreters employed by the courts, and the following court interpreter coordinators: one each in counties of the 1st through the 15th classes, 0.5 each in counties of the 16th through the 31st classes, and 0.25 each in counties of the 32nd through 58th classes. Courts in counties with a population of 500,000 or less are encouraged, but not required, to coordinate interpreter services on a regional basis. For the purposes of this provision, “court interpreter coordinators” may be full- or part-time court employees, or those contracted by the court to perform these services.

2001–02

The funds appropriated (**\$54,450,000**) in Schedule (4) shall be for payments for services of contractual court interpreters, and certified *and registered* court interpreters employed by the courts, and the following court interpreter coordinators: one each in counties of the 1st through the 15th classes, 0.5 each in counties of the 16th through the 31st classes, and 0.25 each in counties of the 32nd through 58th classes. Courts in counties with a population of 500,000 or less are encouraged, but not required, to coordinate interpreter services on a regional basis. For the purposes of this provision, “court interpreter coordinators” may be full- or part-time court employees, or those contracted by the court to perform these services.

2010–11

The funds appropriated (**\$92,794,000**) in Schedule (4) shall be for payments to contractual court interpreters, and certified and registered court interpreters employed by the courts *for services provided during court proceedings and other services related to pending court proceedings, including services provided outside a courtroom*, and the following court interpreter coordinators: 1.0 each in counties of the 1st through the 15th classes, 0.5 each in Ch. 712 — 20 — Item Amount counties of the 16th through the 31st classes, and 0.25 each in counties of the 32nd through the 58th classes. For the purposes of this provision, “court interpreter coordinators” may be full- or part-time court employees, or those contracted by the court to perform these services.

2012–13

The funds appropriated (**\$92,794,000**) in Schedule (4) shall be for payments to contractual court interpreters, and certified and registered court interpreters employed by the courts for services provided during court proceedings and other services related to

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pending court proceedings, including services provided outside a courtroom, and the following court interpreter coordinators: 1.0 each in counties of the 1st through the 15th classes, 0.5 each in counties of the 16th through the 31st classes, and 0.25 each in counties of the 32nd through the 58th classes. For the purposes of this provision, “court interpreter coordinators” may be full- or part-time court employees, and shall be certified and registered court interpreters in good standing under existing law.

2017–18

The funds appropriated (**\$103,632,000**) in Schedule (4) shall be for payments to contractual court interpreters, and certified or registered court interpreters employed by the courts for services provided during court proceedings and other services related to pending court proceedings, including services provided outside a courtroom, and the following court interpreter coordinators: 1.0 each in counties of the 1st through the 15th classes, 0.5 each in counties of the 16th through the 31st classes, and 0.25 each in counties of the 32nd through the 58th classes. For purposes of this provision, “court interpreter coordinators” may be full- or part-time court employees.

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Report to the Funding Methodology Subcommittee

(Action Item)

Title: 2017-18 Preliminary One-Time Reduction for Fund Balances Above the 1% Cap
Date: 7/24/2018
Contact: Melissa Ng, Senior Budget Analyst, Judicial Council Budget Services
916-263-1754 | Melissa.Ng@jud.ca.gov

Issue

Each year courts are required to submit a preliminary computation form reporting the portion of their ending fund balance that is subject to the 1 percent cap for council approval, with final year-end submissions to go to the Judicial Council before February. The 2017-18 preliminary one-time allocation reduction of \$658,398 to eight courts is provided for Trial Court Budget Advisory Committee consideration and recommendation to the council.

Background

Government Code section 68502.5(c)(2)(A) requires the council to make a preliminary allocation reduction in July of each fiscal year (Attachment 5A) and a final allocation reduction before February of each fiscal year to offset the amount of fund balance (or reserves) in excess of the amount authorized by GC section 77203. GC 77203 limited the amount of funds to be carried over from one year to the next beginning June 30, 2014. The reductions reflect the calculated preliminary allocation reduction amounts provided by the courts on the 1% Fund Balance Cap Calculation Form (Attachment 5B).

