



# JUDICIAL COUNCIL OF CALIFORNIA

TRIAL COURT BUDGET  
ADVISORY COMMITTEE

## TRIAL COURT BUDGET ADVISORY COMMITTEE

### MATERIALS FOR NOVEMBER 19, 2020 VIRTUAL MEETING

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## TRIAL COURT BUDGET ADVISORY COMMITTEE

### NOTICE AND AGENDA OF OPEN MEETING

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

THIS MEETING IS BEING CONDUCTED BY ELECTRONIC MEANS

THIS MEETING IS BEING RECORDED

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**Date:** November 19, 2020  
**Time:** 12:00 p.m. to 1:30 p.m.  
**Public Call-in Number:** [jcc.granicus.com/player/event/1097](http://jcc.granicus.com/player/event/1097)

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Meeting materials will be posted on the advisory body web page on the California Courts website at least three business days before the meeting.

Members of the public seeking to make an audio recording of the meeting must submit a written request at least two business days before the meeting. Requests can be e-mailed to [tcbac@jud.ca.gov](mailto:tcbac@jud.ca.gov).

Agenda items are numbered for identification purposes only and will not necessarily be considered in the indicated order.

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#### I. OPEN MEETING (CAL. RULES OF COURT, RULE 10.75(C)(1))

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##### Call to Order and Roll Call

##### Approval of Minutes

Approve minutes of the October 15, 2020 Trial Court Budget Advisory Committee virtual meeting.

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

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This meeting will be conducted by electronic means with a listen only conference line available for the public. As such, the public may submit comments for this meeting only in writing. In accordance with California Rules of Court, rule 10.75(k)(1), written comments pertaining to any agenda item of a regularly noticed open meeting can be submitted up to one complete business day before the meeting. For this specific meeting, comments should be e-mailed to [tcbac@jud.ca.gov](mailto:tcbac@jud.ca.gov). Only written comments received by 12:00 p.m. on November 18, 2020 will be provided to advisory body members prior to the start of the meeting.

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**III. DISCUSSION AND POSSIBLE ACTION ITEM (ITEMS 1-2)**

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**Item 1**

**Reallocation of Model Self-Help Pilot Funds (Action Required)**

Consideration of a recommendation regarding a reallocation of \$191,400 in Model Self-Help Pilot Grant funds for 2020-21 from the Model Self-Help Technology project due to the withdrawal of a current project.

Presenter(s)/Facilitator(s): Ms. Bonnie Hough, Principal Managing Attorney, Judicial Council Center for Families, Children & the Courts

**Item 2**

**2019-20 Final One-Time Reduction for Fund Balances Above the 3% Cap (Action Required)**

Review of final submissions of one-time reductions for 2019-20 fund balances.

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

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

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**Info 1**

**Trial Court Trust Fund Funds Held on Behalf Quarterly Expenditure Reporting (Action Required)**

Trial Court Trust Fund Funds Held on Behalf Expenditure Reporting Report to the Trial Court Budget Advisory Committee on how funds were expended for projects and planned expenditures that are complete.

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

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**V. ADJOURNMENT**

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**Adjourn**



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TRIAL COURT BUDGET  
ADVISORY COMMITTEE

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## TRIAL COURT BUDGET ADVISORY COMMITTEE

### MINUTES OF OPEN MEETING

October 15, 2020  
12:00 p.m. – 1:00 p.m.

<http://jcc.granicus.com/player/event/1068?>

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**Advisory Body Members Present:** Judges: Hon. Jonathan B. Conklin (Chair), Hon. Daniel J. Buckley, Hon. Mark A. Cope, Hon. Jill C. Fannin, Hon. Kimberly Gaab, Hon. Joyce D. Hinrichs, Hon. Patricia L. Kelly, Hon. Charles Margines, and Hon. Deborah A. Ryan.

Executive Officers: Ms. Rebecca Fleming (Vice Chair), Ms. Kim Bartleson, Ms. Sherri Carter, Ms. Nancy Eberhardt, Mr. Michael D. Planet, Mr. Chris Ruhl, Mr. Neal Taniguchi, Mr. Brian Taylor, Ms. Kim Turner, and Mr. David Yamasaki.

**Advisory Body Members Absent:** Hon. B. Scott Thomsen and Mr. Chad Finke.

**Others Present:** Mr. John Wordlaw, Ms. Fran Mueller, Mr. Zlatko Theodorovic, Ms. Leah Rose-Goodwin, and Ms. Brandy Olivera.

