



# JUDICIAL COUNCIL OF CALIFORNIA

TRIAL COURT BUDGET  
ADVISORY COMMITTEE

## TRIAL COURT BUDGET ADVISORY COMMITTEE

### MATERIALS FOR APRIL 16, 2019 TELECONFERENCE MEETING

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TRIAL COURT BUDGET  
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## TRIAL COURT BUDGET ADVISORY COMMITTEE

### 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:** April 16, 2019  
**Time:** 12:00 p.m. - 1:30 p.m.  
**Public Call-in Number:** 1-877-820-7831; passcode 188-4843 (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 21, 2019 Trial Court Budget Advisory Committee 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 Judicial Council of California, 455 Golden Gate Avenue, San Francisco, CA 94102, attention: Ms. Brandy Sanborn. Only written comments received by 12:00 p.m. on April 15, 2019 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 1-2)**

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**Item 1**

**Request to use 2018-19 State Trial Court Improvement and Modernization Fund (IMF) for 2019-20 Sustain Justice Edition (SJE) California Court Technology Center (CCTC) Hosting (Action Required)**

Consideration of a recommendation from the Revenue and Expenditure Subcommittee to use current fiscal year's IMF Funding, approved for the Interim Case Management System (ICMS) program, for SJE CCTC hosting costs in 2019-20.

Presenter(s)/Facilitator(s): Mr. David Koon, Manager, Judicial Council Information Technology

**Item 2**

**Trial Court Funding Stabilization Budget Change Proposal (BCP) Concept (Action Required)**

Consideration of a recommendation from the Ad Hoc BCP Subcommittee on the Trial Court Funding Stabilization BCP concept for submission to the Judicial Branch Budget Committee.

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

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

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**None**

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**V. ADJOURNMENT**

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**Adjourn**



# JUDICIAL COUNCIL OF CALIFORNIA

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TRIAL COURT BUDGET  
ADVISORY COMMITTEE

## TRIAL COURT BUDGET ADVISORY COMMITTEE

### MINUTES OF OPEN MEETING

March 21, 2019

10:00 a.m. – 2:00 p.m.

Sequoia Room, 455 Golden Gate Avenue, San Francisco, CA 94102

**Advisory Body Members Present:** Judges: Hon. Jonathan B. Conklin (Chair), Hon. Jeffrey B. Barton (phone), Hon. Andrew S. Blum, Hon. Daniel J. Buckley, Hon. Mark A. Cope, Hon. Jill C. Fannin, Hon. Kimberly Gaab, Hon. Teri L. Jackson, Hon. Brian McCabe (phone), Hon. Gary Nadler, and Hon. B. Scott Thomsen.

Executive Officers: Ms. Rebecca Fleming (Vice Chair), Ms. Kim Bartleson (phone), Ms. Sherri Carter, Mr. Chad Finke, Mr. Kevin Harrigan, Mr. Michael D. Planet, Mr. Michael M. Roddy, Ms. Linda Romero-Soles, Mr. Brian Taylor, Ms. Kim Turner, Ms. Tania Ugrin-Capobianco (phone), and Mr. David Yamasaki.

Judicial Council Staff Advisory Members: Mr. John Wordlaw and Mr. Zlatko Theodorovic

**Advisory Body Members Absent:** Hon. Charles Margines

**Others Present:** Ms. Lucy Fogarty, Ms. Brandy Sanborn, Ms. Leah Rose-Goodwin, Ms. Michele Allan, Ms. Donna Newman, Ms. Melissa Ng, Mr. Jason Haas, and Ms. Rose Livingston.

#### OPEN MEETING

##### Call to Order and Roll Call

The chair welcomed the then called the meeting to order at 10:06 a.m. and took roll call.

##### Approval of Minutes

The advisory body reviewed and approved the minutes of the February 19, 2019 Trial Court Budget Advisory Committee meeting.

#### DISCUSSION AND ACTION ITEMS (ITEMS 1-6)

##### Item 1 - Children's Waiting Room Report (Action Required)

Recommendation of the Fiscal Planning Subcommittee on continued receipt of Children's Waiting Room funds for Contra Costa Superior Court.

