



JUDICIAL COUNCIL
OF CALIFORNIA

TRIAL COURT BUDGET
ADVISORY COMMITTEE

TRIAL COURT BUDGET ADVISORY COMMITTEE
FUNDING METHODOLOGY SUBCOMMITTEE

MATERIALS FOR JUNE 17, 2019

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TRIAL COURT BUDGET
ADVISORY COMMITTEE

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TRIAL COURT BUDGET ADVISORY COMMITTEE FUNDING METHODOLOGY SUBCOMMITTEE

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: June 17, 2019
Time: 10:00 a.m. to 1:00 p.m.
Location: 2850 Gateway Oaks Drive, Sacramento, CA 95833; Tower A/B 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 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 February 28, 2019 Funding Methodology Subcommittee 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. Lucy Fogarty. Only written comments received by 10:00 a.m. on June 14, 2019 will be provided to advisory body members prior to the start of the meeting.

III. DISCUSSION AND POSSIBLE ACTION ITEMS (ITEMS 1-4)

Item 1

Allocation of Cannabis Convictions Resentencing Funding in the Governor's Proposed Budget (Action Required)

Consideration of an allocation methodology for the \$13.9 million in 2019-20 and the \$2.929 million in 2020-21 to support increased workload for the trial courts because of the enactment of Chapter 993, Statutes of 2018 (AB 1793).

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

Item 2

Workload Formula Adjustment Requests (Action Required)

Review the Workload Formula adjustment request referral from the Trial Court Budget Advisory Committee (TCBAC) and prioritize the request into the proposed annual work plan to be submitted back to TCBAC no later than July.

Presenter(s)/Facilitator(s): Ms. Leah Rose-Goodwin, Manager, Business Management Services

Item 3

Annual Funding Methodology Subcommittee Work Plan Update (Action Required)

Update and prioritize the items on the annual work plan.

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

Item 4

Workload Formula Funding at 100% (Action Required)

Consideration of policy parameters regarding an allocation methodology for trial courts that exceed 100% of their Workload Formula.

Presenter(s)/Facilitator(s): Ms. Leah Rose-Goodwin, Manager, Business Management Services

IV. INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

Info 1

Report to the Judicial Council Regarding Trial Court Allocations for Fiscal Year 2019–20

This report being presented to the Judicial Council at its July 18-19, 2019 business meeting includes a methodology to allocate \$24.5 million in proposed new funding related to 25 judgeships.

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

V. ADJOURNMENT

Adjourn



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TRIAL COURT BUDGET ADVISORY COMMITTEE
FUNDING METHODOLOGY SUBCOMMITTEE

MINUTES OF OPEN MEETING

February 28, 2019

10:00 p.m. - 5:00 p.m.

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

Advisory Body Members Present: Judges: Hon. Daniel J. Buckley (Cochair), Hon. Mark Ashton Cope, and Hon. B. Scott Thomsen

Executive Officers: Ms. Rebecca Fleming (Cochair), Ms. Sherri R. Carter, Mr. Michael D. Planet, Mr. Michael M. Roddy, Ms. Tania Ugrin-Capobianco (phone), and Mr. David Yamasaki.

Advisory Body Members Absent: Hon. Andrew S. Blum

Others Present: Mr. Zlatko Theodorovic, Ms. Lucy Fogarty, Ms. Brandy Sanborn, Ms. Leah Rose-Goodwin, Ms. Michele Allan, and Mr. Catravel Wood.

OPEN MEETING

Call to Order and Roll Call

The cochairs called the meeting to order at 10:08 a.m. and took roll call.

Approval of Minutes

The subcommittee reviewed and approved the minutes of the October 18, 2018 Funding Methodology Subcommittee (FMS) meeting.

DISCUSSION AND ACTION ITEMS (ITEMS 1-8)

Item 1 – Civil Assessments and Maintenance of Effort (MOE) Obligation (Action Required)

Discuss the impacts of civil assessments and the MOE obligation on WAFM.

Presenter(s)/Facilitator(s): Hon. Daniel J. Buckley, Cochair, Funding Methodology Subcommittee; Ms. Rebecca Fleming, Cochair, Funding Methodology Subcommittee

Action: The FMS voted unanimously to approve the following recommendations:

1. Adjust each court's workload allocation to include net civil assessments based on the most current fiscal year data (civil assessments less maintenance of effort (MOE) and obligations and expenditures funded by civil assessments) identified in Item 3

2. Table for later consideration the remaining issues contained in the recommendations.

Item 2 - All Funding Sources and Operating Expenses & Equipment (OE&E) Inflationary Factor (Action Required)

Discuss how all funding sources should be factored into WAFM and incorporating an inflationary factor for OE&E into the model.

Presenter(s)/Facilitator(s): Ms. Sherri Carter, Court Executive Officer, Los Angeles Superior Court; Ms. Leah Rose-Goodwin, Manager, Budget Services

Action: The FMS voted unanimously to approve the following recommendations:

1. Adopt the recommendations of the ad hoc group to include or exclude the general ledger (GL) accounts that were reviewed as detailed in Attachment B, effective with 2019-20 allocations;
2. Starting in 2019-20 with the goal of being effective in 2020-21, TCBAC should lead a statewide effort in partnership with CEAC to standardize the usage of GLs so that courts are using the account codes in a uniform and consistent manner;
3. Approve use of a statewide CPI factor to be applied to the Operating Expenses and Equipment calculation starting for 2019-20 allocations; and
4. Add to the FMS work plan a review of all accounts that are used in the computation of the Operating Expenses and Equipment factor.

Item 3 - Unfunded Costs for Facilities (Action Required)

Discuss how unfunded costs for facilities should be factored into WAFM.

Presenter(s)/Facilitator(s): Ms. Angela Guzman, Manager, Budget Services

Action: The FMS voted unanimously to approve the following recommendations:

1. Adjust each court's workload allocation to include net civil assessments based on the most current fiscal year data (civil assessments less maintenance of effort (MOE) and obligations and expenditures funded by civil assessments) identified in Item 3. Table for later consideration the remaining issues contained in the recommendations.

Item 4 - Workload Funding at 100 Percent (Action Required)

Discuss policy parameters regarding an allocation methodology for trial courts that exceed 100 percent of their Workload-Based Allocation and Funding Methodology (WAFM) need.

Presenter(s)/Facilitator(s): Hon. Daniel J. Buckley, Cochair; Ms. Rebecca Fleming, Cochair

Action: The FMS voted unanimously to approve the recommendation that the FMS develop an allocation methodology, that is consistent with the principles of WAFM, for trial courts that exceed 100 percent of their WAFM need. A new ad hoc subcommittee to work on an allocation methodology will be led by David

Yamasaki, joined by Sherri Carter, Tania Ugrin-Capobianco, and Michael Roddy, to report back to FMS by July 1, 2019.

Item 5 - Outcomes for New Funding Provided in the Budget Act of 2018 (Action Required)

Discuss the reporting requirement for the outcomes for the new funding provided in the Budget Act of 2018.

Presenter(s)/Facilitator(s): Hon. Daniel J. Buckley, Cochair; Ms. Leah Rose-Goodwin, Manager, Budget Services

Action: The FMS voted unanimously to approve the recommendation that the edited report be forwarded to the Trial Court Budget Advisory Committee to report back to the Judicial Council. Edits included:

- Removing the word “some” when referencing “some courts” under Funding Needs Yet Unmet;
- Adding “maintain” access “to justice” and “avoid reductions” under Funding Needs Yet Unmet;
- Adding a bullet about not yet at 100% of staffing for court reporters in family law; and
- Expanding the report overall and adding more examples.

Item 6 - Interpreter Shortfall Methodology (Action Required)

Discuss a methodology for reimbursement of interpreter funds in the event of a shortfall.

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

Action: The FMS voted unanimously to approve the following recommendations:

1. Provide the Trial Court Budget Advisory Committee with a recommendation to the Judicial Council to provide two options for consideration without a specific recommendation:
 - a. Allocate \$13.5 million of fund balance from the Trial Court Trust Fund to address the projected 2019-20 shortfall in the Court Interpreter Program (CIP).
 - b. Reduce interpreter reimbursements for each court pro-rate based on 2017-18 expenditures to address the projected 2019-20 shortfall in the CIP.
2. Charge the Interpreter Ad Hoc Subcommittee to continue its development of a methodology that addresses anticipated, ongoing funding shortfalls and review existing methodologies.

Item 7 - Updates to WAFM Adjustment Request Procedures (Action Required)

Discuss updates to the existing process to request adjustments to WAFM.

Presenter(s)/Facilitator(s): Hon. Daniel J. Buckley, Cochair; Ms. Rebecca Fleming, Cochair; Ms. Kristin Greenaway, Supervisor, Budget Services

Action: The FMS voted unanimously to approve the edits to the procedures as presented.

Item 8 - Funding Methodology Subcommittee Work Plan (Action Required)

Discuss updates to the Funding Methodology Subcommittee Work Plan.

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

Action: The FMS voted unanimously to approve the updates to the work plan as presented with the following changes:

1. Move item 7 regarding the Court Interpreter Program to 2019-20.
2. Incorporate the additional work plan item regarding a review of all accounts that are used in the computation of the Operating Expenses and Equipment factor as recommended in agenda item 2.

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

Info 1 – Cluster 2 Review

An update on the Cluster 2 review.

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

A D J O U R N M E N T

There being no further business, the meeting was adjourned at 3:01 p.m.

Approved by the advisory body on enter date.

JUDICIAL COUNCIL OF CALIFORNIA
BUDGET SERVICES
Report to the Funding Methodology Subcommittee

(Action Item)

Title: Allocation Methodology for Cannabis Convictions Resentencing Funding
Date: 6/17/2019
Contact: Melissa Ng, Senior Budget Analyst, Budget Services
916-263-1754 | melissa.ng@jud.ca.gov

Issue

The 2019 Governor’s Proposed Budget included \$13.9 million in 2019-20, and \$2.929 million in 2020-21 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 of 2016 (AUMA). An allocation methodology is needed in the event the funding is included in the 2019 Budget Act.

