

TRIAL COURT BUDGET ADVISORY COMMITTEE

REVENUE & EXPENDITURE SUBCOMMITTEE

MATERIALS FOR MAY 22, 2019

Meeting Contents

Agenda	1
Minutes	
Draft Minutes from the April 8, 2019 Meeting	3
Draft Minutes from the April 24, 2019 Action by E-mail	5
Discussion and Possible Action Items	
Item 1 –Additional 2019-20 Allocations from the Trial Court Trust Fund (TCTF) (Action Required)	6
Attachment A: TCTF Support for Operations of the Trial Courts (0150010) Allocations	9
Attachment B: TCTF Fund Condition Statement	10



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TRIAL COURT BUDGET ADVISORY COMMITTEE

REVENUE AND EXPENDITURE SUBCOMMITTEE

NOTICE AND AGENDA OF OPEN MEETING

Open to the Public (Cal. Rules of Court, rule 10.75(c)(1) and (e)(1)) THIS MEETING IS BEING CONDUCTED BY ELECTRONIC MEANS

THIS MEETING IS BEING RECORDED

Date: May 22, 2019

Time: 12:00 p.m. - 1:00 p.m.

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 tcbac@jud.ca.gov.

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 April 8, 2019, Revenue and Expenditure Subcommittee meeting and the April 24, 2019 action by email between meetings.

II. Public Comment (Cal. Rules of Court, Rule 10.75(K)(1))

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 tebac@jud.ca.gov or mailed or delivered to 2850 Gateway Oaks Drive, Sacramento, CA 95833, attention: Ms. Melissa Ng. Only written comments received by 12:00 p.m. on May 21, 2019 will be provided to advisory body members prior to the start of the meeting.

III. DISCUSSION AND POSSIBLE ACTION ITEMS

Item 1

Additional 2019-20 Allocations from the Trial Court Trust Fund (TCTF) (Action Required) Deliberation regarding allocations from the TCTF proposed in the Governor's Budget Proposal including cannabis convictions, and in the Governor's May Revise including unfunded judgeships.

Presenter: Ms. Melissa Ng, Senior Budget Analyst, Judicial Council Budget Services

IV. INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

None.

V. ADJOURNMENT

Adjourn.



TRIAL COURT BUDGET ADVISORY COMMITTEE

REVENUE AND EXPENDITURE SUBCOMMITTEE

MINUTES OF OPEN MEETING

April 8, 2019 12:00 p.m. – 1:00 p.m. Conference Call

Advisory Body Judges: Hon. Jeffrey B. Barton (Cochair), Hon. Daniel J. Buckley, Hon. Jill C.

Members Present: Fannin, Hon. Brian L. McCabe, and Hon. Gary Nadler.

Executive Officers: Ms. Sherri R. Carter (Cochair), Ms. Rebecca Fleming, Mr.

Michael D. Planet, Mr. Brian Taylor, Ms. Kim Turner, and Mr. David H.

Yamasaki.

Advisory Body

Members Absent: Judges: Hon. Andrew S. Blum

Others Present: Mr. Zlatko Theodorovic, Ms. Lucy Fogarty, Ms. Brandy Sanborn, Ms. Angela

Guzman, Mr. David Koon, Ms. Donna Newman, Ms. Michele Allan, Mr. Jason

Haas, and Ms. Melissa Ng.

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 12:10 p.m. and roll was called.

Approval of Minutes

The advisory body reviewed and approved the minutes of the May 18, 2018, Revenue and Expenditure Subcommittee meeting, and the March 1, 2019 action by email between meetings.

DISCUSSION AND ACTION ITEMS (ITEM 1-3)

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)

Request for approval 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: Mr. David Koon, Manager, Judicial Council Information Technology

Action: The R&E Subcommittee unanimously approved the use of 2018-19 savings from the ICMS to support 2019-20 SJE CCTC hosting costs through December 31, 2019.

Item 2 - Allocations from the IMF for 2019-20 (Action Required)

Deliberation regarding allocations from the IMF for 2019-20.

Presenter: Mr. Jason Haas, Senior Budget Analyst, Judicial Council Budget Services

Action: The R&E Subcommittee unanimously approved the following recommendations:

- 1. Adopt recommendation to approve \$80,079,860 in allocations for 2019-20 from the IMF, contingent upon approval of BCPs in the 2019-20 Budget Act.
- 2. Adopt recommendation to approve, if needed, up to an additional allocation of \$8,367,208 if the 2019-20 BCPs that shift expenditures to the GF are not approved in total.