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#### OPEN MEETING

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##### Call to Order and Roll Call

The chair welcomed the members, called the meeting to order at 12:01 p.m., and took roll call.

##### Approval of Minutes

The advisory body reviewed and approved minutes of the October 5, 2020 Trial Court Budget Advisory Committee (TCBAC) video conference meeting.

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#### DISCUSSION AND ACTION ITEMS (ITEM 1)

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##### Item 1 - COVID-19 Backlog Funding (Action Required)

Consideration of an Ad Hoc COVID-19 Backlog Subcommittee recommendation on a definition, reporting requirements, and methodology as it relates to the second half of the \$50 million one-time COVID-19 backlog funding received in the 2020 Budget Act, and in response to a Judicial Council-motion from July 24, 2020.

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

**Action:** *TCBAC unanimously voted for the following recommendations to be presented to the Judicial Branch Budget Committee and then presented to the Judicial Council for consideration at its November 12-13, 2020 business meeting:*

*A. COVID-19 backlog is defined as workload that was not disposed of during the pandemic period, March 1, 2020 through August 31, 2020. Half of March 2020 was not under shelter-in-place orders, but the monthly approach is how reporting is done.*

*B1. The methodology of establishing COVID-19 backlog is to determine the net difference between the average of each court's COVID-19 backlog from March 1, 2019 to August 31, 2019 weighted dispositions (see B2 below), compared to average March 1, 2020 to August 31, 2020 weighted dispositions (see B2 below), allocated proportionally based on each court's share of the backlog. The results for all courts will be applied to the available \$25 million in remaining funding and allocated accordingly.*

*B2. RAS caseweights will be applied to the disposition data defined in B1.*

*B3. In the event there are courts that are unable to enter the disposition data by case type for the time periods noted in B1, proxies based on statewide averages will be applied to those courts for each time period to establish those courts' COVID-19 backlog and proportional allocation of the remaining \$25 million.*

*C1. Eligible expenditures for the first \$25 million include, but are not limited to, equipment, personal protective equipment, remote technologies, and personnel costs directly related to COVID-19, effective July 1, 2020.*

*C2. Eligible expenditures for the second \$25 million are for expenses that endeavor to address and reduce the COVID-19 backlog as defined and calculated from a comparison of court-specific disposition information from the established pre and current pandemic periods.*

*D. Reporting on progress will occur no less than quarterly, with a redistribution of the second \$25 million to take place in March 2021 in the event courts are unable to project the expenditure of their full allocation.*

*E. Specifics on JBSIS data elements required and expenditure tracking directions using established WBS elements are forthcoming.*

*F. Request that Judicial Branch staff create and distribute a template to all 58 courts to report non-dispositional information on how courts have addressed COVID-19 related challenges.*

*G. Based on efforts on initial approach to report COVID-19 disposition data for the purpose of allocating the remaining \$25 million, and in anticipation of additional work in this area, courts should be prepared to submit disposition data regularly to be eligible for potential future funding.*

*H. The Ad Hoc COVID-19 Backlog Subcommittee will remain active. The recommendations above are to address the one-time allocation of the \$50 million received this fiscal year and are intended to address the courts most impacted at this point in time. The subcommittee will continue to review and refine this methodology and make additional recommendations as necessary.*

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

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None.

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**ADJOURNMENT**

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There being no further business, the meeting was adjourned at 12:42 p.m.

Approved by the advisory body on enter date.



## JUDICIAL COUNCIL OF CALIFORNIA

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### MEMORANDUM

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**Date**

October 26, 2020

**To**

Trial Court Budget Advisory Committee

**From**

Bonnie Rose Hough  
Principal Managing Attorney  
Center for Families, Children & the Courts

**Subject**

Reallocation of Model Self-Help Pilot Funds

**Action Requested**

Approve Proposal for Reallocation of Model Self-Help Program Funds

**Deadline**

November 13, 2020

**Contact**

Bonnie Rose Hough  
415-865-7668 phone  
bonnie.hough@jud.ca.gov

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#### **Recommendation**

Approve Judicial Council Center for Families, Children & the Courts (CFCC) staff recommendation regarding a reallocation of \$191,400 in Model Self-Help Pilot Grant funds from the Model Self-Help Technology project that withdrew from the grant program to a new project. Staff recommends that all courts be invited to submit an application, beginning with the October 1, 2020 to September 30, 2021 grant period, to become a new technology model.