Background

The AUMA or Proposition 64, was enacted by voters through a statewide general election on November 9, 2016. The AUMA allows for regulation of the cultivation, distribution, and use of cannabis for nonmedical purposes by individuals 21 years of age and older. Further, the AUMA permits individuals convicted of designated marijuana offenses to obtain a reduced conviction or sentence if the crime was for conduct now legal under the AUMA.

Current law requires the Department of Justice (DOJ) to notify the prosecution of all cases in their jurisdiction that are eligible for recall or dismissal of sentence, dismissal and sealing, or redesignation pursuant to AUMA. Current law also authorizes the prosecution to challenge the resentencing, dismissal and sealing, or redesignation if the person does not meet the eligibility requirements or presents an unreasonable risk to public safety. The prosecution is allowed to have until July 1, 2020 to review all cases and determine whether to challenge the recall or dismissal of sentence, dismissal and sealing, or redesignation. If the prosecution does not challenge the recall or dismissal of sentence, dismissal and sealing, or redesignation by July 1, 2020, the court is required to reduce or dismiss the conviction.

The DOJ provided an estimate in May 2019 of cannabis cases statewide that are potentially eligible for sentence modification and will identify actual past cannabis conviction cases that are potentially eligible for recall or dismissal of sentence, sealing, or re-designation pursuant to current law by July 1, 2019, as required by AB 1793.

JUDICIAL COUNCIL OF CALIFORNIA
BUDGET SERVICES
Report to the Funding Methodology Subcommittee

Recommendation

Contingent on the funding being approved in the 2019 Budget Act, it is recommended that the Funding Methodology Subcommittee approve a proportional allocation methodology based on the percentage of estimated eligible cases by county, for consideration by the Trial Court Budget Advisory Committee at its July 25, 2019 meeting and for consideration by the Judicial Council at its September 23-24, 2019 business meeting.

Attachment A provides the proportional allocation, by court, based on the estimated cannabis cases potentially eligible for sentence modification provided by the DOJ in May 2019; and the allocation of 2019-20 and 2020-21 funds based on this information. Allocation of funds is subject to change based on the final number of cases reported by the DOJ on July 1, 2019.

Alternatives Considered

Alternative 1: Allocate \$13.9 million in 2019-20 and \$2.929 million in 2020-21 using a pro rata allocation based on the Workload Formula allocation.

This alternative, detailed in Attachment B, is not recommended since this funding was intended for specific workload relating to cases that are identified to be eligible for recall or dismissal of sentence, dismissal and sealing, or redesignation pursuant to AUMA.

Alternative 2: Allocate \$13.9 million in 2019-20 and \$2.929 million in 2020-21 using a pro rata allocation based on reported collection filings for Proposition 64 relief.

This alternative, detailed in Attachment B, is not recommended since the information, collected by Judicial Council Criminal Justice Services through biannual and quarterly surveys, only reflects activities that courts have taken prior to receipt of funding related to this workload. This may not be a good indicator of outstanding workload or representative of all pending work that needs to be done at the courts.

Attachments

Attachment A: Allocation Table for Cannabis Conviction Resentencing Funding

Attachment B: Alternatives Considered for Cannabis Conviction Resentencing Funding

**Recommended Allocation for
Cannabis Conviction Resentencing Funding**

County	Total Eligible Convictions¹	% of Total	2019-20 Allocation	2020-21 Allocation	Total Allocation
Alameda	8,493	3.90%	\$ 541,530	\$ 114,103	\$ 655,633
Alpine	38	0.02%	2,423	511	2,934
Amador	267	0.12%	17,024	3,587	20,611
Butte	1,397	0.64%	89,075	18,769	107,844
Calaveras	294	0.13%	18,746	3,950	22,696
Colusa	283	0.13%	18,045	3,802	21,847
Contra Costa	3,311	1.52%	211,116	44,483	255,599
Del Norte	333	0.15%	21,233	4,474	25,707
El Dorado	979	0.45%	62,423	13,153	75,576
Fresno	3,382	1.55%	215,643	45,437	261,080
Glenn	338	0.16%	21,552	4,541	26,093
Humboldt	1,299	0.60%	82,827	17,452	100,279
Imperial	1,686	0.77%	107,503	22,651	130,154
Inyo	200	0.09%	12,752	2,687	15,439
Kern	3,383	1.55%	215,707	45,450	261,157
Kings	687	0.32%	43,804	9,230	53,034
Lake	569	0.26%	36,281	7,644	43,925
Lassen	252	0.12%	16,068	3,386	19,454
Los Angeles	68,418	31.38%	4,362,465	919,190	5,281,655
Madera	962	0.44%	61,339	12,924	74,263
Marin	579	0.27%	36,918	7,779	44,697
Mariposa	275	0.13%	17,535	3,695	21,230
Mendocino	1,175	0.54%	74,920	15,786	90,706
Merced	921	0.42%	58,725	12,374	71,099
Modoc	127	0.06%	8,098	1,706	9,804
Mono	81	0.04%	5,165	1,088	6,253
Monterey	1,624	0.74%	103,549	21,818	125,367
Napa	761	0.35%	48,523	10,224	58,747
Nevada	667	0.31%	42,529	8,961	51,490
Orange	16,130	7.40%	1,028,479	216,705	1,245,184
Placer	1,269	0.58%	80,914	17,049	97,963
Plumas	174	0.08%	11,095	2,338	13,433
Riverside	8,270	3.79%	527,311	111,107	638,418
Sacramento	6,421	2.95%	409,416	86,266	495,682
San Benito	303	0.14%	19,320	4,071	23,391
San Bernardino	10,892	5.00%	694,495	146,333	840,828
San Diego	28,446	13.05%	1,813,772	382,170	2,195,942
San Francisco	6,211	2.85%	396,026	83,444	479,470
San Joaquin	3,266	1.50%	208,247	43,878	252,125
San Luis Obispo	1,156	0.53%	73,709	15,531	89,240
San Mateo	2,419	1.11%	154,240	32,499	186,739
Santa Barbara	1,736	0.80%	110,691	23,323	134,014
Santa Clara	10,003	4.59%	637,811	134,389	772,200
Santa Cruz	1,354	0.62%	86,334	18,191	104,525
Shasta	1,877	0.86%	119,681	25,217	144,898
Sierra	77	0.04%	4,910	1,034	5,944
Siskiyou	556	0.26%	35,452	7,470	42,922
Solano	1,923	0.88%	122,614	25,835	148,449
Sonoma	2,781	1.28%	177,322	37,363	214,685
Stanislaus	2,178	1.00%	138,874	29,261	168,135
Sutter	258	0.12%	16,451	3,466	19,917
Tehama	927	0.43%	59,107	12,454	71,561
Trinity	604	0.28%	38,512	8,115	46,627
Tulare	2,731	1.25%	174,134	36,691	210,825
Tuolumne	515	0.24%	32,837	6,919	39,756
Ventura	1,692	0.78%	107,885	22,732	130,617
Yolo	697	0.32%	44,442	9,364	53,806
Yuba	367	0.17%	23,401	4,930	28,331
218,014	100.00%		\$ 13,901,000	\$ 2,929,000	\$ 16,830,000

¹ Based on data provided by the Department of Justice in May 2019.