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

**Action:** The Trial Court Budget Advisory Committee voted to approve the recommendation from the Fiscal Planning Subcommittee to recommend the Judicial Council approve the continued distribution of CWR funds to Contra Costa Superior Court to allow the court to accumulate sufficient funding to operate the CWR full-time at its new location in Martinez, scheduled to re-open in July 2019. The vote was as follows:

- Yes: 22
- No: 0
- Abstain: 1

**Item 2 - Adjustments to Council Approved 2018-19 Allocations from the State Trial Court Improvement and Modernization Fund (IMF) (Action Required)**

Recommendation of the Revenue and Expenditure Subcommittee on an IMF augmentation to the 2018-19 allocations for the Judicial Council Information Technology Office Jury Management Program.

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

**Action:** The Trial Court Budget Advisory Committee unanimously voted to adopt a recommendation to approve a total of \$252,000 as an augmentation to the 2018-19 allocations for the Jury Improvement Program administered by the Information Technology office consideration by the Judicial Council at its May 16-17, 2019 meeting.

**Item 3 - All Funding Sources and Operating Expenses & Equipment (OE&E) Inflationary Factor (Action Required)**

Recommendation of the Funding Methodology Subcommittee on funding sources that should be factored into the WAFM and an inflationary factor for OE&E incorporated into the model.

Presenter(s)/Facilitator(s): Ms. Leah Rose-Goodwin, Manager, Judicial Council Budget Services

**Action:** The Trial Court Budget Advisory Committee unanimously voted to accept the recommendation from the Funding Methodology Subcommittee to take the following actions for recommendation to the Judicial Council:

1. Adjust each court's workload allocation to include net civil assessments based on prior fiscal year (civil assessments less maintenance of effort (MOE) obligations and expenditures identified in Item 3 (debt obligations funded by civil assessments);
3. Adopt the recommendations to include or exclude the general ledger (GL) accounts that were reviewed as detailed in Attachment B of the report, effective with 2019-20 allocations; and
5. Approve use of a statewide Consumer Price Index (CPI) factor to be applied to the Operating Expenses and Equipment calculation starting for 2019-20 allocations.

The Trial Court Budget Advisory Committee also voted to accept the following recommendations from the Funding Methodology Subcommittee:

2. Table for later consideration the remaining issues contained in items 1 and 3;

4. Starting in 2019-20 with the goal of being effective in 202-21, lead a statewide effort in partnership with the Court Executives Advisory Committee to standardize the usage of general ledger accounts so that courts are using the account codes in a uniform and consistent manner; and

6. Add to the FMS workplan a review of all accounts that are used in the computation of the Operating Expenses and Equipment factor.

The Trial Court Budget Advisory Committee also requested that Judicial Council Budget Services work with Facilities Services and the appropriate advisory body regarding the question of funding trial court leases for review and consideration. Findings or referral back to the TCBAC has been requested at the November 2019 Trial Court Budget Advisory Committee meeting.

**Item 4 - Outcomes for New Funding Provided in the Budget Act of 2018 (Action Required)**

Recommendation of the Funding Methodology Subcommittee on the reporting requirement for the outcomes for the new funding provided in the Budget Act of 2018.

Presenter(s)/Facilitator(s): Ms. Leah Rose-Goodwin, Manager, Judicial Council Budget Services

**Action:** The Trial Court Budget Advisory Committee unanimously approved the report, with updates based on current information, for forwarding to the Judicial Council at its May 16-17, 2019 business meeting.

**Item 5 - Updates to the Workload-based Allocation and Funding Methodology (WAFM) Adjustment Request Procedures (ARP) (Action Required)**

Recommendation of the Funding Methodology Subcommittee on updates to the existing process to request adjustments to WAFM.

Presenter(s)/Facilitator(s): Ms. Leah Rose-Goodwin, Manager, Judicial Council Budget Services

**Action:** The Trial Court Budget Advisory Committee unanimously voted to approve the proposed update to the Workload Formula Adjustment Request Process.

**Item 6 - 2020-21 ARP Submissions (Action Required)**

Review and referral of 2020-21 ARP submissions.

Presenter(s)/Facilitator(s): Ms. Leah Rose-Goodwin, Manager, Judicial Council Budget Services

**Action:** The Trial Court Budget Advisory Committee voted to approve to refer requests 2 and 3 to the Workload Assessment Advisory Committee and refer request 4 to the Funding Methodology Subcommittee for prioritization into its work plan, contingent upon council action on Item 5 for final implementation. Request 1 has been completed and no further action was required. The vote was as follows:

- Yes: 22
- No: 0
- Abstain: 1

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**INFORMATION ONLY ITEMS (INFO 1)**

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**Info 1 - Judicial Council Advisory Committee on Audits and Financial Accountability Letter**

Discuss letter submission to the Trial Court Budget Advisory Committee from the Advisory Committee on Audits and Financial Accountability for the Judicial Branch regarding encumbrance policies.