Item 3 - Allocations from the Trial Court Trust Fund (TCTF) for 2019-20 (Action Required)

Deliberation regarding allocations from the TCTF for 2019-20.

Presenter: Ms. Melissa Ng, Senior Budget Analyst, Judicial Council Budget Services

Action: The R&E Subcommittee unanimously approved the preliminary allocation of \$212,289,437 for 2019-20 from the TCTF.

ADJOURNMENT

There being no further business, the meeting was adjourned at 12:46 p.m.

Approved by the advisory body on enter date.



TRIAL COURT BUDGET ADVISORY COMMITTEE REVENUE AND EXPENDITURE SUBCOMMITTEE

MINUTES OF OPEN MEETING

April 24, 2019 11:00 a.m.

Action by E-mail Between Meetings

Advisory Body Judges: Hon. Jeffrey B. Barton (Cochair), Hon. Andrew S. Blum, Hon. Daniel J. **Members Present:** Buckley, Hon. Jill C. Fannin, Hon. Brian L. McCabe, and Hon. Gary Nadler.

Executive Officers: Ms. Sherri R. Carter (Cochair), Mr. Michael D. Planet, Mr.

Brian Taylor, Ms. Kim Turner and Mr. David H. Yamasaki.

Advisory Body

Members Absent:

Ms. Rebecca Fleming

Others Present: Ms. Melissa Ng

OPEN MEETING

Vote

Voting was opened at 11:04 a.m.

DISCUSSION AND ACTION ITEMS (ITEM 1)

Item 1

Review recommendation for a 2019-20 allocation for the Trial Court Audit Program from the Trial Court Trust Fund (TCTF).

Action: The Revenue and Expenditure Subcommittee unanimously approved the recommendation to include an allocation from the TCTF in the amount of \$540,000 in 2019-20 for the Trial Court Audit Program.

ADJOURNMENT

Voting closed at 5:00pm.

Approved by the advisory body on enter date.

(Action Item)

Title: 2019-20 Additional Allocations from the Trial Court Trust Fund (TCTF)

Date: 5/22/2019

Contact: Melissa Ng, Senior Budget Analyst, Judicial Council Budget Services

 $916\text{-}263\text{-}1574 \mid \underline{Melissa.Ng@jud.ca.gov}$

<u>Issue</u>

Consider adopting additional recommendations for 2019-20 allocations from the TCTF totaling \$72.342 million for proposals included in the 2019 Governor's Budget Proposal and May Revise for consideration by the Trial Court Budget Advisory Committee (TCBAC) at its June 3, 2019 meeting, and for Judicial Council consideration at its July 18-19, 2019 business meeting.

The Revenue and Expenditure (R&E) Subcommittee previously adopted recommendations for preliminary allocations from the TCTF totaling \$212,829,437 at its April 8, 2019 meeting and action by e-mail on April 24, 2019 and were approved by TCBAC on May 2, 2019.

Background

Superior Court Judgeships

The 2019 Governor's May Revise provides a total of \$30.4 million in 2019-20 for expenses associated with 25 superior court judgeships:

- \$24.486 million for expenses related to support for the judgeships (Program 0150010);
- \$4.643 million for compensation of superior court judges (Program 0150019); and
- \$1.288 million for court interpreters (Program 0150037);

AB 159 (Stats 2007, Ch. 722,) authorized 50 additional judgeships to be allocated to various county superior courts. SB 879 (Ch. 457, Stats. 2018) amended Government Code section 69614.3 to allocate two of the 50 judgeships to the County of Riverside effective July 1, 2018.

This proposal would provide funding for 25 of the 48 remaining trial court judgeships authorized by AB 159.

Currently, judges are either paid directly through the Judicial Council or are paid through the county and reimbursed through the State Controller's Office. As a result, the \$4.6 million for judges' compensation is excluded from this recommendation.

Consistent with past practice, allocations for the Court Interpreter Program will be considered by TCBAC. As a result, the \$1.3 million for court interpreters is also excluded from this recommendation.