**Alternatives Considered for
Cannabis Conviction Resentencing Funding**

County	Alternative 1 Pro Rata Based on Workload Formula Allocation					Alternative 2 Pro Rata Based on Reported Collection Filings for Prop 64 Relief				
	Workload Allocation ¹	% of Total	2019-20 Allocation	2020-21 Allocation	Total Allocation	Reported Petitions for Prop 64 Relief ²	% of Total	2019-20 Allocation	2020-21 Allocation	Total Allocation
Alameda	\$ 79,828,277	3.93%	\$ 545,809	\$ 115,004	\$ 660,813	663	6.53%	\$ 907,748	\$ 191,266	\$ 1,099,014
Alpine	800,000	0.04%	5,470	1,153	6,623	-	0.00%	-	-	-
Amador	3,403,872	0.17%	23,273	4,904	28,177	34	0.33%	46,551	9,809	56,360
Butte	11,466,700	0.56%	78,401	16,519	94,920	91	0.90%	124,593	26,252	150,845
Calaveras	2,919,525	0.14%	19,962	4,206	24,168	12	0.12%	16,430	3,462	19,892
Colusa	2,169,686	0.11%	14,835	3,126	17,961	3	0.03%	4,107	865	4,972
Contra Costa	46,438,500	2.28%	317,513	66,901	384,414	132	1.30%	180,728	38,080	218,808
Del Norte	3,195,043	0.16%	21,845	4,603	26,448	3	0.03%	4,107	865	4,972
El Dorado	7,707,029	0.38%	52,695	11,103	63,798	64	0.63%	87,626	18,463	106,089
Fresno	54,146,725	2.66%	370,217	78,006	448,223	126	1.24%	172,513	36,349	208,862
Glenn	2,434,449	0.12%	16,645	3,507	20,152	3	0.03%	4,107	865	4,972
Humboldt	7,354,158	0.36%	50,283	10,595	60,878	60	0.59%	82,149	17,309	99,458
Imperial	10,062,996	0.49%	68,804	14,497	83,301	-	0.00%	-	-	-
Inyo	2,180,541	0.11%	14,909	3,141	18,050	2	0.02%	2,738	577	3,315
Kern	60,148,005	2.96%	411,249	86,652	497,901	44	0.43%	60,243	12,693	72,936
Kings	8,467,186	0.42%	57,893	12,198	70,091	19	0.19%	26,014	5,481	31,495
Lake	3,898,077	0.19%	26,652	5,616	32,268	142	1.40%	194,420	40,965	235,385
Lassen	2,408,906	0.12%	16,470	3,470	19,940	6	0.06%	8,215	1,731	9,946
Los Angeles	548,891,828	27.00%	3,752,931	790,758	4,543,689	1,591	15.67%	2,178,320	458,983	2,637,303
Madera	8,763,442	0.43%	59,918	12,625	72,543	27	0.27%	36,967	7,789	44,756
Marin	13,496,130	0.66%	92,277	19,443	111,720	25	0.25%	34,229	7,212	41,441
Mariposa	1,485,235	0.07%	10,155	2,140	12,295	4	0.04%	5,477	1,154	6,631
Mendocino	6,428,354	0.32%	43,953	9,261	53,214	-	0.00%	-	-	-
Merced	13,773,447	0.68%	94,173	19,843	114,016	20	0.20%	27,383	5,770	33,153
Modoc	1,135,330	0.06%	7,763	1,636	9,399	-	0.00%	-	-	-
Mono	2,195,346	0.11%	15,010	3,163	18,173	3	0.03%	4,107	865	4,972
Monterey	20,985,001	1.03%	143,481	30,232	173,713	2	0.02%	2,738	577	3,315
Napa	7,927,449	0.39%	54,202	11,421	65,623	-	0.00%	-	-	-
Nevada	5,205,964	0.26%	35,595	7,500	43,095	18	0.18%	24,645	5,193	29,838
Orange	148,116,744	7.29%	1,012,717	213,384	1,226,101	1,245	12.26%	1,704,594	359,165	2,063,759
Placer	18,680,760	0.92%	127,726	26,912	154,638	29	0.29%	39,705	8,366	48,071
Plumas	1,420,143	0.07%	9,710	2,046	11,756	-	0.00%	-	-	-
Riverside	115,109,750	5.66%	787,039	165,832	952,871	1,027	10.12%	1,406,119	296,275	1,702,394
Sacramento	84,280,213	4.15%	576,248	121,418	697,666	333	3.28%	455,928	96,066	551,994
San Benito	3,609,268	0.18%	24,678	5,200	29,878	-	0.00%	-	-	-
San Bernardino	108,111,889	5.32%	739,192	155,751	894,943	394	3.88%	539,446	113,664	653,110
San Diego	152,350,262	7.49%	1,041,663	219,483	1,261,146	462	4.55%	632,548	133,281	765,829
San Francisco	59,677,691	2.94%	408,034	85,974	494,008	1,980	19.50%	2,710,921	571,203	3,282,124
San Joaquin	38,348,181	1.89%	262,198	55,246	317,444	266	2.62%	364,194	76,737	440,931
San Luis Obispo	15,530,979	0.76%	106,190	22,375	128,565	9	0.09%	12,322	2,596	14,918
San Mateo	39,764,434	1.96%	271,881	57,286	329,167	126	1.24%	172,513	36,349	208,862
Santa Barbara	24,270,222	1.19%	165,943	34,965	200,908	96	0.95%	131,439	27,695	159,134
Santa Clara	80,243,850	3.95%	548,650	115,603	664,253	242	2.38%	331,335	69,814	401,149
Santa Cruz	13,666,907	0.67%	93,445	19,689	113,134	21	0.21%	28,752	6,058	34,810
Shasta	12,528,101	0.62%	85,658	18,049	103,707	14	0.14%	19,168	4,039	23,207
Sierra	800,000	0.04%	5,470	1,153	6,623	-	0.00%	-	-	-
Siskiyou	3,234,461	0.16%	22,115	4,660	26,775	17	0.17%	23,276	4,904	28,180
Solano	24,037,548	1.18%	164,352	34,630	198,982	74	0.73%	101,317	21,348	122,665
Sonoma	25,233,068	1.24%	172,526	36,352	208,878	83	0.82%	113,640	23,944	137,584
Stanislaus	27,397,103	1.35%	187,322	39,470	226,792	4	0.04%	5,477	1,154	6,631
Sutter	5,918,589	0.29%	40,467	8,527	48,994	18	0.18%	24,645	5,193	29,838
Tehama	4,804,737	0.24%	32,851	6,922	39,773	8	0.08%	10,953	2,308	13,261
Trinity	1,647,316	0.08%	11,263	2,373	13,636	4	0.04%	5,477	1,154	6,631
Tulare	24,733,519	1.22%	169,110	35,632	204,742	183	1.80%	250,555	52,793	303,348
Tuolumne	3,886,220	0.19%	26,571	5,599	32,170	17	0.17%	23,276	4,904	28,180
Ventura	38,589,098	1.90%	263,845	55,593	319,438	355	3.50%	486,049	102,413	588,462
Yolo	12,392,831	0.61%	84,733	17,854	102,587	26	0.26%	35,598	7,501	43,099
Yuba	5,414,480	0.27%	37,020	7,799	44,819	26	0.26%	35,598	7,501	43,099
	\$ 2,033,115,560	100%	\$ 13,901,000	\$ 2,929,000	\$ 16,830,000	10,153	100%	\$ 13,901,000	\$ 2,929,000	\$ 16,830,000

¹ Based on Workload Allocation Table from Trial Court Budget Advisory Committee June 3, 2019 meeting.

² Based on reported petitions for Proposition 64 relief from November 2016 through December 2018.

JUDICIAL COUNCIL OF CALIFORNIA
BUDGET SERVICES
Report to the Funding Methodology Subcommittee

(Action Item)

Title: Workload Formula Adjustment Requests
Date: 6/17/2019
Contact: Leah Rose-Goodwin, Manager
415-865-7708 | leah.rose-goodwin@jud.ca.gov

Issue

The updated Workload Formula Adjustment Request policy states: *“the Director of Judicial Council Budget Services, in consultation with the Chair of the Trial Court Budget Advisory Committee (TCBAC), is to review each request and make a referral to the Funding Methodology Subcommittee (FMS) no later than April. If the request is more appropriately referred to another advisory committee, the Chair may do so immediately. The Chair will notify the TCBAC no later than April of requests that have been referred to other advisory bodies.”*

FMS must review the referral from TCBAC and prioritize the request into the proposed annual work plan to be submitted back to TCBAC no later than July.

Of the four adjustment requests received in this year’s cycle, only one proposal is being referred to FMS for consideration. Two of the other proposals were referred to the Workload Assessment Advisory Committee for their review and consideration and one other proposal has already been implemented.

Background

The proposal was received from the Superior Court of El Dorado County and asks that the Workload Formula be modified to account for the required resources to operate multiple location courts – specifically small courts with multiple locations (Attachment A). Currently, the formula does not account for locations as a factor for adjustment. A similar request had been submitted by the Presiding Judge of the Superior Court of Mendocino County in 2013, but it appears that FMS did not take any action on the request because it was, at the same time, addressing several similar and related issues on the committee’s workplan.

Recommendation

It is recommended that FMS add this item to its workplan for consideration.

Attachment A: Letter from the Superior Court of El Dorado County



SUPERIOR COURT OF CALIFORNIA COUNTY OF EL DORADO

2850 Fairlane Court Suite 110
Placerville, California 95667

The Superior Court of California, County of El Dorado respectfully submits the following WAFM Adjustment Request as the required resources to operate multiple location courts – specifically small courts with multiple locations – is not factored into the WAFM model at this time.

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

Courts with multiple locations, especially small courts, are not considered in the model for funding distribution. WAFM allocations follow filing trends, failing to take into consideration the minimum staffing level and resources required in each location simply to maintain an acceptable level of continuity of operations at each location. Multiple locations results in duplicative staffing and increased expenses that would not otherwise be incurred for a single-site court.

This Court is requesting that WAFM be modified to take into consideration the additional resources required to keep small, multi-location courts operating at the expected standard and level of efficiency required by the Judicial Branch, and its own mission statement.

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

Our Court is spread out over 5 locations and 80 miles, with one courthouse located in South Lake Tahoe. Travel is often impacted in the winter and spring due to unpredictable weather and mountain conditions. The budget is insufficient to allow full time public access to justice due to the increased consumption of resources necessary to operate multiple court locations.

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

Due to WAFM underfunding in prior years, this Court has been reliant on court fees to help fund operational expenses. The significant decline in court fees collected has made the need for a WAFM adjustment even more critical. If our Court was in one centralized location, we would be able to fund sufficient staffing levels, due to substantial reductions in duplicative operational costs and staffing requirements. However, since we have multiple locations, we have had to fund greater operational costs, and stretch staffing over those locations.

WAFM funding adjusts pursuant to filing trends, recalculating the court's share on an annual basis. Consideration of multiple locations as a factor in determining "baseline resources," i.e. complement of staffing, necessary for court locations to remain able to serve the public at a standard level of operating should be part of the determining factor in WAFM allocations. Each Court location require minimum staffing levels beyond just clerical; administrative and support

positions are also be required. For example, our South Lake Tahoe branch is so far removed from other court locations, it requires its own operations manager, a minimum of administrative staff and court reporters, its own lead clerk, as well as clerical staff, simply to maintain operations.

Each location is at its minimum staffing level to function, with reduced public access. We are constantly moving staff – court reporters, clerks, IT staff – between locations to cover for absences due to illness, vacation, training, etc. These transfers raise an issue of liability and actual cost of unproductive driving time, which could be 15 minutes to an hour and a half, depending on locations. Orchestrating these scheduling moves takes a lot of administrative time as well as the aforementioned non-productive driving time, a resource that would be better spent if we had adequate funding to provide adequate staffing levels.

Each location requires duplicate services, such as IT support and equipment; court reporters; interpreters; operational equipment, often with contracts (copiers, postage meters, security equipment); increased vendor expenses due to the South Lake Tahoe location; and, services that would otherwise not be needed at all, such as a courier.

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

This issue is not unique to our court; in fact all small courts with multiple locations are at a disadvantage with the current model. Small fluctuations in funding to small courts have a direct impact on access to justice for residents in those courts’ counties. This Court has had fewer filings and therefore we receive a smaller allocation than larger courts, but are still required to maintain full time operations in 5 locations.