#### **Rationale**

The Budget Act of 2001 provided funding for the Judicial Council to establish five model self-help center pilot projects in response to a budget change proposal submitted by the agency. A special Selection Review Committee reviewed the proposals submitted by interested courts and made recommendations about funding. Those recommendations were then reviewed by the Task Force on Self-Represented Litigants and approved by the Executive and Planning Committee of the Judicial Council on April 12, 2002 and reported at the Judicial Council meeting on April 19, 2002.

The approved programs were:

*Butte - Regional Model Court*

*Contra Costa - Technology Model Court*

*Fresno - Spanish-speaking Model Court*

*Los Angeles - Urban Collaboration Model Court*

*San Francisco - Multilingual Model Court*

An extensive evaluation of the project was submitted to the Legislature on March 1, 2005 demonstrating the benefits of these programs. Funding has been included as a line item for local assistance in the State Budget Act in the Trial Court Trust Fund (TCTF) since that time and the grants were continued with each court receiving \$191,400 per year. The projects continue to model innovative practices and report to Judicial Council staff on their activities.

On September 16, 2019, the Contra Costa Superior Court informed the Judicial Council that they will no longer be able to participate in the Model Self-Help Project. The court was modeling technological methods to provide services to self-represented litigants including the Virtual Self-Help Center website. The attorney who was lead on that project has joined the Judicial Council staff and the court has determined to end work on the grant so that it can focus on successful implementation of its new case management system.

After continuing discussion with the court and review of options, Judicial Council staff and the Trial Court Budget Advisory Committee recommended, and the Judicial Council approved, that the \$191,400 in funding that Contra Costa would have received be reallocated to the remaining four pilot projects to use for technology related services to improve services for self-represented litigants based on a short application process, in lieu of having the dollars revert to the TCTF.

Two of the existing programs applied for and received funding. The San Francisco Superior Court used the funding to retool its program to provide more remote services in response to the COVID-19 pandemic. The Los Angeles Superior Court used the funding to develop on-line courses including an orientation to divorce, and purchased equipment for the capability to show recorded workshops at court sites throughout the county.

For the grant year October 1, 2020–September 30, 2021 and on-going, CFCC staff provides the following recommendation and an alternative:

- 1) Allow all courts to apply to be a Technology Model Self-Help Program. This could allow courts to implement successful Innovation Grants models and other creative strategies. This would require a short application. A selection committee might be established with representatives from the Trial Court Budget Advisory Committee, the



Committee on Providing Access and Fairness in the Courts, and the Information Technology Advisory Committee.

- 2) Reallocate funds among the existing programs and encourage them to expand their technology services.

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

**(Action Item)**

**Title:** 2019-20 Final One-Time Reduction for Fund Balances Above the 3% Cap  
**Date:** 11/19/2020  
**Contact:** Oksana Tuk, Senior Analyst, Judicial Council Budget Services  
916-643-8027 | [oksana.tuk@jud.ca.gov](mailto:oksana.tuk@jud.ca.gov)

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**Issue**

The final one-time reduction for trial courts' fund balance above the statutory 3 percent cap and prior-year excluded funds is \$6,378,106 for 2019-20. This is further reduced by \$4,843,069 in approved Trial Court Trust Fund (TCTF) funds held on behalf (FHOB) to \$1,535,037, and is provided for Trial Court Budget Advisory Committee consideration and recommendation to the Judicial Council at its business meeting on January 21-22, 2021.

**Background**

Government Code section 68502.5(c)(2)(A) requires the council to make a preliminary allocation reduction in July of each fiscal year and to finalize allocations in January to be offset by the amount of fund balance (or reserves) in excess of the amount authorized by Government Code section 77203. Government Code 77203 limited the amount of funds to be carried over from one year to the next beginning June 30, 2014.

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

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

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

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

Commencing June 30, 2014, and concluding June 30, 2019, a trial court could carry over unexpended funds in an amount not to exceed 1 percent of the court’s operating budget from the prior fiscal year. Commencing June 30, 2020, a trial court may carry over unexpended funds in an amount not to exceed 3 percent of the court’s operating budget from the prior fiscal year.