The remaining \$24.486 million is being presented to the R&E for approval for consideration by the TCBAC at its June 3, 2019 meeting. The methodology for the allocation of these funds will also be considered by the TCBAC at its June 3, 2019 meeting.

Dependency Counsel Title IV-E Funding

The 2019 Governor's Budget Proposal included \$20 million ongoing General Fund, increasing dependency counsel funding to \$156.7 million. Federal reimbursements in the amount of \$33.955 million have become available in 2019-20 due to a recent federal policy change. The federal funds increase the dependency counsel funding from \$156.7 million to \$190.7 million in 2019-20. The Judicial Council Center for Families, Children & the Courts Office administers this program and will take allocation of funds to committees and the Judicial Council, as required.

Cannabis Convictions Resentencing

The 2019 Governor's Budget Proposal included \$13.9 million to support increased workload for the trial courts as a result of the enactment of Chapter 993, Statutes of 2018 (AB 1793), which requires sentence modification of past cannabis conviction cases pursuant to the Control, Regulate, and Tax Adult Use of Marijuana Act. The methodology for the allocation of these funds will be considered by the Funding Methodology Subcommittee at its June 17, 2019 meeting, and for TCBAC consideration at its July 25, 2019 meeting.

Court Interpreters Program

The 2019-20 Governor's May Revise provides \$9.564 million for the expansion of interpreter services in civil matters, and to address increased costs in criminal cases. As referenced earlier, allocations for the Court Interpreter Program will be considered by the TCBAC at its June 3, 2019 meeting.

2019-20 Preliminary Allocations Previously Adopted by R&E on April 8, 2019

Proposed 2019-20 Allocation for Support for Operations of Trial Courts (Program 0150010) Total: \$198,898,538

- 1. Court-Appointed Dependency Counsel \$156,700,000
- 2. Self-Help Centers \$25,300,000
- 3. Court-Appointed Dependency Counsel Collections \$766,198
- 4. Screening Equipment Replacement \$1,300,000
- 5. Jury \$14,500,000
- 6. Elder Abuse \$332,340

Additional Allocations for Consideration by R&E

Proposed 2019-20 Allocation for Support for Operations of Trial Courts (Program 0150010) Total: \$271,240,538

- 1. Court-Appointed Dependency Counsel \$190,655,000
- 2. Self-Help Centers \$25,300,000
- 3. Court-Appointed Dependency Counsel Collections \$766,198
- 4. Screening Equipment Replacement \$1,300,000
- 5. Jury \$14,500,000
- 6. Elder Abuse \$332,340
- 7. Superior Court Judgeships \$24,486,000
- 8. Cannabis Convictions Resentencing \$13,901,000

Recommendation

Judicial Council Budget Services staff recommends that the R&E Subcommittee approve the following 2019-20 allocations for consideration by TCBAC:

- 1. \$33.955 million in available reimbursement from the TCTF for Court-Appointed Dependency Counsel (Attachment A, line 15)
- 2. \$24.486 million from the TCTF for general trial court operations (Attachment A, line 16):
- 3. \$13.9 million from the TCTF for Cannabis Convictions Resentencing (Attachment A, line 19);

Attachments

Attachment A: TCTF Support for Operations of the Trial Courts (0150010) Allocations

Attachment B: TCTF Fund Condition Statement

2018-19 and 2019-20 Trial Court Trust Fund Support for Operation of the Trial Courts: Appropriation vs. Estimated/Approved Allocations