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

Duplicative expenses are required to maintain 5 court locations. El Dorado Court has had to reduce staffing well below WAFM need to fund operations:

Fiscal Year	WAFM Need	Actual Filled FTE Q4
FY 16/17	82	75.30
FY 17/18	76	71.00
FY18/19	74	69.80 (as of 12/31/18)

Due to its distant location, our South Lake Tahoe court requires 1 Court Operations Manager (\$117,031 average annual salary & benefits per FTE), 1 Child Custody Recommending Counselor (\$130,114), and 1 Lead Clerk (\$91,020), as well as sufficient clerks to provide basic services and support. The total cost for these 3 duplicative positions at one location alone is \$338,165.

Examples of duplicative operational expenses at each location are:

Description	Average/ location	# of locations	Annual expense
Janitorial	\$17,000.00	5	\$ 85,000.00
Postage Meter Lease	1,500.00	4	6,000.00
Copiers	2,500.00	5	12,500.00
Security Equip. Registration	512.00	5	2,560.00
Security Equip. Maintenance (for years not reimbursed by JCC – between replacements)	3,000.00	5	15,000.00
Sonitrol Building Security	3,840.00	5	19,200.00
Shredding services	750.00	5	3,750.00
Data Circuits for interconnecting court facilities	7609.00	4	30,437.00
Servers for each location (avg. every 5 years, <i>annual</i> average/amount stated here)	1,080.00	3	3,240.00
Annual remote server support contract	600.00	3	1,800.00
TOTAL	\$38,391.00		\$179,397.00

Contract court reporter and interpreter expenses are increased for multiple locations. Time could be more efficiently used in a single location, instead of hiring for multiple locations, and not being able to fully utilize the contractor for the entire day or half day.

Other annual operational costs would not be needed at all, such as:

Description	Annual Cost
Courier between courts	\$21,250.00
Fedex between SLT & West Slope	1,000.00
Travel Expense between courts	4,000.00
TOTAL	\$26,250.00

A centralized location is able to operate at a significantly reduced cost.

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

El Dorado has closed its clerk’s offices at 3 pm to the public; the phones turn off at 1 pm. Due to inadequate staffing levels, we have been forced to close non-priority divisions (civil, family law) from time to time to keep our mandated dockets covered (criminal and juvenile). Predicting when these one-day or temporary closures will occur is impossible, as it depends on unknown and uncontrollable events such as illness or accident caused vacancies. Not only is access to justice denied, the public is further inconvenienced by not knowing they cannot conduct their business until they arrive to a closed door. We recently had to shut down our mandated small claims night court program, resulting in even longer waits for litigants to get their day in court.

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

As our facilities must remain operational, without an increase in funding the Court's only recourse is to further reduce staffing, to utilize salary savings to meet operational expenses. This has a direct negative impact on access to justice. The goal and our mission statement has always been to improve services and increase access to justice for the public. Instead we are holding vacant FTE positions to utilize salary savings for operating costs.

- Shutdown of mandated programs, such as small claims night court
- Even longer wait times to get a court date
- Continued long wait for Court Recommended Counseling appointments
- Continued reduction in accessibility at all courthouse locations to court clerks (currently close at 3 pm each day, may need even shorter days)
- Continued reduction in accessibility to telephonic assistance (phones shut off at 1 pm)
- Inability to implement sustain some mandated services such as juvenile mediation services
- Increased occasional court or division closures
- Longer wait times for customer service, due to decreased staffing levels and open hours
- Difficulty maintaining certain grant related programs due to inability to fund matching requirements

8. Any additional information requested by the JCC Budget Services, Funding Methodology Subcommittee, and/or TCBAC deemed necessary to fully evaluate the request.

JUDICIAL COUNCIL OF CALIFORNIA
BUDGET SERVICES
Report to the Funding Methodology Subcommittee

(Action Item)

Title: Annual Funding Methodology Subcommittee Work Plan Update
Date: 6/17/2019
Contact: Lucy Fogarty, Deputy Director, Budget Services
415-865-7587 | lucy.fogarty@jud.ca.gov

Issue

The Funding Methodology Subcommittee (FMS) work plan item needs review and updating for 2019-20 and beyond.

Background

The FMS prepares an annual work plan to direct its efforts in developing and refining the Workload Formula as well as other methodologies including self-help, court-appointed dependency counsel, and interpreter funding.

The work plan, as approved on February 28, 2019, is provided as Attachment A.

Recommendation

It is recommended that the FMS review and update the annual work plan as follows:

1. Identify which items should be marked complete or removed.
2. Identify any new items that should be added including the Workload Formula Adjustment Request from El Dorado Superior Court.
3. Determine in which fiscal year each item should be addressed, in order of priority.

The updated annual work plan will be presented to the Trial Court Budget Advisory Committee for consideration.

FUNDING METHODOLOGY SUBCOMMITTEE WORK PLAN

Updated on February 28, 2019

Charge of the Funding Methodology Subcommittee

Focus on the ongoing review and refinement of the Workload Formula, 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 Formula.
2. Identify all funding sources and determine allocation models.
3. Evaluate the cluster 2 Bureau of Labor Statistics and small court adjustment contributions including a review of the Workload Formula adjustment request from Del Norte Superior Court, submitted on January 8, 2018.
4. Develop policy parameters regarding an allocation methodology for trial courts that exceed 100% of their Workload Formula.
5. Evaluate whether and/or how to include unfunded costs for facilities – courthouse construction, maintenance and modifications, including a review of the Workload Formula adjustment request from Stanislaus Superior Court, submitted on January 16, 2018.
6. Develop a methodology for incorporating inflationary increases for operating expenses and equipment into the Workload Formula.
7. Perform a review of all accounts that are used in the computation of the Operating Expenses and Equipment factor.

2019-20

8. Develop a methodology for allocations for the Court Interpreter Program in the event of a funding shortfall.
9. Address new judgeship staffing complement funding when necessary.
10. Evaluate how Criminal Justice Realignment (AB 109) funding should be factored into the Workload Formula.

11. Track the work of the Family and Juvenile Law Advisory Committee to ensure implementation of an allocation methodology for the AB 1058 Child Support Family Law Facilitator Program in 2022-23.
12. Evaluate impact of JCC and other provided services.

Annual Updates

13. Review the base funding floor amounts annually, if requested by the applicable courts, for presentation to the TCBAC in December, to determine whether an inflationary adjustment is needed.
14. Track technology funding streams to identify any potential impacts on trial court workload (updates from JCTC and ITAC in June and December).



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on July 18–19, 2019

Title	Agenda Item Type
Trial Court Budget: Allocations from the Trial Court Trust Fund and Trial Court Allocations for Fiscal Year 2019–20	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
None	July 19, 2019
Recommended by	Date of Report
Trial Court Budget Advisory Committee Hon. Jonathan B. Conklin, Chair	June 5, 2019
	Contact
	Melissa Ng, 916-263-1754 melissa.ng@jud.ca.gov

Executive Summary

For 2019–20, the Trial Court Budget Advisory Committee (TCBAC) recommends the Judicial Council allocate \$2.293 billion to the trial courts from the Trial Court Trust Fund (TCTF), and \$68.8 million from the state General Fund, for general court operations and specific costs. The TCBAC also recommends the Judicial Council approve the Workload Formula allocation of \$2.056 billion based on methodologies approved by the Judicial Council. Assuming approval of the allocations, current revenue projections, and estimated savings from 2018–19 appropriations, the TCTF will end 2019–20 with a fund balance of \$58.5 million, of which approximately \$32.0 million will be unrestricted.

Recommendation

The TCBAC recommends that the Judicial Council, effective July 19, 2019:

1. Approve base, discretionary, and nondiscretionary program allocations from the TCTF in the amount of \$2.293 billion (Attachment A, line 71);
2. Approve a General Fund allocation in the amount of \$68.8 million for employee benefits (Attachment A, line 13); and

3. Approve a Workload Formula allocation of \$2.056 billion based on methodologies approved by the Judicial Council (Attachment B, column T).

Relevant Previous Council Action

Base, discretionary, and nondiscretionary program allocations from the TCTF and General Fund

Allocation of trial court funds is one of the principal responsibilities of the Judicial Council. Government Code section 68502.5(c)(2)(A)¹ requires the council to make a preliminary allocation for the trial courts in July of each fiscal year and a final allocation before February of each fiscal year. The council approves preliminary trial court base allocations at its business meeting in July of each fiscal year, and final allocations at its business meeting in January.

Workload Formula allocation

On January 12, 2018, the council approved changes to the Workload-based Allocation and Funding Methodology (WAFM), now referred to as the Workload Formula, that eliminated the historical base to improve transparency, accountability, and predictability and to simplify reporting. In addition, as identified in the January 2018 report to the council, the TCBCAC established the “[p]rinciples of WAFM for 2018–19 and [b]eyond,” which included “[s]implification of reporting while maintaining transparency.”²

The council also approved the following policy and process to allocate funding in years where new, discretionary funding is available to the trial courts:

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.

At its meeting on March 15, 2019, the council approved increasing the base funding floor from \$750,000 to \$800,000.³ The base funding floor is currently allocated to the two smallest trial

¹ See http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=68502.5.&lawCode=GOV.

² Judicial Council of Cal., Advisory Com. Rep., *Trial Court Budget: Workload-Based Allocation and Funding Methodology* (Dec. 8, 2017), p. 7, <https://jcc.legistar.com/View.ashx?M=F&ID=5722980&GUID=EB419556-68BE-4685-A012-6A8D8502A126>

³ See <https://jcc.legistar.com/LegislationDetail.aspx?ID=3856591&GUID=4FC1924A-A956-4924-B7F9-E4D63AECE94B&Options=&Search=>.

courts, the Superior Court of Alpine County and the Superior Court of Sierra County, with the funding allocated through a pro rata reduction to the allocations of all other courts that do not qualify for the base funding floor.