The figures in Attachment A reflect the trial courts’ finalized and closed accounting records for 2019-20, which have been reviewed by Judicial Council’s Budget Services and Branch Accounting and Procurement staff:

- Column A displays the calculated fund balance cap amount for each court;
- Column G shows the court’s 2019-20 fund balance amounts subject to the cap, excluding statutorily restricted funds per Government Code section 77203(b), encumbrances consistent with the state contracting process, prepayments, and approved FHOB returned to courts;
- Column H displays the courts’ final computation of the amount above their 3 percent cap, totaling \$5.366million;
- Column I displays FHOB returned to the TCTF, totaling \$1,806;
- Column J provides those 2019-20 adjustments to the courts’ 2017-18 and 2018-19 fund balance cap, totaling \$1.010 million; and
- Column K displays the courts’ final total reduction computation of \$6.378 million.

A total of 13 courts have submitted requests totaling \$4.843 million (Column L) under the Judicial Council-approved process for trial courts to request that TCTF-reduced allocations related to the fund balance cap be retained in the TCTF as restricted fund balance for the benefit of those courts. This retention allows the courts to prudently plan for and fund necessary court infrastructure projects such as technology or infrastructure improvements, facilities maintenance and repair allowed under rule 10.810 of the California Rules of Court, court efficiencies projects, and other court infrastructure projects that would not be possible as an unintended consequence of the 3 percent fund balance cap.

Attachment B provides detail on the final allocation adjustments for the 2019-20 3 percent cap adjustment and TCTF FHOB requests that will be distributed in the February 2021 distribution to the trial courts:

- Column A shows the preliminary 3 percent cap reductions (due to timing and when information would become available, the preliminary reduction amounts related to trial court reserves above the 3 percent cap were set at \$0 for the Judicial Council’s July 24, 2020 business meeting and deferred to be considered as the final allocation reductions for

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

fund balances above the 3 percent cap prior to recommendation to the Judicial Council at its business meeting in January 2021);

- Column B displays the final reductions and includes 23 courts;
- Column C shows the adjustment between the preliminary and final 3 percent cap calculations;
- Column D reflects the preliminary TCTF FHOB requests returned to courts;
- Column E reflects the final TCTF FHOB requests totaling \$4.843 million. Of this amount, \$3.301 million will be allocated to trial courts for 2020-21 expenditures (Column F) and \$1.543 million will be held in the TCTF fund balance for the courts that are saving funds for expenditures in future years shown in Column G; and
- Column H displays the February 2021 allocation adjustment for TCTF FHOB of the trial courts.

The amounts that will be returned to courts has been adjusted for those courts that have approved FHOB requests that exceed their reduction for the 3 percent fund balance cap. The net adjustment column, Column I, displays the total net allocation adjustment for both the 3 percent cap and the TCTF FHOB requests.

**Recommendation**

Approve the 3 percent fund balance cap reduction allocation of \$6,378,106 to match the trial courts' final calculations of the amount above the 3 percent fund balance cap, which nets to \$1,535,037 after the total FHOB reduction, for consideration and recommendation to the council at its business meeting on January 21-22, 2021.

**Attachments**

Attachment A: Final One-Time Allocation Reduction for Fund Balance Above the 3% Cap  
Attachment B: Final Allocation Adjustments for 2019-20 3% Cap Adjustment and TCTF Funds Held on Behalf

