



JUDICIAL COUNCIL
OF CALIFORNIA

TRIAL COURT BUDGET
ADVISORY COMMITTEE

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TRIAL COURT BUDGET ADVISORY COMMITTEE
FUNDING METHODOLOGY SUBCOMMITTEE

MINUTES OF OPEN MEETING

June 17, 2019
10:00 a.m. - 1:00 p.m.
Tower Room A&B, 2850 Gateway Oaks Drive, Sacramento, CA 95833

Advisory Body Members Present: Judges: Hon. Daniel J. Buckley (Cochair), Hon. Andrew S. Blum, 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, and Mr. David Yamasaki.

Advisory Body Members Absent: Ms. Tania Ugrin-Capobianco

Others Present: Mr. Zlatko Theodorovic, Ms. Lucy Fogarty, Ms. Michele Allan, and Ms. Melissa Ng.

OPEN MEETING

Call to Order and Roll Call

The cochairs called the meeting to order at 10:00 a.m. and took roll call.

Approval of Minutes

The subcommittee reviewed and approved the minutes of the February 28, 2019 Funding Methodology Subcommittee (FMS) meeting.

DISCUSSION AND 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

Action: The FMS voted unanimously to approve the following recommendations to the Trial Court Budget Advisory Committee contingent on the funding being approved in the 2019 Budget Act:

1. Use a proportional allocation methodology based on the percentage of estimated eligible cases by county.
2. Distribute 50% of the 2019-20 allocation at the beginning of the fiscal year with a reassessment taking place mid-year based upon actual workload.

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. Lucy Fogarty, Deputy Director, Budget Services

Action: The FMS voted unanimously to approve the recommendations that FMS add this item to its workplan for consideration.

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

Action: The FMS voted unanimously to approve the following updates to the annual work plan:

1. Mark as complete the following items:
 - a. Evaluate the impact of civil assessments as it relates to the Workload Formula.
 - b. Identify all funding sources and determine allocation models.
 - c. Develop policy parameters regarding an allocation methodology for trial courts that exceed 100% of their Workload Formula.
 - d. 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.
 - e. Develop a methodology for incorporating inflationary increases for operating expenses and equipment into the Workload Formula.
 - f. Address new judgeship staffing complement funding when necessary.
 - g. Evaluate how Criminal Justice Realignment (AB 109) funding should be factored into the Workload Formula.
 - h. Track technology funding streams to identify any potential impacts on trial court workload (updates from JCTC and ITAC in June and December).
2. Move items 3 and 7 to 2019-20.
3. Edit item 8 to read:
Develop a methodology for reimbursement of expenditures for the Court Interpreter Program in the event of a funding shortfall.
4. Edit item 12 to read:
Identify and evaluate the impact of Judicial Council-provided services versus those that are funded by local trial court operations funds.

In addition, the FMS voted unanimously to include Criminal Justice Realignment (AB 109) funding in the Workload Formula without making any changes to the allocation methodology.

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. Lucy Fogarty, Deputy Director, Budget Services

Action: The FMS voted unanimously to approve the following recommendations 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 without going below 104%
2. Allocate any funding received for cost increase adjustments to trial courts based upon their pro-rata share of the Workload Formula.

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. Melissa Ng, Senior Budget Analyst, Budget Services

Action: No action required.

ADJOURNMENT

There being no further business, the meeting was adjourned at 11:16 a.m.

Approved by the advisory body on October 8, 2019.