	opropriation vs. Estimated/Approved Allocations		2018-19	2019-20]	
#	Description	Туре	Budget Act	Preliminary/ Approved Allocations	Proposed Preliminary Allocations for Consideration	Explanation for Items Not Considered
			Col. A	Col. B	Col. C	Col. D
1	I. Prior-Year Ending Baseline Allocation	Base	1,755,901,310	1,903,405,914	1,903,405,914	
2	II. Adjustments					
3	Reduction for Appointed Converted SJO Positions	Base	-1,007,523	-4,858,381		JC policy
4	III. FY 2018-19 Allocations					
5	\$60.6 Million in New Discretionary Funding	Base	60,614,617			prior year
6	\$47.8 Million in New Funding for Courts Below the Average	Base	47,800,000			prior year
7	\$24.8 Million in FY 2017-18 Benefits Cost Changes Funding (Non-Interpreter) Base	23,816,127			prior year
8	\$19.1 Million in New Funding for Self Help Centers	Non-Base	19,100,000			prior year
9	\$10.0 Million in New Funding for Court Reporters in Family Law	Base	10,000,000			prior year
10	\$3.5 Million in New Funding for Cluster 1 Courts to 100%	Base	3,567,327			prior year
11	\$1.896 Million in New Funding for Riverside Judgeships	Base	1,896,000			prior year
12	\$1.04 Million in One-time Funding for Online Adjudication of Traffic Violations Pilot Project	Non-Base	1,040,000			prior year
13	\$0.8 Million in New Non-Sheriff Security Funding	Base	818,056			prior year
14	IV. FY 2019-20 Allocations (Governor's Budget and May Revision)					
	\$33,955,000 Million in Available Reimbursement Authority for Court-	Non-Base		33,955,000	33,955,000	
15	Appointed Dependency Counsel					
16	\$24.5 Million for Support of 25 Superior Court Judges	Base		24,486,000	24,486,000	
17	\$21.6 Million in Benefits Cost Changes Funding (Non-Interpreter)	Base		21,635,634		Prior Year
18	\$20.0 Million in New Funding for Court-Appointed Dependency Counsel	Non-Base		20,000,000	20,000,000	
19	\$13.9 Million for Cannabis Convictions Resentencing (AB 1793)	Non-Base		13,901,000	13,901,000	
20	V. Statutory Allocation Adjustments					
21	\$10 Million Emergency Reserve	Non-Base	-10,000,000	-10,000,000		N/A
22	1% Fund Balance Cap Reduction	Non-Base	-1,737,127	pending		pending
23	Adjustment for Funding to be Distributed from ICNA	Non-Base	-50,000,000	-50,000,000		Budget Act
24	Criminal Justice Realignment Funding	Non-Base	9,223,000	9,223,000		Item 4, F
25	Reduction for Appointed Converted SJO Positions	Base	-3,123,761	pending		JC policy
26	VI. Allocation for Reimbursements					
27	Court-Appointed Dependency Counsel	Non-Base	136,700,000	136,700,000	136,700,000	
28	Jury	Non-Base	14,500,000	14,500,000	14,500,000	
29	Replacement Screening Stations	Non-Base	1,900,000	1,300,000	1,300,000	
30	Self-Help Center	Non-Base	2,500,000	21,600,000	21,600,000	
31	Elder Abuse	Non-Base	332,340	332,340	332,340	
32	CSA Audits ¹	Non-Base	325,000	0	0	
33	CAC Dependency Collections Reimbursement Rollover	Non-Base	-145,086	pending	pending	
34	CAC Dependency Collections Reimbursement	Non-Base	542,892	766,198	766,198	
35	VII. Estimated Revenue Distributions	Tion Buse	5 .2,072	700,130	700,170	
36	Civil Assessment	Non-Base	50,879,658	55,716,439		JC policy
37	Fees Returned to Courts	Non-Base	21,134,177	21,367,163		statutory
38	Replacement of 2% automation allocation from TCIF	Non-Base	10,907,514	10,907,494		statutory
39	Children's Waiting Room	Non-Base	4,545,042	4,163,039		JC policy/statute
40	Automated Recordkeeping and Micrographics	Non-Base	2,899,267	3,225,747		JC policy
41	Telephonic Appearances Revenue Sharing	Non-Base	943,840	943,840		JC policy/statute
42	Prior Year Revenues	Non-Base	0	0		JC policy/statute
43	VIII. Miscellaneous Charges					
44	Repayment of Prior Year Cash Advance	Non-Base	-60,000,000			Non-allocation
45	State Admin Infrastructure Charges Prior Year Adjustment	Non-Base	. ,,,,,,,,,,,			JC policy
46	Statewide Administrative Infrastructure Charges	Non-Base	-2,699,246	-2,699,246		JC policy
47	Prior Year Facility Payments Charge Adjustments	Non-Base				JC policy
48	Total		2,053,173,423	2,230,571,181	2,170,946,452	1)
49	Support for Operation of the Trial Courts Appropriation Budget Act ²		2,159,936,000			
-	Transfer to Compensation of Superior Court Judges appropriation due to	1	-6,420,761	-8,155,381		
50	conversion of subordinate judicial officer positions to judgeships		5,120,701	-,100,001		
51	Transfer to Judicial Branch Workers' Compensation Fund					
52	Adjusted Appropriation		2,153,515,239	2,299,342,619		
	Estimated Remaining Appropriation	1	100,341,816	68,771,438		
J	extinated Kemaning Appropriation ovision 12 of the 2017 Budget Act requires that \$325,000 be allocated by the Judicial Council in o	1				

¹ Provision 12 of the 2017 Budget Act requires that \$325,000 be allocated by the Judicial Council in order to reimburse the California State Auditor for the costs of trial court audits.