At its July 29, 2014 business meeting, the council approved an annual process beginning in 2015-16 for courts to provide preliminary and final computations of the portion of their ending fund balance that is subject to the 1 percent cap in compliance with Government Code section 68502.5(c)(2)(A):

- Each year, courts will be required to submit the 1 percent computation form with preliminary year-end information by July 15. The information provided by courts will be used by the council to make the preliminary allocation of reductions as required by statute. Courts would not be required to provide the details related to encumbrances, prepayments, and restricted revenue when submitting the form for the preliminary allocation.
- Each year, courts will be required to submit the 1 percent computation form with final yearend information by October 15.

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- Before February, the Judicial Council’s Chief Financial Officer will report to the council the information provided by courts for the final allocation reduction, if any.

The July preliminary submission information was not received in time to present at the July 2018 Judicial Council meeting due to a combination of the earlier council business meeting this year and the time courts required for the soft close of their prior year finances.

Recommendation

Approve the 2017-18 preliminary one-time allocation reduction of \$658,398 to eight courts that are projecting the portion of their ending fund balance that is subject to the 1 percent balance cap to exceed the cap by \$658,398 as required by statute.

Attachments

Attachment 5A: Preliminary One-Time Allocation Reduction for Fund Balance Above the 1% Cap

Attachment 5B: 1% Fund Balance Cap Calculation Form

Preliminary One-Time Allocation Reduction for Fund Balance Above the 1% Cap
(as of July 24, 2018)