Final One-Time Allocation Reduction for Fund Balance Above the 3% Cap

Court	Fund Balance Cap	FY 2019-20 Ending Fund Balance	Encumbrance Reserves at June 30	Excluded Funds	Prepayments	Funds Held on Behalf Returned to Court	Fund Balance Subject to Cap	Current Year Reduction	Funds Held on Behalf Returned to TCTF	Prior Year Disencumbrance	Total Final Reduction	Approved 2020-21 Funds Held on Behalf <sup>1</sup>	Net Reduction after Funds Held on Behalf
	Col. A	Col. B	Col. C	Col. D	Col. E	Col. F	Col. G (B - C - D - E - F)	Col. H	Col. I	Col. J	Col. K (H + I + J)	Col. L	Col. M (K - L)
ALAMEDA	3,267,417	7,659,698	3,443,669	1,456,064	541,530	0	2,218,435	0	0	653,378	653,378	483,830	169,548
ALPINE	24,654	51,253	8,081	6,391	10,944	0	25,837	1,183	0	0	1,183	0	1,183
AMADOR	136,757	341,118	250,883	47,966	17,024	0	25,245	0	0	0	0	0	0
BUTTE <sup>2</sup>	469,705	1,106,413	57,596	358,545	217,089	0	473,183	0	1,806	2,265	4,071	0	4,071
CALAVERAS	104,244	772,400	23,555	197,002	203,757	0	348,086	242,993	0	849	243,842	243,833	9
COLUSA	63,098	985,576	19,660	283,204	174,445	80,000	428,267	365,169	0	0	365,169	365,169	0
CONTRA COSTA	1,892,934	3,779,294	504,809	1,530,825	1,032,152	0	711,508	-	0	0	0	0	0
DEL NORTE	106,112	984,544	0	524,071	21,233	0	439,240	321,425	0	11,703	333,128	300,000	33,128
EL DORADO	293,649	918,084	566,619	154	62,469	0	288,842	0	0	0	0	0	0
FRESNO	2,055,295	3,296,966	586,061	1,520,426	265,643	0	924,836	0	0	0	0	0	0
GLENN	96,098	224,412	0	103,382	21,552	0	99,478	3,380	0	0	3,380	0	3,380
HUMBOLDT	276,320	475,318	53,781	102,876	43,662	0	275,000	0	0	0	0	0	0
IMPERIAL	347,177	3,272,095	1,214,066	728,251	220,703	0	1,109,075	761,898	0	0	761,898	761,898	0
INYO	93,892	391,544	0	294,111	13,506	0	83,927	0	0	0	0	0	0
KERN	2,568,547	4,890,703	17,144	2,890,744	991,510	676,688	314,617	0	0	0	0	0	0
KINGS	314,688	2,371,827	328,523	326,931	355,977	0	1,360,396	1,045,708	0	0	1,045,708	0	1,045,708
LAKE	144,159	730,800	260,891	207,896	136,756	0	125,257	0	0	0	0	0	0
LASSEN	97,500	486,932	153,036	147,410	18,549	75,926	92,011	0	0	0	0	0	0
LOS ANGELES	24,120,883	69,078,093	21,087,123	27,728,692	0	0	20,262,278	0	0	0	0	0	0
MADERA	344,968	743,900	156,950	354,137	62,570	0	170,243	0	0	0	0	0	0
MARIN	436,408	1,674,375	201,367	1,090,087	41,918	0	341,003	0	0	0	0	0	0
MARIPOSA	52,828	179,406	7,406	32,946	111,340	0	27,714	0	0	0	0	0	0
MENDOCINO	272,564	871,567	339,873	230,579	56,463	0	244,652	0	0	507	507	0	507
MERCED	556,474	2,791,831	13,120	2,660,950	115,094	0	2,667	0	0	0	0	0	0
MODOC	51,515	164,242	88,430	26,696	8,098	0	41,018	0	0	0	0	0	0
MONO	66,206	649,706	28,846	65,179	57,902	128,939	368,840	289,564	0	13,070	302,634	302,634	0
MONTEREY	768,611	2,104,917	8,403	873,000	285,449	0	938,065	169,454	0	0	169,454	169,454	0
NAPA	313,500	1,165,205	44,389	763,048	51,327	14,038	292,403	0	0	0	0	0	0
NEVADA	217,192	516,219	0	277,868	42,529	0	195,822	0	0	0	0	0	0
ORANGE	6,159,934	8,713,546	1,026,420	4,596,739	2,206,264	667,848	216,275	0	0	158,168	158,168	110,085	48,083
PLACER	704,047	1,201,314	130,977	552,615	269,211	0	248,511	0	0	335	335	0	335
PLUMAS	47,638	116,492	0	67,534	11,095	0	37,863	0	0	0	0	0	0
RIVERSIDE	5,179,686	8,855,558	2,622,128	4,197,385	548,784	0	1,487,261	0	0	0	0	0	0
SACRAMENTO	3,194,161	9,894,558	2,671,611	2,224,876	716,200	2,518,942	1,762,929	0	0	1,624	1,624	0	1,624
SAN BENITO	118,068	1,228,686	388,352	40,766	37,647	0	761,921	643,852	0	1	643,853	643,853	0
SAN BERNARDINO	4,342,991	10,344,954	2,182,511	1,060,175	5,239,536	0	1,862,732	0	0	0	0	0	0
SAN DIEGO	5,620,303	17,978,247	4,331,244	9,809,193	3,564,518	0	273,292	0	0	0	0	0	0
SAN FRANCISCO	2,244,484	4,077,109	0	1,403,603	396,026	190,655	2,086,825	0	0	0	0	0	0
SAN JOAQUIN	1,435,878	4,037,820	327,212	2,060,882	329,881	0	1,319,845	0	0	0	0	0	0
SAN LUIS OBISPO	542,170	2,780,498	13,672	2,152,447	72,210	0	542,169	0	0	9,499	9,499	0	9,499
SAN MATEO	1,512,841	2,443,088	495,384	326,165	400,882	2,249	1,218,408	0	0	134,983	134,983	134,983	0
SANTA BARBARA	973,532	5,243,142	1,089,369	3,004,010	679,212	0	470,551	0	0	0	0	0	0
SANTA CLARA	3,199,031	533,449	121,824	207,242	80,589	0	123,794	0	0	0	0	0	0
SANTA CRUZ	505,121	1,185,209	118,023	477,873	101,238	0	488,075	0	0	0	0	0	0
SHASTA	656,676	1,617,255	0	369,228	119,681	0	1,128,346	471,670	0	0	471,670	471,670	0
SIERRA	25,802	107,939	0	4,056	84,308	0	19,575	0	0	0	0	0	0
SISKIYOU	125,054	416,653	0	284,873	35,192	0	96,588	0	0	0	0	0	0
SOLANO	885,549	3,044,565	369,613	1,365,616	65,020	0	1,244,316	358,767	0	0	358,767	358,767	0
SONOMA	954,304	3,360,365	0	2,032,029	434,839	0	893,497	0	0	0	0	0	0
STANISLAUS	932,550	2,258,921	299,484	287,103	886,952	0	785,382	0	0	0	0	0	0
SUTTER	218,593	1,435,047	0	407,509	112,052	200,000	715,486	496,893	0	0	496,893	496,893	0