At its meeting on May 17, 2019, the council approved the recommendation from the Workload Assessment Advisory Committee for a change to the Resource Assessment Study model's work-year value, used to estimate staff full-time equivalents (FTE) needed in the trial courts.⁴ This change updated the year value to 1,652.5 hours per FTE from 1,856 hours, based on data collected during the staff time study in 2016.

Analysis/Rationale

Recommendation 1

Approve \$2.293 billion in 2019–20 TCTF base allocations and allocations from the TCTF for the Judicial Council, for support for operation of the trial courts, and for expenses on behalf of the trial courts.

A number of allocations are required by the Budget Act (e.g., a \$50 million distribution from the Immediate and Critical Needs Account for court operations), or are various revenue distributions required by statute, or are authorized charges for the cost of programs or cash advances.

1. **Program 0140010 – Judicial Council:** Allocation for Judicial Council staff totaling \$3,915,900 (Attachment A, line 66).
2. **Program 0150010 – Support for Operation of Trial Courts:** Allocation for operation of trial courts totaling \$1,968,025,935 (Attachment A, line 67), which includes:
 - a. 2018–19 adjusted TCTF allocation in the amount of \$1,861,356,507 (Attachment A, line 15), which includes:
 - i. \$9,223,000 for criminal justice realignment based on the most current available post release community supervision and parole workload data submitted to the Judicial Council's Criminal Justice Services office under Penal Code section 13155 (detail by court in Attachment B, column AA).
 - ii. \$10,907,514 for replacement of 2 percent automation allocation previously provided from 2 percent automation revenues pursuant to Government Code 77207.5 (detail by court in Attachment B, column C).
 - iii. \$943,840 for telephonic appearances based on 2009–10 revenue-sharing arrangements as required by Government Code 72011 (detail by court in Attachment B, column Z).

⁴ See <https://jcc.legistar.com/LegislationDetail.aspx?ID=3914883&GUID=953DD4D6-EA3B-4692-8912-6C88F1E0A42D&Options=&Search=>.

- b. New and changed allocations in the amount of \$68,288,014 (Attachment A, line 24), which includes:
 - i. \$24,486,000 for support related to the funding of 25 judgeships (detail by court in Attachment B, columns P, Q, R and X).
 - ii. \$13,901,000 for cannabis conviction resentencing (Attachment A, row 23). The methodology for the allocation of these funds will be considered by the council at its business meeting on September 23–24, 2019.
 - iii. \$21,635,634 for 2018–19 full-year cost changes for retirement, employee health, and retiree health for non-court interpreter employees (detail by court in Attachment B, column M).
 - iv. \$8,787,706 in discretionary funding that was formerly designated for court reporters in family law. This allocation is based on survey results that indicated fully staffed court reporters in family law for specific courts (detail by court in Attachment B, column N).
 - v. \$1,212,294 for court reporters in family law (detail by court in Attachment B, column AB).
 - vi. \$1,734,620 reduction to reflect the 2019–20 full-year cost adjustment for subordinate judicial officers (SJOs) converted in 2018–19 (detail by court in Attachment B, column J).
 - c. 2019–20 one-time allocation adjustment totaling \$117,124 for a pro rata reduction by court for the replenishment of the \$10 million reserve due to a distribution to the Superior Court of Humboldt County in 2018–19 (detail by court in Attachment B, column AE).
 - d. Allocations for reimbursements totaling \$38,498,538 for various programs (Attachment A, line 63).
3. **Program 0150011 – Court-Appointed Dependency Counsel:** Allocation for court-appointed dependency counsel totaling \$190,655,000 (Attachment A, line 68), including:
- a. \$20,000,000 in new funding for court-appointed dependency counsel.
 - b. \$33,955,000 in available federal reimbursement for court-appointed dependency counsel to be administered by the Judicial Council Center for Families, Children & the Courts via an allocation recommendation to be approved by the Judicial Council.
4. **Program 0150037 – Court Interpreters:** Allocation for Court Interpreters Program totaling \$120,685,486 (Attachment A, line 69), including:
- a. \$108,960,000 base allocation, which includes \$4 million ongoing (Attachment A, line 16).
 - b. New and changed allocations in the amount of \$11,725,486 (Attachment A, line 29):

- i. \$9.564 million for the expansion of interpreter services in civil matters, and to address increased costs in criminal cases.
 - ii. \$1.288 million for court interpreter complement to the funding for 25 judgeships.
 - iii. \$873,486 for 2018–19 full-year cost changes for retirement, employee health, and retiree health for court interpreters.
5. **Program 0150095 – Expenses on Behalf of the Trial Courts:** Expenditures incurred by the Judicial Council on behalf of the trial courts totaling \$10,014,999 (Attachment A, line 51).

The projected 2019–20 ending TCTF fund balance is \$58.5 million (Attachment C, column E, row 25). Approximately \$26.5 million are monies that are either statutorily restricted or restricted by the council (Attachment C, column E, row 26). The estimated unrestricted fund balance is \$32.0 million (Attachment C, column E, row 27). The 2019–20 preliminary allocation requests totaling \$2.293 billion can be supported by the TCTF based on current revenue projections and 2018–19 projected savings.

Recommendation 2

Approve \$68,818,575 in General Fund allocations for employee benefits (Attachment A, line 13). This allocation is ongoing and funds cost increases associated with retirement, employee health, and retiree health benefits for the period 2010–11 through 2011–12.

Recommendation 3

Approve the 2019–20 Workload Formula allocation totaling \$2.056 billion. This amount includes allocations, revenues, and adjustments, with changes to the prior year allocation including:

- 1. Reductions for SJO conversions totaling \$1,734,620 (Attachment B, column J).
- 2. Adjustment to the SJO allocation totaling \$2,382,505 (Attachment B, column K).
- 3. Difference of \$172,579 in Automated Recordkeeping and Micrographics collections from 2016–17 to 2017–18 (Attachment B, column L).
- 4. 2018–19 cost changes for non-interpreter employee benefits totaling \$21,635,634 (Attachment B, column M).
- 5. Allocation of \$8,787,706 in discretionary funding that was previously designated for court reporters in family law in 2018–19. This allocation is based on courts that have verified they fully staffed court reporters in family law (Attachment B, column N).
- 6. 2017–18 revenues collected totaling \$107,999,677 (Attachment B, column O).
- 7. New operations funding for support of 25 judgeships totaling \$24,030,655 (Attachment B, columns P, Q and R). The current Workload Formula does not specify a method for allocating 50 percent of funding for courts below the statewide average funding level.

TCBAC's recommendation for 2019–20 is to allocate funds based on a weighted approach, taking into account both the courts' distance from the statewide average and size of the court to continue on the path towards equity in funding.

8. 2019–20 Workload Formula funding-floor adjustment, which includes funding floor allocations for two courts, the Superior Court of Alpine County and the Superior Court of Sierra County, totaling \$58,504, with all other courts sharing pro rata in the reduction to cover the funding floor allocations (Attachment B, column S).

Pending allocations

1. An allocation from the General Fund of \$75 million was made for pretrial services to support the operation or evaluation of programs or efforts in 8 to 10 courts related to pretrial decision making. The Pretrial Reform and Operations Workgroup will develop recommendations for allocating this funding for consideration by the Judicial Council at its business meeting on August 9, 2019.
2. The revenue reflected as a change to the Workload Formula allocation includes additional, relevant funding sources in addition to civil assessments. The allocation used presupposes that the council will approve the recommendation of additional funding sources at its business meeting on July 18–19, 2019.
3. An ad hoc work group of the TCBAC Funding Methodology Subcommittee will provide recommendations on operating expenditures and equipment (OE&E) accounts for inclusion in the OE&E calculation, in addition to developing a recommendation for the Consumer Price Index calculation to apply to the OE&E. This report does not reflect the OE&E recommendations, which will be considered by the council a future business meeting.
4. Since the courts have until July 9, 2019, to provide preliminary 2018–19 ending fund balances, the preliminary reduction amounts related to trial court reserves above the 1 percent cap referenced in Government Code section 68502.5(c)(2)(A) will not be available in time for the Judicial Council business meeting on July 18–19, 2019. The TCBAC will consider preliminary reductions for the fund balance above the 1 percent cap at its July 25, 2019 meeting, for recommendation to the Judicial Council at its business meeting on September 23–24, 2019.
5. The allocation of monies, using the council-approved formula, collected through the dependency counsel collections program will be brought to the council once final 2018–19 collections are known.
6. The \$10 million reserve for urgent needs funding assumes no funds are allocated in 2019–20. If monies are allocated, courts would need to replenish the monies up to what was allocated by the council from their allocations in 2020–21.

Policy implications

These recommendations are consistent with the statutory requirement for the council to make a preliminary allocation for the trial courts in July of each fiscal year.

All items were approved by a unanimous vote by the TCBAC.

Comments

No public comments were received for these items when they were considered by the Revenue and Expenditure Subcommittee on April 8 and May 22 and action by e-mail on April 24, 2019, or by the TCBAC on May 2 and June 3, 2019.

Alternatives considered

None.

Fiscal and Operational Impacts

If the recommendations to allocate funds are not approved, the fiscal and operational impacts to the trial courts will be significant.