Presenter(s)/Facilitator(s): Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee; Ms. Rebecca Fleming, Vice Chair, Trial Court Budget Advisory Committee

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**ADJOURNMENT**

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There being no further business, the meeting was adjourned at 12:29 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:** 2019-20 California Courts Technology Center (CCTC) Hosting Costs for Sustain Justice Edition (SJE) Courts

**Date:** April 9, 2019

**Contact:** David Koon, Manager, Judicial Council Information Technology  
[david.koon@jud.ca.gov](mailto:david.koon@jud.ca.gov), 415-865-4618

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**Issue**

Based upon the previous Judicial Council Technology Committee (JCTC), Trial Court Budget Advisory Committee (TCBAC) and Judicial Council actions, there is no authorization to use the State Trial Court Improvement and Modernization Fund (IMF) as a funding source for SJE hosted courts after June 30, 2019. The Interim Case Management System (ICMS) program has savings from 2018-19, which could be used to fund SJE hosted courts after June 30, 2019, as recommended by the Revenue and Expenditure (R&E) Subcommittee. This request is not for an additional allocation of IMF funding, but an extension of time to use previously approved funding for the ICMS program for CCTC hosting costs associated with the SJE application as the last courts leave CCTC hosting in 2019-20.

**Background**

The ICMS Program supports those courts using the SJE case management system with technical consulting services to implement legislative updates, production support, as well as data center services, for those courts with SJE hosted at the CCTC.

At the Judicial Council's April 24, 2014 business meeting, the Judicial Council directed the JCTC to develop a plan that would result in the future elimination of subsidies from the IMF and the Trial Court Trust Fund (TCTF) to courts for the SJE costs. Funding sources for SJE hosting is a combination of Schedule C reimbursements from the courts and IMF funding.

In April 2016, there were nine courts which had their SJE case management systems hosted at the CCTC. The JCTC endorsed a proposal to provide funding for six SJE courts (Lake, Modoc, Plumas, San Benito, Sierra, and Trinity) to move from SJE hosting at the CCTC to SJE hosting at the Placer Court. The Placer hosting proposal also included the elimination by June 30, 2019 of IMF funding for SJE hosting at the CCTC and was subsequently approved by the TCBAC as well as the Judicial Council. The six courts included in the Placer hosting proposal completed their migration from CCTC hosting to Placer hosting in January 2018.



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 Report to the Trial Court Budget Advisory Committee

In a separate project, the Imperial Court completed their migration from SJE CCTC hosting to a locally hosted eCourt solution in November 2017. As SJE courts have left CCTC hosting, servers and other network infrastructure such as data storage have been eliminated to reduce costs.

The remaining two courts hosted at the CCTC are the Humboldt and Madera Courts. The Madera Court is targeting a go-live for a cloud hosted eCourt solution in May 2019. The Humboldt Court is targeting a go-live date for deploying eCourt locally by October 31, 2019. However, the expected departure date when presented to JCTC was September 30, 2019.

The ICMS program has been able to realize more savings over the last two fiscal years than initially anticipated from the decommissioning of the SJE servers and has also continued to receive Schedule C funding from those courts while they remain hosted at the CCTC.

Continued CCTC funding is needed to cover CCTC hosting costs of SJE beyond June 30, 2019 to cover the hosting costs through October 2019 while the Humboldt Court completes their transition to a locally hosted eCourt case management system, and potentially for Madera if their CMS go-live date is delayed. Also, after the last court leaves CCTC hosting, time will be needed for the decommissioning of the SJE environments at the CCTC.

**Justification**

As SJE courts have left CCTC hosting, servers and other network infrastructure such as data storage have been eliminated to reduce costs and other cost savings strategies such as the elimination of the Quality Assurance environment. The ICMS program has been able to realize more savings over the last two fiscal years than initially anticipated from the decommissioning of servers/data storage and has also continued to receive Schedule C funding from those courts which remain hosted at the CCTC.

There is \$801,908 in 2018-19 ICMS funding available to cover the 2019-20 SJE hosting costs.