## Final One-Time Allocation Reduction for Fund Balance Above the 3% Cap

Court	Fund Balance Cap	FY 2019-20 Ending Fund Balance	Encumbrance Reserves at June 30	Excluded Funds	Prepayments	Funds Held on Behalf Returned to Court	Fund Balance Subject to Cap	Current Year Reduction	Funds Held on Behalf Returned to TCTF	Prior Year Disencumbrance	Total Final Reduction	Approved 2020-21 Funds Held on Behalf <sup>1</sup>	Net Reduction after Funds Held on Behalf
	Col. A	Col. B	Col. C	Col. D	Col. E	Col. F	Col. G (B - C - D - E - F)	Col. H	Col. I	Col. J	Col. K (H + I + J)	Col. L	Col. M (K - L)
TEHAMA	171,361	1,021,021	6,806	248,028	282,986	93,890	389,311	193,611	0	24,339	217,950	0	217,950
TRINITY	77,442	151,157	279	64,062	57,429	0	29,387	0	0	0	0	0	0
TULARE	1,049,547	1,345,120	336,884	227,639	391,742	0	388,855	0	0	0	0	0	0
TUOLUNME	158,143	663,427	350,000	155,681	32,837	0	124,909	0	0	0	0	0	0
VENTURA	1,699,426	1,747,749	219,495	150,097	122,244	0	1,255,913	0	0	0	0	0	0
YOLO	498,822	1,741,326	500,345	608,008	139,342	0	493,631	0	0	0	0	0	0
YUBA	207,721	574,788	29,845	134,710	268,447	0	141,786	0	0	12	12	0	12
<b>TOTAL</b>	<b>82,994,270</b>	<b>210,797,441</b>	<b>47,095,759</b>	<b>83,349,575</b>	<b>22,867,555</b>	<b>4,649,175</b>	<b>52,835,378</b>	<b>5,365,567</b>	<b>1,806</b>	<b>1,010,733</b>	<b>6,378,106</b>	<b>4,843,069</b>	<b>1,535,037</b>

<sup>1</sup> Approved TCTF FHOB requests include those requests pending before the Judicial Council at its business meeting on January 21-22, 2021.

<sup>2</sup> Prior year liquidations applied against fund balance subject to cap brought court below the fund balance cap and resulted in no current year reduction.