Attachments and Links

1. Attachment A: 2019–20 TCTF Recommended Preliminary Allocations
2. Attachment B: 2019–20 Workload Formula Allocation
3. Attachment C: TCTF Fund Condition Statement

2019-20 Trial Court Trust Fund (TCTF) Recommended Preliminary Allocation

2018-19 Base Allocation				Base Allocation Adjustments				2019-20 Base Allocation	2019-20 TCTF Allocations	
A	B	C	D	E	F	G	H	I	J	K
2018-19 Ending Base	Less General Fund Employee Benefits	Less Trial Court Operations Funded from ICNA	2018-19 TCTF Ending Base (A + B + C)	2018-19 Adjusted TCTF Allocation	2018-19 Court Interpreter Allocation	Support for Operation of Trial Courts New and Changed Allocations	Court Interpreter New and Changed Allocations	2018-19 TCTF Base Allocation (E + F + G + H)	Revenue and Expenditure (R&E) Subcommittee Recommendations	2018-19 Total TCTF Allocation (I + J)
1,979,428,489	(68,818,575)	(50,000,000)	1,860,609,914	1,861,356,507	108,960,000	68,170,890	11,725,486	2,050,212,883	209,129,437	2,293,297,320

Trial Court Trust Fund (TCTF) 2019-20 Allocation

1	2018-19 Ending Base	1,979,428,489
2	2018-19 Allocation Adjustments	
3	Subordinate Judicial Officer Conversions (Pro-rated Adjustment for 2018-19 Conversions)	(3,123,761)
4	Riverside Judgeships	1,896,000
5	2018-19 Self-Help Funding Shift (From Base to Reimbursement Section, line 43)	(19,100,000)
6		<u>(20,327,761)</u>
7	2018-19 Adjusted Base Allocation	1,959,100,728
8	2018-19 Other Allocations	
9	Criminal Justice Realignment	9,223,000
10	2% Automation Replacement	10,907,514
11	Telephonic Appearances	943,840
12		<u>21,074,354</u>
13	Less General Fund Employee Benefits	(68,818,575)
14	Less Trial Court Operations Funded from the Immediate and Critical Needs Account (ICNA)	(50,000,000)
15	2018-19 Adjusted TCTF Allocation (Program 0150010)	1,861,356,507
16	2018-19 Court Interpreter (Program 0150037)	108,960,000
17	New and Changed Allocations (Program 0150010)	
18	2018-19 Non-Court Interpreter Employee Benefits Cost Change	21,635,634
19	Court Reporters in Family Law (Discretionary)	8,787,706
20	Court Reporters in Family Law	1,212,294
21	Subordinate Judicial Officer Conversions (Full-Year Cost Adjustment for 2018-19 Conversions)	(1,734,620)
22	Superior Court Judgeships - Support for Operation of Trial Courts	24,486,000
23	Cannabis Convictions: Resentencing	13,901,000
24		<u>68,288,014</u>
25	New and Changed Allocations (Program 0150037)	
26	2018-19 Court Interpreter Employee Benefits Cost Change (Program 0150037)	873,486
27	Language Access Expansion	9,564,000
28	Superior Court Judgeships - Court Interpreters	1,288,000
29		<u>11,725,486</u>
30	2019-20 One-Time Allocation Adjustment	
31	\$10 Million Reserve Replenishment for 2018-19 Distribution	(117,124)
32	2019-20 TCTF Base and Other Allocations	2,050,212,883
33	R&E Subcommittee Recommendations	
34	Judicial Council (Staff) - Program 0140010	
35	Sargent Shriver Civil Counsel Pilot Program	500,000
36	Equal Access Fund	246,000
37	Court-Appointed Dependency Counsel Collections	260,000
38	Statewide Support for Collections Programs	806,000
39	Phoenix Financial Services	72,500
40	Phoenix Human Resources Services	1,401,400
41	Statewide E-Filing Implementation	630,000
42		<u>3,915,900</u>

Trial Court Trust Fund (TCTF) 2019-20 Allocation

43	Expenses on Behalf of the Trial Courts - Program 0150095	
44	Children in Dependency Case Training	113,000
45	Sargent Shriver Civil Counsel Pilot Program	7,490,937
46	Civil, Small Claims, Probate and Mental Health (V3) Case Management System	564,000
47	California Courts Technology Center	688,800
48	Interim Case Management System	62,200
49	Other Post Employment Benefits Valuations	556,062
50	External Audit - Trial Court Audit Program	540,000
51		10,014,999
52	Allocation for Court-Appointment Dependency Counsel - Program 0150011	
53	Court-Appointed Dependency Counsel ¹	156,700,000
54	Available Federal Reimbursement for Court-Appointed Dependency Counsel	33,955,000
55		190,655,000
56	Allocation for Reimbursements - Program 0150010	
57	Jury	14,500,000
58	Replacement Screening Stations	1,300,000
59	Self-Help Center (includes \$19.1 million moved from base)	21,600,000
60	Elder Abuse	332,340
61	Court-Appointed Dependency Counsel Collections Reimbursement Rollover	pending
62	Court-Appointed Dependency Counsel Collections Reimbursement	766,198
63		38,498,538
64	2019-20 Total TCTF/Other Allocations (Base + R&E Recommendations)	2,293,297,320
65	2019-20 TCTF Allocation by Program	
66	0140010 - Judicial Council	3,915,900
67	0150010 - Support for Operation of Trial Courts	1,968,025,935
68	0150011 - Court-Appointed Dependency Counsel	190,655,000
69	0150037 - Court Interpreters	120,685,486
70	0150095 - Expenses on Behalf of the Trial Courts	10,014,999
71	Total 2019-20 Allocation by Program	2,293,297,320

¹ Includes \$20 million in new funding proposed in the 2019-20 Governor's Budget.