Court	Fund Balance Cap	2017-18 Ending Fund Balance	Encumbrance Reserves at June 30	Excluded Funds	Prepayments	Balance of Approved 2017-18 Funds Held on Behalf	Fund Balance Subject to Cap	Current Year Reduction	Prior Year Disencumbrance	Total Preliminary Reduction	Approved 2018-19 Funds Held on Behalf ^f	Net Reduction after Funds Held on Behalf
	Col. A	Col. B	Col. C	Col. D	Col. E	Col. F	Col. G (B - C - D - E - F)	Col. H (A - G)	Col. I	Col. J (H + I)	Col. K	Col. L (J + K)
ALAMEDA	969,785	11,258,122	7,708,020	1,212,134	0	568,183	1,769,785	(799,693)	(307)	(800,000)	800,000	0
ALPINE	8,236	57,480	42,479	12,287	0	0	2,714	0	0	0		0
AMADOR	29,371	86,181	39,001	25,939	0	0	21,241	0	0	0		0
BUTTE	136,315	808,923	134,526	330,572	147,092	58,697	138,036	(1,721)	0	(1,721)		0
CALAVERAS	27,471	322,082	0	138,504	183,578	0	0	0	0	0		0
COLUSA	21,878	412,438	0	239,973	0	0	172,465	(150,587)	0	(150,587)	100,000	0
CONTRA COSTA	589,691	5,046,899	2,491,319	2,067,588	0	0	487,992	0	0	0		0
DEL NORTE	32,018	639,163	29,581	479,515	858	0	129,209	(97,191)	0	(97,191)		(97,191)
EL DORADO	90,940	(417,305)	0	0	1,296	0	(418,601)	0	0	0		0
FRESNO	652,867	2,087,446	381,580	1,253,180	0	0	452,686	0	0	0		0
GLENN	31,602	199,853	82,918	60,942	0	29,000	26,993	0	0	0		0
HUMBOLDT	91,864	95,072	26,495	42,089	26,488	0	0	0	0	0		0
IMPERIAL	127,711	1,758,013	1,173,279	471,713	81,565	0	31,456	0	0	0		0
INYO	26,762	446,237	0	431,860	2,868	0	11,509	0	0	0		0
KERN	727,956	4,854,611	0	3,094,349	748,867	676,688	334,707	0	(27,433)	(27,433)		0
KINGS	99,328	930,000	714,517	200,483	15,000	0	0	0	0	0		0
LAKE	40,592	195,485	27,000	161,275	0	0	7,210	0	0	0		0
LASSEN	26,990	229,630	0	127,334	0	75,925	26,371	0	0	0		0
LOS ANGELES	7,530,183	58,668,451	33,000,000	18,963,000	79,000	1,150,000	5,476,451	0	0	0		0
MADERA	107,053	928,575	339,560	483,526	0	0	105,489	0	0	0		0
MARIN	141,268	1,021,332	111,485	786,504	5,000	0	118,343	0	0	0		0
MARIPOSA	16,564	45,974	5,648	23,762	0	0	16,564	0	0	0		0
MENDOCINO	71,696	617,860	429,483	188,377	0	0	0	0	0	0		0
MERCED	166,948	3,138,684	153,022	2,619,139	110,000	236,378	20,145	0	(500)	(500)		(500)
MODOC	11,541	31,076	0	28,233	0	0	2,843	0	0	0		0
MONO	21,525	313,495	35,340	37,776	16,264	0	224,115	(202,590)	0	(202,590)	20,000	(182,590)
MONTEREY	238,397	956,042	25,918	748,156	14,006	9,368	158,594	0	0	0		0
NAPA	103,113	765,913	12,140	627,836	0	94,777	31,160	0	(500)	(500)		0
NEVADA	69,772	237,865	0	237,219	0	0	646	0	0	0		0
ORANGE	1,929,671	9,308,727	1,253,226	5,639,363	978,471	491,305	946,362	0	0	0		0
PLACER	207,828	2,077,450	1,080,845	425,744	113,018	199,650	258,193	(4,562)	(45,803)	(50,365)	50,350	(15)
PLUMAS	12,760	54,559	0	54,559	0	0	0	0	0	0		0
RIVERSIDE	1,533,864	5,614,682	938,238	3,529,660	0	0	1,146,784	0	0	0		0
SACRAMENTO	927,979	5,751,410	1,385,970	1,781,659	28,537	1,639,971	915,273	0	4	4		0
SAN BENITO	30,076	163,389	90,263	6,325	36,753	0	30,048	0	0	0		0
SAN BERNARDINO	1,258,893	10,214,982	3,377,069	1,979,156	4,858,757	0	0	0	0	0		0
SAN DIEGO	1,743,704	11,374,807	291,970	10,223,982	636,420	0	222,435	0	0	0		0
SAN FRANCISCO	727,130	2,463,402	0	1,992,721	0	385,693	84,988	0	0	0		0
SAN JOAQUIN	416,173	2,353,815	161,634	1,890,765	231,728	0	69,688	0	0	0		0
SAN LUIS OBISPO	164,639	1,970,113	142,787	1,710,130	0	0	117,196	0	0	0		0
SAN MATEO	444,112	1,876,355	727,412	514,000	0	0	634,943	(190,831)	(209,169)	(400,000)	250,000	(150,000)
SANTA BARBARA	300,710	3,181,185	658,788	2,507,356	0	0	15,041	0	0	0		0
SANTA CLARA	985,873	692,794	0	669,627	0	0	23,167	0	0	0		0