**Final Allocation Adjustments for 2019-20  
3% Cap Adjustment and TCTF Funds Held on Behalf**

Court	3% Cap Adjustments			TCTF Funds Held on Behalf (FHOB)					Col. I Net Adjustment (C + H)	
	Preliminary Reduction for Fund Balance Above the 3% Cap	Final Reduction for Fund Balance Above the 3% Cap	Allocation Adjustment for Reduction for Fund Balance Above the 3% Cap	Preliminary TCTF Funds Held on Behalf of the Trial Courts Returned to Courts	Total Final TCTF Funds Held on Behalf of the Trial Courts	TCTF Funds Held on Behalf of the Trial Courts to be Returned for 2020-21	TCTF Funds Held in Reserve in the TCTF for Future Years <sup>1</sup>	Allocation Adjustment for TCTF FHOB of the Trial Courts		
	One-Time		One-Time	One-Time		Feb #8 Dist	Feb #8 Dist	Feb #8 Dist		One-Time
			Feb #8 Dist							Feb #8 Dist
Col. A	Col. B	Col. C (B - A)	Col. D	Col. E	Col. F (E - G)	Col. G	Col. H (F)			
Alameda	-	(653,378)	(653,378)	-	483,830	483,830	-	483,830	(169,548)	
Alpine	-	(1,183)	(1,183)	-	-	-	-	-	(1,183)	
Amador	-	-	-	-	-	-	-	-	-	
Butte	-	(4,071)	(4,071)	-	-	-	-	-	(4,071)	
Calaveras	-	(243,842)	(243,842)	-	243,833	203,833	40,000	203,833	(40,009)	
Colusa	-	(365,169)	(365,169)	-	365,169	-	365,169	-	(365,169)	
Contra Costa	-	-	-	-	-	-	-	-	-	
Del Norte	-	(333,128)	(333,128)	-	300,000	300,000	-	300,000	(33,128)	
El Dorado	-	-	-	-	-	-	-	-	-	
Fresno	-	-	-	-	-	-	-	-	-	
Glenn	-	(3,380)	(3,380)	-	-	-	-	-	(3,380)	
Humboldt	-	-	-	-	-	-	-	-	-	
Imperial	-	(761,898)	(761,898)	-	761,898	558,529	203,369	558,529	(203,369)	
Inyo	-	-	-	-	-	-	-	-	-	
Kern	-	-	-	-	-	-	-	-	-	
Kings	-	(1,045,708)	(1,045,708)	-	-	-	-	-	(1,045,708)	
Lake	-	-	-	-	-	-	-	-	-	
Lassen	-	-	-	-	-	-	-	-	-	
Los Angeles	-	-	-	-	-	-	-	-	-	
Madera	-	-	-	-	-	-	-	-	-	
Marin	-	-	-	-	-	-	-	-	-	
Mariposa	-	-	-	-	-	-	-	-	-	
Mendocino	-	(507)	(507)	-	-	-	-	-	(507)	
Merced	-	-	-	-	-	-	-	-	-	
Modoc	-	-	-	-	-	-	-	-	-	
Mono	-	(302,634)	(302,634)	-	302,634	-	302,634	-	(302,634)	
Monterey	-	(169,454)	(169,454)	-	169,454	169,454	-	169,454	-	
Napa	-	-	-	-	-	-	-	-	-	
Nevada	-	-	-	-	-	-	-	-	-	
Orange	-	(158,168)	(158,168)	-	110,085	-	110,085	-	(158,168)	
Placer	-	(335)	(335)	-	-	-	-	-	(335)	
Plumas	-	-	-	-	-	-	-	-	-	
Riverside	-	-	-	-	-	-	-	-	-	
Sacramento	-	(1,624)	(1,624)	-	-	-	-	-	(1,624)	
San Benito	-	(643,853)	(643,853)	-	643,853	257,541	386,312	257,541	(386,312)	
San Bernardino	-	-	-	-	-	-	-	-	-	
San Diego	-	-	-	-	-	-	-	-	-	
San Francisco	-	-	-	-	-	-	-	-	-	
San Joaquin	-	-	-	-	-	-	-	-	-	
San Luis Obispo	-	(9,499)	(9,499)	-	-	-	-	-	(9,499)	
San Mateo	-	(134,983)	(134,983)	-	134,983	-	134,983	-	(134,983)	
Santa Barbara	-	-	-	-	-	-	-	-	-	
Santa Clara	-	-	-	-	-	-	-	-	-	
Santa Cruz	-	-	-	-	-	-	-	-	-	
Shasta	-	(471,670)	(471,670)	-	471,670	471,670	-	471,670	-	
Sierra	-	-	-	-	-	-	-	-	-	
Siskiyou	-	-	-	-	-	-	-	-	-	
Solano	-	(358,767)	(358,767)	-	358,767	358,767	-	358,767	-	
Sonoma	-	-	-	-	-	-	-	-	-	
Stanislaus	-	-	-	-	-	-	-	-	-	
Sutter	-	(496,893)	(496,893)	-	496,893	496,893	-	496,893	-	
Tehama	-	(217,950)	(217,950)	-	-	-	-	-	(217,950)	
Trinity	-	-	-	-	-	-	-	-	-	
Tulare	-	-	-	-	-	-	-	-	-	
Tuolumne	-	-	-	-	-	-	-	-	-	
Ventura	-	-	-	-	-	-	-	-	-	
Yolo	-	-	-	-	-	-	-	-	-	
Yuba	-	(12)	(12)	-	-	-	-	-	(12)	
<b>Total</b>	<b>-</b>	<b>(6,378,106)</b>	<b>(6,378,106)</b>	<b>-</b>	<b>4,843,069</b>	<b>3,300,517</b>	<b>1,542,552</b>	<b>3,300,517</b>	<b>(3,077,589)</b>	