Court	2018-19 Adjusted Base Allocation	2017-18 NON-BASE ADJUSTMENTS USED TO CALCULATE WORKLOAD ALLOCATION				2018-19 BASE ADJUSTMENTS USED TO CALCULATE WORKLOAD ALLOCATION			2018-19 Workload Allocation	Changes to Workload Allocation										2019-20 Workload Formula	2019-20 Workload Formula Percentage		
		Automated Recordkeeping & Micrographics	2% Automation Replacement	2018-19 Self-Help (3-Year Limited Term)	Self-Help	Security Base (FY 10-11 Adjustment)	SIO Adjustment	Total Workload Formula Related Adjustments		Fiscal Neutral Cost Change	Fiscal Neutral Offset	Change in Revenue Collected	Fiscal Neutral Cost Change	Proportional Share	Revenue Collected	Workload Formula Policy			RAS Methodology			2019-20 Workload Allocation	
																Support for New Judgeships (Cluster 1 Courts to 100%)	Support for New Judgeships (Courts Below Statewide Average)	Support for New Judgeships (Courts Below 100%)					
A	B	C	D	E	F	G	H (B-G)	I	J	K	L	M	N	O	P	Q	R	S	T (I-R)	U	V (T/U)		
Alameda	76,817,412	96,585	424,792	795,129	105,802	(3,275,206)	(2,019,741)	(3,872,640)	72,944,773	-	(18,741)	5,142	2,392,027	397,540	4,109,810	-	-	470,350	(2,287)	80,298,614	86,474,695	92.9%	
Alpine	747,588	32	2,034	556	65	-	-	2,687	750,276	-	-	(12)	13,000	-	22,786	-	-	-	(2,977)	800,000	426,518	187.6%	
Amador	2,861,472	656	11,006	18,548	2,333	-	-	32,543	2,894,015	-	-	31	24,543	-	222,444	263,027	-	-	(97)	3,403,963	3,403,969	100.0%	
Butte	11,704,996	13,427	59,332	109,411	14,122	(481,445)	(330,047)	(615,200)	11,089,796	-	(21,028)	25	2,229	-	396,005	-	44,685	67,826	(330)	11,579,208	14,668,798	78.9%	
Calaveras	2,589,298	800	18,652	21,828	2,707	-	-	43,986	2,633,285	-	-	90	25,934	-	94,505	165,875	-	-	(83)	2,919,605	2,919,609	100.0%	
Colusa	1,979,551	339	13,708	10,652	1,358	-	-	26,057	2,005,608	-	-	38	25,526	-	138,576	-	-	-	(62)	2,169,686	2,055,381	100.6%	
Contra Costa	41,109,976	64,244	218,186	550,676	74,046	-	(850,172)	56,979	41,166,956	-	(135,831)	3,486	827,215	-	4,577,997	-	-	273,497	(1,330)	46,711,989	54,652,885	85.5%	
Del Norte	2,955,150	423	11,208	13,108	1,544	-	(116,360)	(90,076)	2,835,073	-	-	42	158,849	-	84,809	-	-	-	(91)	3,195,043	3,095,378	103.2%	
El Dorado	7,222,030	3,120	54,374	89,432	11,606	-	(154,788)	3,775	7,225,804	-	-	329	230,562	37,609	176,471	-	161	45,391	(221)	7,752,580	9,977,526	81.6%	
Fresno	51,117,892	60,160	181,080	481,310	64,728	-	(1,018,673)	(231,396)	50,886,496	-	(209,213)	5,494	(448,513)	265,110	3,548,893	-	23,136	319,030	(1,552)	54,488,881	67,406,253	80.8%	
Glenn	2,120,171	440	19,264	13,884	1,741	(10,078)	-	25,251	2,145,422	-	-	54	28,765	-	180,730	79,615	-	-	(69)	2,434,517	2,434,626	100.0%	
Humboldt	6,717,859	7,448	48,160	66,183	8,489	(172,937)	(161,102)	(203,757)	6,514,102	-	-	160	25,385	-	775,856	-	-	-	(211)	7,397,479	8,692,756	85.1%	
Imperial	9,232,298	8,847	67,678	91,013	12,403	(433,351)	(151,222)	(404,631)	8,827,667	-	(273)	154,305	-	-	930,361	-	-	59,293	(288)	10,122,287	11,129,924	90.9%	
Inyo	2,165,882	222	30,402	8,998	1,131	(192,372)	-	(151,620)	2,014,262	-	-	25	44,002	-	91,716	97,615	-	-	(62)	2,180,601	2,182,661	99.9%	
Kern	54,423,177	54,614	277,328	432,568	59,500	-	(1,531,380)	(774,944)	53,648,233	-	-	7,070	141,540	-	6,809,874	-	-	354,242	(1,723)	60,502,237	71,109,226	85.1%	
Kings	7,968,836	8,136	57,026	72,265	9,129	(434,834)	(265,474)	(553,752)	7,415,085	-	-	576	72,365	41,393	879,457	-	-	49,894	(243)	8,517,079	9,871,265	86.3%	
Lake	3,988,695	1,343	20,238	31,385	3,967	(202,508)	(65,367)	(210,852)	3,777,843	-	(1,672)	(48)	63,696	20,545	37,823	-	47,375	23,249	(113)	3,968,699	5,147,175	77.1%	
Lassen	2,429,096	415	20,156	14,941	1,660	(302,831)	-	(265,659)	2,163,437	-	-	21	7,071	-	238,446	-	-	(69)	2,408,906	2,347,609	102.6%		
Los Angeles	555,725,135	870,104	3,144,530	4,949,153	619,270	(14,732,045)	(19,855,347)	(25,004,335)	530,720,800	(1,155,516)	(2,622,346)	54,312	3,046,522	2,886,810	15,976,876	-	5,663,934	3,266,950	(15,885)	557,822,457	720,403,452	77.4%	
Madera	8,959,895	2,599	52,502	75,626	10,028	(393,081)	-	(252,327)	8,107,568	-	-	114	22,956	42	589,835	-	17,046	51,737	(252)	8,832,224	10,879,787	81.2%	
Marin	12,128,314	15,296	114,766	127,388	16,422	(9,920)	(64,829)	(99,123)	12,327,438	-	-	599	(139,473)	62,936	1,180,186	-	-	79,485	(387)	13,756,613	14,126,733	96.1%	
Mariposa	1,340,196	276	3,904	8,770	1,095	-	-	14,045	1,354,240	-	-	62	34,500	-	96,296	66,974	-	-	(42)	1,485,276	1,485,277	100.0%	
Mendocino	6,188,362	4,430	30,068	43,074	5,331	(308,513)	(17,930)	(243,539)	5,944,823	-	-	388	217,589	31,965	215,843	-	-	37,879	(184)	6,466,231	7,426,169	87.1%	
Merced	13,294,250	12,398	55,652	132,733	17,911	-	(394,167)	(175,472)	13,118,778	-	-	1,926	46,029	-	544,855	-	23,998	81,259	(395)	13,878,702	17,378,170	79.9%	
Modoc	1,022,344	278	6,134	4,630	567	(813)	-	(10,796)	1,033,140	-	-	16	21,921	-	37,240	43,077	-	-	(32)	1,135,361	1,135,371	100.0%	
Mono	1,933,413	168	12,446	6,627	834	(24,895)	-	(4,820)	1,928,592	-	(17,401)	36	10,812	-	181,926	91,503	-	-	(63)	2,195,406	2,195,675	100.0%	
Monterey	20,020,566	19,958	183,464	213,775	27,573	(896,632)	(370,295)	(822,157)	19,198,409	-	-	662	317,866	103,764	1,339,627	-	-	123,646	(601)	21,108,643	24,021,877	87.9%	
Napa	7,672,619	2,308	30,550	68,819	8,984	(304,599)	(386,927)	(580,864)	7,091,755	(104,742)	-	254	137,689	-	838,643	-	-	46,707	(227)	7,974,155	9,026,276	82.6%	
Nevada	5,516,236	4,814	49,946	47,759	5,920	(446,699)	(320,695)	(658,954)	4,857,282	-	-	264	30,486	-	305,635	-	-	30,688	(149)	5,236,651	6,382,981	82.0%	
Orange	141,318,302	235,272	923,882	1,543,529	198,855	(2,817,461)	(4,282,161)	(4,198,084)	137,120,218	(287,118)	-	14,849	(319,861)	734,637	11,061,510	-	-	872,502	(4,243)	148,989,221	180,685,494	82.5%	
Placer	17,477,787	20,905	77,378	185,008	26,240	-	(970,110)	(660,579)	16,817,209	-	-	2,965	222,437	-	1,530,743	-	49,991	110,314	(537)	18,841,060	23,721,877	79.4%	
Plumas	1,237,783	266	9,206	9,578	1,123	-	-	20,172	1,257,956	-	-	154	10,266	-	17,873	133,971	-	-	(40)	1,420,180	1,420,183	100.0%	
Riverside	100,693,803	57,407	532,226	1,152,459	164,306	(1,990,647)	(2,540,304)	(2,624,559)	98,069,250	-	-	(683,751)	(1,344)	2,333,859	514,099	14,880,915	-	-	(3,297)	115,787,787	131,444,731	88.1%	
Sacramento	80,408,562	197,102	340,254	732,021	97,639	(1,921,497)	(1,915,768)	(2,470,260)	77,938,302	-	-	9,656	1,485,041	415,809	2,924,441	-	3,622,143	517,817	(2,518)	88,420,054	119,006,905	74.3%	
San Benito	3,277,419	1,085	14,700	27,475	3,403	-	-	46,663	3,324,083	-	-	62	90,843	-	95,147	139,337	-	-	(103)	3,609,368	3,609,371	100.0%	
San Bernardino	106,643,595	147,729	435,474	1,043,955	138,498	(3,369,529)	(3,251,190)	(4,855,063)	101,788,533	-	-	19,947	2,591,739	554,088	3,345,954	-	-	408,317	639,335	(3,108)	109,159,512	138,199,504	79.0%
San Diego	143,108,618	217,206	718,442	1,602,568	212,180	(6,777,310)	(4,364,278)	(2,291,192)	140,817,427	(111,459)	-	10,038	942,844	742,318	9,996,639	-	-	897,300	(4,364)	153,247,536	171,051,818	89.6%	
San Francisco	54,490,253	68,146	272,528	422,475	56,392	-	(508,842)	(310,699)	54,000,952	-	-	3,816	669,758	280,480	3,906,607	-	-	-	(1,699)	59,677,691	56,652,812	105.3%	
San Joaquin	37,521,643	46,781	201,698	360,928	48,830	(296,555)	(853,972)	(492,291)	37,029,352	-	(107,573)	7,003	737,372	194,123	488,995	-	589,551	229,340	(1,115)	39,167,049	51,084,825	76.7%	
San Luis Obispo	14,410,781	14,981	130,020	135,360	17,727	(249,074)	(417,124)	(968,110)	14,042,671	-	-	379	282,672	74,917	1,159,115	-	-	45,913	(1,446)	15,668,643	19,759,134	79.3%	
San Mateo	38,207,726	13,022	329,518	372,205	48,731	(456,604)	(1,648,337)	(1,341,467)	36,866,260	(75,784)	-	530	647,571	198,431	2,133,242	-	-	234,219	(1,139)	39,998,646	46,756,457	85.1%	
Santa Barbara	23,582,216	23,479	162,858	217,785	28,609	(1,087,411)	(529,366)	(1,184,014)	22,398,202	-	-	1,593	319,695	121,916	1,452,319	-	10,561	143,069	(696)	24,423,848	30,231,570	80.8%	
Santa Clara	77,237,234	88,760	452,782	936,636	124,902	-	(752,452)	850,627	78,087,862	-	(13,723)	7,925	1,022,089	400,368	741,615	-	-	142,591	(2,299)	80,716,428	96,044,759	84.0%	
Santa Cruz	13,008,694	12,116	113,210	133,670	17,394	-	(297,927)	(21,538)	12,987,156	-	-	1,051	101,170	-	546,669	-	18,380	80,599	(392)	13,765,882	17,18		