² Includes the Budget Act Appropriation of \$136,700,000 for Item 0250-102-0932 - Court-Appointed Dependency Counsel.

Trial Court Trust Fund - Fund Condition Statement

		YEAR END FINANCIAL STATEMENTS		ESTIMATED		
	Description	2016-17	2017-18	2018-19 ¹	2019-20	2020-21
#	A	В	C	D	E	F
1	Beginning Fund Balance	34,829,875	66,569,099	60,477,544	54,967,067	58,525,350
2	Prior-Year Adjustments	5,759,000	8,556,629	i	-	-
3	TOTAL REVENUES AND TRANSFERS	1,288,395,327	1,303,737,015	1,305,524,892	1,315,718,183	1,324,371,842
4	Total Revenues	1,270,421,327	1,283,589,015	1,285,556,892	1,296,241,183	1,306,056,842
5	Transfers/Charges/Reimbursements					
6	General Fund Loan - Statewide E-Filing		671,000	491,000		(1,162,000)
7	Reduction Offset Transfers	6,080,000	6,080,000	6,080,000	6,080,000	6,080,000
8	Net Other Transfers/Charges/Reimbursements	11,894,000	13,397,000	13,397,000	13,397,000	13,397,000
9	Total Resources	1,328,984,203	1,378,862,742	1,366,002,436	1,370,685,250	1,382,897,192
10	EXPENDITURES/ENCUMBRANCES/ALLOCATIONS					
11	Program 0140010 - Judicial Council (Staff)	2,306,934	2,657,198	3,957,000	3,915,900	3,856,500
12	Program 0150010 - Support for Operation of the Trial Courts	1,860,003,547	1,857,899,805	1,983,950,000	2,039,916,000	2,039,916,000
13	Program 0150011 - Court-Appointed Dependency Counsel	114,699,919	130,146,303	136,700,000	190,655,000	190,655,000
14	Program 0150019 - Compensation of Superior Court Judges	335,384,000	348,583,021	375,054,369	377,904,000	377,904,000
15	Program 0150028 - Assigned Judges	25,923,351	28,063,247	29,090,000	29,090,000	29,090,000
16	Program 0150037 - Court Interpreters	102,282,915	108,537,000	108,960,000	120,686,000	120,686,000
17	Program 0150046 - Grants	8,147,000	9,554,900	10,329,000	10,329,000	10,329,000
18	Program 0150095 - Expenses on Behalf of the Trial Courts	11,391,069	9,543,398	11,207,000	10,015,000	11,431,000
19	Total Local Assistance	2,446,549,101	2,493,406,000	2,655,290,369	2,778,595,000	2,780,011,000
23	Less Funding Provided by General Fund:	1,197,832,000	1,177,981,000	1,348,486,000	1,470,667,000	1,456,267,000
38	General Fund Transfer (0250-111-0001)	1,021,832,000	986,281,000	1,175,492,000	1,251,012,000	1,251,012,000
39	General Fund Transfer - Court-Appointed Dependency Counsel	114,700,000	136,700,000	136,700,000	156,700,000	156,700,000
40	General Fund Transfer - Revenue Backfill	61,300,000	55,000,000	36,294,000	29,000,000	14,600,000
41	Dependency Counsel Title IV-E Funding - Reimbursement			0	33,955,000	33,955,000
24	Total, Expenditures/Encumbrances/Allocations	1,262,415,104	1,318,385,198	1,311,035,369	1,312,159,900	1,328,009,500
25	Ending Fund Balance	66,569,099	60,477,544	54,967,067	58,525,350	54,887,692
26	Total Restricted Funds	28,450,583	31,355,448	27,157,424	26,506,585	25,648,733
27	Ending Unrestricted Fund Balance	38,118,516	29,122,096	27,809,643	32,018,765	29,238,959