Estimated SJE hosting cost at CCTC through December 31, 2019 are presented in the table below with the assumption that the Humboldt Court would continue to pay their monthly Schedule C hosting costs until they leave the CCTC in October 2019:

<b>Estimated SAIC Hosting Costs for SJE (6 mths) in FY 19/20</b>	
<b>Description</b>	<b>Amt</b>
Estimated cost SAIC hosting charges from 7/1/2019 through 12/31/2019 (6 mths)	\$ 488,998
Schedule C Charges for Humboldt Court from 7/1/2019 through 10/31/2019	(62,200)
<b>Net IMF Funding Assistance needed for SJE CCTC hosting through 12/31/2019</b>	<b>\$ 426,798</b>

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

The use of ICMS savings from 2018-19 is not an allocation of additional IMF funding in 2019-20 for SJE hosting costs at the CCTC. It is a request to extend the timeline for using previously approved funding to the ICMS program to cover CCTC hosting costs while the remaining courts transition to new case management system solutions hosted outside of the CCTC.

At the Judicial Council Technology Committee's March 14, 2019 meeting, the JCTC approved the use of 2018-19 ICMS savings to cover SJE hosting costs at the CCTC through December 31, 2019.

**Recommendation**

The following R&E Subcommittee recommendation is presented to the TCBAC for consideration:

1. Approve the use of ICMS savings from 2018-19 to cover SJE hosting at the CCTC through December 31, 2019 to allow time for the remaining courts to leave CCTC hosting and allow for the decommissioning of the SJE CCTC environments.

## 2020-21 Budget Change Proposal Concept

**Requesting Entity:** Trial Court Budget Advisory Committee

**Contact:** Lucy Fogarty

**Budget Services Liaison:** Lucy Fogarty

**Date Prepared:** April 8, 2019

**Document Tracking Number:** IFR-20-xxx

**Proposal Title:** Trial Court Funding Stabilization

**Fiscal Summary:**

Fund Source	Proposed JCC Positions	Total Personal Services	Operating Expenses & Equipment	Proposed Total 2020-21	Proposed Total 2021-22	Proposed Total 2022-23
General Fund	\$0	\$0	\$390,000,000	\$390,000,000	\$390,000,000	\$390,000,000

**Detailed Funding By Fiscal Year:**

	Proposed Total 2020-21	Proposed Total 2021-22	Proposed Total 2022-23
Ongoing	\$390,000,000	\$390,000,000	\$390,000,000
One-Time	\$0	\$0	\$0
Total	\$390,000,000	\$390,000,000	\$390,000,000

**Proposal Summary:** In order to ensure that trial court funding is not eroded and that sufficient funding is provided to trial courts to continue to enhance services levels, and to accommodate operational cost changes without degrading the quantity or quality of court services to the public, the trial courts should be funded based upon two analytical approaches: a workload-based formula and the annual year-to-year percentage change in Consumer Price Index (CPI). The current Workload Formula, as approved by the Judicial Council, shall serve as the basis for the workload-based funding adjustments. For the annual percentage change adjustment, trial court costs shall include, but are not limited to, all expenses for court operations and court employee salaries, plus social security and Medicare, but shall not include the costs of compensation for judges, subordinate judicial officers or judges in the Assigned Judges Program. One-time costs are also excluded from this calculation such as capital improvements and large automation projects. This proposal is intended to address changes in workload and the maintenance and sustainability of actual service levels that can be subject to erosion during inflationary economic cycles. It is also intended that the CPI percentage change shall be provided to all 58 courts, regardless of whether the court is above the median average equity threshold based on the current Workload Formula, as this adjustment is used exclusively to ensure that actual service levels are sustained for employee and other operating costs.

## 2020-21 Budget Change Proposal Concept

**Background Information:** In 1998, the Lockyer Eisenberg Trial Court Funding Act was enacted by the Legislature. It created a new paradigm in which formerly county-funded limited and general jurisdiction courts became state-funded. The Legislature's intent of this omnibus bill was to address the great disparity in funding levels found in 58 county court systems to ensure that all Californians would have access to justice and similar experiences across jurisdictions in resolving their legal disputes in the trial courts. The enactment of Trial Court Funding followed more than a decade of failed or deficient funding attempts by the Legislature to bring more equity to funding the trial courts. Previous initiatives in the 1980s and 1990s included block grants and realignment funds, but these solutions were critically under-appropriated and only made modest gains in addressing the funding disparities. Former Chief Justice Ronald M. George often stated that access to justice should be no different for litigants in Alpine County than for those in Los Angeles County. This sentiment was the aspirational spark for Trial Court Funding.

When Trial Court Funding became law, many financial entanglements between the counties and the state, as well as the courts and their counties, had to be addressed including the transfer of funds provided by counties for court operations to the state to offset the new financial obligations undertaken by the state. These annual maintenance of effort (MOE) payments were codified in law and used during the transition period and for many years to partially fund the courts. Some MOE payments are still made by counties today, although many have stopped due to subsequent legislative relief to underfunded counties.