Court	Other Allocations and Information							2019-20 Total Allocation and Revenues	One-Time Adjustments			2019-20 Total Adjusted Allocation and Revenues
	Non-Sheriff Security	Support for New Judgeships Non-Sheriff Security (1.07%)	SIOs (excludes AB 1058)	Telephonic Appearances	Criminal Justice Realignment	Funding for Court Reporters in Family Law	Total Other Allocations and Information		2018-19 Supplemental Funding (\$10m Reserve) Replenishment	Preliminary One-Time Reduction for Fund Balance Above the 1% Cap	Total Adjustments	
	W	X	Y	Z	AA	AB	AC (W-AB)		AD (T+AC)	AE	AF	
Alameda	3,275,206	35,045	2,038,482	-	258,356	-	5,607,089	85,905,703	(4,546)		(4,546)	85,901,156
Alpine	-	-	-	-	-	-	-	800,000	(42)		(42)	799,958
Amador	-	-	-	5,790	5,091	-	10,881	3,414,844	(165)		(165)	3,414,679
Butte	481,445	5,151	351,075	15,210	100,906	60,749	1,014,537	12,593,745	(699)		(699)	12,593,046
Calaveras	-	-	-	791	8,363	-	9,155	2,928,759	(154)		(154)	2,928,605
Colusa	-	-	-	-	6,727	-	6,727	2,176,413	(115)		(115)	2,176,299
Contra Costa	-	-	986,003	-	121,451	213,434	1,320,888	48,032,877	(2,452)		(2,452)	48,030,424
Del Norte	-	-	-	-	10,000	-	10,000	3,205,942	(178)		(178)	3,204,864
El Dorado	-	-	118,284	24,418	38,908	-	181,610	7,934,190	(446)		(446)	7,933,744
Fresno	-	-	1,127,888	75,930	262,538	-	1,466,356	55,955,237	(2,961)		(2,961)	55,952,276
Glenn	10,078	108	-	1,230	5,818	-	17,234	2,451,751	(125)		(125)	2,451,626
Humboldt	172,937	1,850	122,238	12,250	35,817	34,954	380,046	7,777,525	(406)		(406)	7,777,119
Imperial	433,351	4,637	-	25,465	29,817	47,852	541,122	10,663,408	(555)		(555)	10,662,853
Inyo	192,372	2,058	66,958	1,395	5,273	-	268,056	2,448,657	(123)		(123)	2,448,533
Kern	67,574	723	1,988,380	38,700	354,353	281,681	2,731,411	63,233,648	(3,153)		(3,153)	63,230,495
Kings	434,834	4,653	206,922	5,935	60,180	-	712,523	9,229,602	(482)		(482)	9,229,120
Lake	202,508	2,167	67,039	-	16,545	-	288,259	4,256,958	(237)		(237)	4,256,721
Lassen	302,831	3,240	-	4,241	4,000	-	314,312	2,723,219	(140)		(140)	2,723,079
Los Angeles	14,732,045	157,633	22,477,693	-	3,031,910	-	40,999,281	598,221,738	(34,504)		(34,504)	598,187,234
Madera	393,081	4,206	-	-	38,726	-	436,014	9,268,237	(498)		(498)	9,267,739
Marin	9,920	106	-	42,540	18,737	-	71,203	13,646,905	(675)		(675)	13,646,230
Mariposa	-	-	34,500	-	6,545	-	39,046	1,524,321	(76)		(76)	1,524,245
Mendocino	308,513	3,301	-	8,520	41,272	-	361,605	6,827,836	(381)		(381)	6,827,456
Merced	-	-	331,916	13,095	111,451	68,995	525,457	14,404,159	(781)		(781)	14,403,378
Modoc	813	9	-	776	2,000	-	3,598	1,138,959	(59)		(59)	1,138,900
Mono	24,895	266	17,401	-	545	-	43,108	2,238,514	(106)		(106)	2,238,408
Monterey	896,632	9,594	345,025	-	33,817	-	1,285,068	22,393,711	(1,159)		(1,159)	22,392,552
Napa	304,599	3,259	422,851	14,590	18,181	40,006	803,486	8,777,642	(442)		(442)	8,777,200
Nevada	446,699	4,780	308,250	-	3,091	28,461	791,280	6,027,932	(313)		(313)	6,027,619
Orange	2,817,461	30,147	4,485,435	-	482,531	-	7,815,574	156,804,795	(8,084)		(8,084)	156,796,711
Placer	-	-	862,171	24,920	52,726	90,332	1,030,149	19,871,209	(1,007)		(1,007)	19,870,202
Plumas	-	-	-	2,448	3,273	-	5,720	1,425,900	(76)		(76)	1,425,823
Riverside	1,990,647	21,300	3,224,055	-	766,341	-	6,002,343	121,790,131	(6,091)		(6,091)	121,784,040
Sacramento	1,921,497	20,560	406,404	43,920	166,904	-	2,559,285	90,979,339	(4,788)		(4,788)	90,974,551
San Benito	-	-	-	-	9,636	-	9,636	3,619,005	(187)		(187)	3,618,818
San Bernardino	3,369,529	36,054	3,436,483	239,760	997,789	-	8,079,615	117,239,126	(6,706)		(6,706)	117,232,420
San Diego	677,310	7,247	4,407,483	-	491,985	-	5,584,025	158,831,561	(8,212)		(8,212)	158,823,349
San Francisco	-	-	491,065	17,515	72,725	-	581,305	60,258,996	(3,167)		(3,167)	60,255,830
San Joaquin	296,555	3,173	961,545	51,955	88,543	-	1,401,771	40,568,821	(2,247)		(2,247)	40,566,573
San Luis Obispo	249,074	2,665	445,458	18,700	94,179	-	810,076	16,478,719	(856)		(856)	16,477,864
San Mateo	456,604	4,886	1,653,021	39,743	63,089	-	2,217,343	42,215,988	(2,177)		(2,177)	42,213,812
Santa Barbara	1,087,411	11,635	552,146	44,719	72,907	-	1,768,818	26,192,666	(1,357)		(1,357)	26,191,309
Santa Clara	-	-	766,176	-	183,085	-	949,261	81,665,689	(4,483)		(4,483)	81,661,206
Santa Cruz	-	-	266,678	21,904	33,545	67,302	389,337	14,155,217	(752)		(752)	14,154,466
Shasta	2,714,484	29,045	301,456	9,190	72,543	77,290	3,204,008	15,845,762	(866)		(866)	15,844,896
Sierra	-	-	-	630	1,455	-	2,085	802,085	(43)		(43)	802,042
Siskiyou	-	-	179,015	-	6,909	-	185,924	3,439,434	(189)		(189)	3,439,245
Solano	448,728	4,801	448,631	42,765	108,360	-	1,053,286	25,250,676	(1,305)		(1,305)	25,249,371
Sonoma	453,469	4,852	584,160	14,895	73,089	-	1,130,465	26,512,166	(1,427)		(1,427)	26,510,738
Stanislaus	9,611	103	572,037	46,740	95,634	-	724,125	28,308,938	(1,518)		(1,518)	28,307,421
Sutter	254,634	2,725	-	2,795	27,090	-	287,244	6,347,400	(338)		(338)	6,346,703
Tehama	-	-	-	1,340	14,545	-	15,885	4,848,918	(269)		(269)	4,848,649
Trinity	530,681	5,678	-	400	1,273	-	538,032	2,185,395	(121)		(121)	2,185,274
Tulare	16,053	172	543,948	12,890	100,179	-	673,241	25,559,715	(1,373)		(1,373)	25,558,342
Tuolumne	227,266	2,432	61,207	6,280	7,454	-	304,693	4,213,760	(228)		(228)	4,213,533
Ventura	1,606,885	17,194	804,479	-	412,897	201,238	3,042,693	42,477,769	(2,251)		(2,251)	42,475,518
Yolo	600,732	6,428	-	-	53,089	-	660,249	13,223,098	(727)		(727)	13,222,371
Yuba	136,627	1,462	-	9,456	40,908	-	188,453	5,602,933	(306)		(306)	5,602,627
Total	42,555,593	455,345	56,463,957	943,840	9,223,000	1,212,294	110,854,029	2,166,916,386	(117,124)	-	(117,124)	2,166,799,262

¹ Benefits funding reflects actual cost changes as identified by the court and is fiscally neutral.

Trial Court Trust Fund - Fund Condition Statement

#	Description	YEAR END FINANCIAL STATEMENTS			ESTIMATED	
		2016-17	2017-18	2018-19 ¹	2019-20	2020-21
A		B	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		-	-
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	<i>Total Revenues</i>	<i>1,270,421,327</i>	<i>1,283,589,015</i>	<i>1,285,556,892</i>	<i>1,296,241,183</i>	<i>1,306,056,842</i>
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	<i>Less Funding Provided by General Fund:</i>	<i>1,197,832,000</i>	<i>1,177,981,000</i>	<i>1,348,486,000</i>	<i>1,470,667,000</i>	<i>1,456,267,000</i>
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

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Report to the Funding Methodology Subcommittee

(Action Item)

Title: Recommendations of 100% Funding Working Group
Date: 6/17/2019
Contact: Leah Rose-Goodwin, Manager
415-865-7708 | leah.rose-goodwin@jud.ca.gov

Issue

Item 4 on the Funding Methodology Subcommittee’s Workplan for 2018-19 calls for the development of policy parameters regarding an allocation methodology for trial courts that exceed 100% of their Workload Formula. The new discretionary funding received by courts in the 2018 Budget Act brought many trial courts closer to 100% of funding based on workload, which prompted a closer look at the policies concerning funding allocation. A working group of FMS was convened following the February 28, 2019 meeting to address this issue and propose recommendations concerning this issue to FMS.

Background

In January 2018, the council adopted new policy parameters for workload funding. The following sections specifically address how allocations of discretionary funding are to be allocated in the workload formula:

Allocations in fiscal years for which no new money is provided. To continue to make progress toward equity of trial court funding based on workload, while being mindful of the many years of budget reductions some courts have faced, the following parameters were recommended by FMS and approved by all TCBAC members save for one “no” vote:

- A band will be established that is 2 percent above and below the statewide average funding level, eliminating annual allocation fluctuations from minor changes in workload. Courts more than 2 percent above or below the statewide average funding ratio would be subject to an allocation change, whereas courts within the band would not be. The size of the band identified may be subject to reevaluation in the future.
- No allocation adjustment will occur for those courts within the band or for Cluster 1 courts. The goal is to fully fund the Cluster 1 courts, and an allocation adjustment would be contrary to that outcome.

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- Funds will be reallocated from courts above the band to courts below the band every other fiscal year for which no new money is provided regardless of years of increase or decrease in between. The first year of no new money will provide time to adjust for a second year of no new money in which an allocation change will occur.
- Up to 1 percent of allocations for courts above the band will be reallocated to courts below the band to provide an increased allocation of up to 1 percent. The allocation reductions are capped at 1 percent, regardless of the need of the courts below the band. Conversely, the allocation increases are capped at 1 percent, regardless of the available funding of the courts above the band. If adequate funds are available, some courts under the band may be able to penetrate into the band.

Allocations in fiscal years for which new money is provided. New money, for the purposes of this process, is defined above. FMS recommended, and TCBAC approved unanimously, that allocations of new money are to be made in the fiscal year for which the funding is intended in the following sequenced manner:

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 the workload formula.
4. Allow no court's allocation to exceed 100 percent of its need unless it is the result of a funding floor calculation.

Ongoing and one-time funds designated for nondiscretionary purposes will be addressed as needed.

Analysis

The Ad Hoc group convened in May and June to discuss the issue. At its May meeting, the group affirmed that the basic principles of the allocation policies should be upheld. The group also recognized that in years with no new money, the pace of achieving equity in funding could be very slow. For that reason, the group proposed changing the policy concerning reallocation of funding in years with no new money. Whereas the current policy caps reallocation of funding at 1% for those courts above the 2% band, the group proposed that any court above 105% of funding need be subject to a 2% reduction of funding. Courts up to 105% of funding would continue to be subject to a 1% reallocation.

The group discussed the impact of the Budget Change Proposal for a Consumer Price Index (CPI) adjustment on these calculations and recommends to FMS that if approved, that FMS

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consider allocating the CPI funding separately from the workload-based allocations so that one allocation does not undo the other. Also, as a result of this potential funding, the group refrained from proposing additional changes to the workload formula policies, proposing that any further review or action be incorporated into other discussion that FMS might have concerning the workload formula.

Recommendation

It is recommended that FMS:

1. Approve a change to the workload formula policy concerning reallocations in years with no new money so that any court above 105% of funding be subject to a 2% reduction of funding.
2. Allocate any funding received for cost increase adjustments to trial courts separately from the workload formula allocation.

The recommendations of the FMS will be presented to the Trial Court Budget Advisory Committee for consideration.