Court	Fund Balance Cap	2017-18 Ending Fund Balance	Encumbrance Reserves at June 30	Excluded Funds	Prepayments	Balance of Approved 2017-18 Funds Held on Behalf	Fund Balance Subject to Cap	Current Year Reduction	Prior Year Disencumbrance	Total Preliminary Reduction	Approved 2018-19 Funds Held on Behalf ¹	Net Reduction after Funds Held on Behalf
	Col. A	Col. B	Col. C	Col. D	Col. E	Col. F	Col. G (B - C - D - E - F)	Col. H (A - G)	Col. I	Col. J (H + I)	Col. K	Col. L (J + K)
SANTA CRUZ	145,873	532,703	33,088	375,026	0	0	124,589	0	0	0		0
SHASTA	184,721	439,551	18,468	248,761	0	0	172,322	0	0	0		0
SIERRA	9,068	46,018	19,813	11,205	15,000	0	0	0	(43,295)	(43,295)		(43,295)
SISKIYOU	41,723	404,148	178,766	184,767	0	0	40,615	0	0	0		0
SOLANO	264,377	1,459,495	191,121	1,024,380	0	0	243,994	0	(183,965)	(183,965)		(183,965)
SONOMA	275,199	2,200,730	0	1,711,088	488,095	0	1,547	0	0	0		0
STANISLAUS	275,061	679,865	0	7,600	397,204	0	275,061	0	0	0		0
SUTTER	63,669	649,694	296,525	291,636	0	45,204	16,329	0	0	0	9,041	0
TEHAMA	48,464	753,626	578,495	167,260	0	0	7,871	0	0	0		0
TRINITY	21,447	86,503	33,128	39,576	0	0	13,799	0	0	0		0
TULARE	297,227	800,032	159,709	373,205	159,833	0	107,285	0	(45,020)	(45,020)	45,020	0
TUOLUNME	41,470	149,650	0	112,552	0	0	37,098	0	0	0		0
VENTURA	511,227	3,403,255	3,229,404	125,969	0	0	47,882	0	0	0		0
YOLO	132,903	955,483	408,801	455,755	0	0	90,927	0	(842)	(842)		(842)
YUBA	65,799	272,744	162,129	103,152	0	0	7,463	0	(1,409)	(1,409)	1,409	0
TOTALS	25,271,077	165,666,764	62,380,960	73,250,244	9,375,698	5,660,839	14,999,023	(1,447,175)	(558,239)	(2,005,414)	1,275,820	(658,398)

¹ The Approved Trial Court Trust Fund (TCTF) Funds Held on Behalf requests include those requests approved by the Judicial Council at its July 20, 2018 business meeting.