In 2012, at the direction of the Judicial Council, the courts undertook the creation and development of the Workload Formula to articulate the resource needs of the trial courts based on the number of annual filings and weighting factors applied to each kind of filing. The Judicial Council commissioned a Resource Allocation Study (RAS) that collected more than one million data points to determine the average amount of time required to process each case type from filing to final adjudication. RAS developed an average number of minutes per case type and then multiplied those weighting factors by the number of filings in each case type in each court. The aggregate number of minutes for all case types in a court comprised the 'workload' for each court. This workload was then used to calculate how many staff were needed to process these cases, based on the annual number of work hours in a year. The Workload Formula has been in use in the courts since 2013-14 and now forms the basis for articulating the workload needs of the courts and has successfully informed the redistribution of existing and new funding to close the gap between severely and moderately under-resourced courts. The Legislature and the Judicial Council continue to address remaining inequities across the spectrum of courts.

Currently, the State does not consistently fund the trial courts based on workload metrics. The Judicial Council-approved Workload Formula has been utilized in prior years to provide additional funding, such as the \$47.8 million provided in the Budget Act of 2018. However, this formula has not been utilized consistently to make funding adjustments. In order to provide for stability of funding for the trial courts, it is proposed that the Workload Formula be recognized as the funding model for the trial courts beginning in 2020-21.

**Justification:** Despite efforts to achieve equity in funding related to workload, trial courts are still not fully funded. In addition, funding to maintain service levels and sustain ongoing operations of the trial courts is not addressed by the Workload Formula. Costs related to employee salaries, goods and services vendors (e.g., janitors, legal publications, per diem court reporters, office supplies, postage, technology

## 2020-21 Budget Change Proposal Concept

equipment and services, etc.) and other professional contractors (e.g., trial experts, forensic services, mediators, court appointed counsel, etc.) continue to escalate and there is currently no budgetary mechanism to address these cost increases, which, over time, has resulted in less purchasing power for the trial courts and an ultimate erosion or elimination of some critical services. The public relies on the courts to support their infrastructure and baseline business costs to maintain access to the justice system. The public also relies on the courts to provide professionals and experts to assist them in investigating, mediating and advocating on their behalf in their own cases. These are the costs for which there is currently no inflationary factor to account for regular periodic cost increases experienced by trial courts when procuring these services. For many years, courts have been compelled to reduce and/or eliminate service levels to close the gap between available funds and escalating costs.

**Fiscal Impact:** This proposal will provide a 390.0 million General Fund augmentation to support trial court operations. Funding includes:

1. 340.0 million to fund the courts based upon the Workload Formula.
2. 50.0 million to provide a percentage change adjustment, based on the Consumer Price Index, to allow for maintenance of effort consistent with many Executive Branch agencies that utilize the Consumer Price Index to obviate erosion of mandatory costs.

**Outcomes and Accountability:** If additional workload-based funding is provided, the trial courts will be able to:

- Stabilize service hours and days that courts are open and available to the public;
- Improve service delivery by reducing lines and case processing delays;
- Implement technological improvements; and
- Improve employee retention rates.

The provision of an annual percentage adjustment based upon CPI will assist the courts in maintaining services to the public and would prevent service reduction including:

- Reducing court hours;
- Closing court locations;
- Increased lines; and
- Case processing delays.

**Projected Outcomes:** The funding provided will benefit all 58 trial courts and will assist the courts in enhancing service levels to the public and implementing changes as identified in the Outcomes and Accountability section.

### **Other Alternatives Considered:**

**Alternative #1:** Approve the CPI adjustment and apply a tiered approach for the workload-based funding. The funding will be implemented over a three-year period with 50 percent of the funding provided in the first year, 25 percent in the second year, and 25 percent in the third year. For 2020-21, the General Fund

## 2020-21 Budget Change Proposal Concept

augmentation for workload-based funding will be 170.0 million. This option would limit the courts' ability to improve services to the public.

**Alternative #2:** Approve the CPI adjustment and apply a tiered approach for the workload-based funding. The funding will be implemented over a five-year period with 30 percent of the funding provided in the first year, 20 percent in the second and third year, and 15 percent in the fourth and fifth year. For 2020-21, the General Fund augmentation for workload-based funding will be 113.3 million. This option would also limit the courts' ability to improve services to the public.

**Alternative #3:** Approve the proposal as presented.