1% Fund Balance Cap Calculation Form

SUMMARY TOTALS

2017-18

PRELIMINARY

Line #		FY 2015-16	FY 2016-17	FY 2017-18	Instructions
Part A - Computation of Cap					
1	Expenditures	2,375,268,993	2,449,345,801	2,515,248,149	Court enters expenditures for ending fiscal year.
2	Accruals	93,529,935	61,755,623	47,851,905	Court enters expense accruals for ending fiscal year.
3	Less: Expenses related to Encumbrance Reserves for FY13/14	(38,372,588)			Current year expenditures relating to prior year encumbrance reserves.
4	Less: Expenses related to Encumbrance Reserves for FY14/15	(33,494,106)	(20,781,150)		Current year expenditures relating to prior year encumbrance reserves.
5	Less: Expenses related to Encumbrance Reserves for FY15/16		(51,858,853)	(26,256,427)	Court enters current year expenditures relating to prior year encumbrance reserves. Enter a negative number.
6	Less: Expenses related to Encumbrance Reserves for FY16/17			(49,797,860)	Court enters current year expenditures relating to prior year encumbrance reserves. Enter a negative number.
7	Encumbrance Reserves as of June 30	117,105,716	100,303,224	62,380,960	Court enters total year ending fund balance reserved for encumbrances (Do not include TCTF Funds Held Purchase Order)
8	Less: remaining Encumbrance Reserves from FY13/14	(7,438,956)			The amount of the fund balance reserved for encumbrances (line 7) that is related to prior fiscal years.
9	Less: remaining Encumbrance Reserves from FY14/15	(29,152,488)			The amount of the fund balance reserved for encumbrances (line 7) that is related to prior fiscal years.
10	Less: remaining Encumbrance Reserves from FY15/16		(27,216,178)		fiscal years.
11	Less: remaining Encumbrance Reserves from FY16/17			(22,319,444)	related to prior fiscal years. Enter a negative number.
12	Operating Budget	2,477,446,506	2,511,548,467	2,527,107,283	Cell is formula driven. This row calculates Operating Budget.
13	Fund Balance Cap (1% of Operating Budget)	24,774,465	25,115,485	25,271,073	Cell is formula driven. This row calculates Fund Balance Cap.
Part B - Computation of Fund Balance Subject to Cap					
14	Ending fund balance	212,948,907	210,230,174	165,666,764	Court enters actual year end fund balance.
15	Less: Encumbrance Reserves as of June 30	117,105,716	100,303,224	62,380,960	Cell is formula driven. This line is the encumbrance reserves amount entered above from line 7.
16	Less: Excluded Funds Per GC 77203	69,471,670	73,931,812	73,250,244	Cell is formula driven. Court enters details on the Excluded Detail tab.
17	Less: Prepayments	8,584,958	12,397,032	9,375,698	Court enters any Prepayment amounts.
18	Less: TCTF Funds Held (approved and returned to court)	-	5,066,406	5,660,839	Cell is formula driven. Court enters details on the TCTF Funds Held tab.
19	Fund Balance Subject to Cap	17,786,564	18,531,701	14,999,023	Cell is formula driven. This row calculates Fund Balance Subject to Cap and is what will be compared to the Fund Balance Cap (line 13).
Part C - Potential Additional Allocation Reduction					
20	Amount above cap if no Encumbrance Reserves	110,855,312	94,188,524	56,507,741	Cell is formula driven.
21	Maximum amount of encumbered fund balance that, if not expensed in the next two years, is subject to the cap	79,259,255	91,871,382	39,902,075	These amounts will be liquidated if not spent (year of encumbrance, plus 2 additional). These are the encumbrance amounts for the fiscal year listed above.
22	Maximum amount of non-excluded encumbered fund balance that can be disencumbered without resulting in an allocation reduction	7,612,528	6,933,391	5,975,116	Cell is formula driven. This total is the threshold the court can disencumber without having to reduce their allocations.
Part D - Liquidations					
23	FY13/14 Liquidation in third year	6,556,868			This is the amount of unused encumbrance on closed contracts in third year following original encumbrance.
24	FY14/15 Liquidation in second year	885,619			This is the amount of unused encumbrance on closed contracts in second year following original encumbrance.
25	FY14/15 Liquidation in third year		8,272,519		This is the amount of unused encumbrance on closed contracts in third year following original encumbrance.
26	FY15/16 Liquidation in second year		1,442,548		This is the amount of unused encumbrance on closed contracts in second year following original encumbrance.
27	FY15/16 Liquidation in third year			956,446	Cell is formula driven. This is the amount of unused encumbrance on closed contracts in third year following original encumbrance.
28	FY16/17 Liquidation in second year			969,742	Cell is formula driven. This is the amount of unused encumbrance on closed contracts in second year following original encumbrance.
Part E - Fund Balance Subject to Allocation Reduction					
29	Current Year Subject to Cap	2,117,636	#VALUE!	1,447,175	Cell is formula driven. This is the amount of fund balance over the cap.
30	TCTF Funds Held to be returned to the Trial Court Trust Fund	-	-	-	Cell is formula driven. Court enters details on the TCTF Funds Held tab.
31	FY13/14 Encumbered Fund Balance Subject to Allocation Reduction	6,302,820			FY13/14 total liquidation less maximum amount of encumbered fund balance that can be disencumbered without resulting in an allocation reduction .
32	FY14/15 Encumbered Fund Balance Subject to Allocation Reduction	33,095	5,954,147		FY14/15 total liquidation less maximum amount of encumbered fund balance that can be disencumbered without resulting in an allocation reduction .
33	FY15/16 Encumbered Fund Balance Subject to Allocation Reduction		82,217	118,645	Cell is formula driven. FY15/16 total liquidation less maximum amount of encumbered fund balance that can be disencumbered without resulting in an allocation reduction .
34	FY16/17 Encumbered Fund Balance Subject to Allocation Reduction			439,602	Cell is formula driven. FY16/17 total liquidation less maximum amount of encumbered fund balance that can be disencumbered without resulting in an allocation reduction .
35	Total Allocation Reduction	8,763,540	7,392,571	2,005,422	Cell is formula driven. This is the amount that will revert to the Trial Court Trust Fund.