<sup>1</sup> Approved requests for TCTF funds held on behalf will be held in reserve in the TCTF account for courts that have indicated they will incur expenditures in future years.

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

**(Information Only)**

**Title:** Trial Court Trust Fund (TCTF) Funds Held on Behalf Expenditure Reporting

**Date:** 11/19/2020

**Contact:** Catrayel Wood, Senior Analyst, Judicial Council Budget Services  
916-643-7008 | [Catrayel.Wood@jud.ca.gov](mailto:Catrayel.Wood@jud.ca.gov)

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**Issue**

Upon completion of TCTF Funds Held on Behalf (FHOB) projects or planned expenditures, courts are required to report to the Trial Court Budget Advisory Committee (TCBAC) within 90 days on the project or planned expenditure and how the funds were expended.

**Background**

Government Code section 68502.5(c)(2)(A) requires the Judicial Council, when setting the allocations for trial courts, to set a preliminary allocation in July of each fiscal year. Further, in January of each fiscal year, after review of available trial court reserves as of June 30 of the prior fiscal year, the Judicial Council shall finalize allocations to trial courts and each court's finalized allocation shall be offset by the amount of reserves in excess of the amount authorized to be carried over pursuant to subdivision (b) of Section 77203. Government Code 77203 provides that a trial court may, beginning June 30, 2014 and concluding June 30, 2019, carryover unexpended funds in an amount not to exceed 1 percent of the court's operating budget from the prior fiscal year. Effective June 30, 2020, the carryover amount increased to 3 percent.

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

At its business meeting on April 15, 2016, the Judicial Council adopted a process, criteria, and procedures for trial courts to request that TCTF-reduced allocations related to the 1 percent fund balance cap be retained in the TCTF as restricted fund balance for the benefit of those courts that make the request. The FHOB process is intended only for expenditures that cannot be funded by a court's annual budget or three-year encumbrance term and that require multiyear savings to implement. The process also requires reporting on the use of the funds.

The Judicial Council adopted revisions to the policy, including streamlining the submission schedule, making a change to the recipient of the request, and providing language corrections to better align with court year-end closing, trial court allocation offsets, and requests to amend previously reviewed requests at its business meeting on January 17, 2020 (see Attachment 1A).



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

Judicial Council Budget Services staff submitted its initial expenditure report to the TCBAC at its July 25, 2019 meeting and established quarterly reporting on the status of FHOB projects or planned expenditures from those courts that indicate completion.

**Report of Status**

In October 2020, Budget Services staff requested a status on projects or planned expenditures from those courts that indicated completion through September 30, 2020:

Court	Council Approval Date	Project or Planned Expenditure	Amount	Completion Date
Placer	09/24/19	Case Management System (CMS)	\$211,350	06/03/20
			<b>\$211,350</b>	

A report on completion of Placer Superior Court’s CMS project can be found in Attachment 1B.

**Attachments**

- Attachment 1A: *Summary of Recommended Process, Criteria, and Required Information for Trial Court Trust Fund Fund Balance Held on Behalf of the Courts*
- Attachment 1B: *Funds Held on Behalf of the Court Project Completion Reporting*

## **Summary of Recommended Process, Criteria, and Required Information for Trial Court Trust Fund Fund Balance Held on Behalf of the Courts**

### **Recommended Process for Trial Court Trust Fund Fund Balance Held on Behalf of the Courts**

1. Trial Court Trust Fund fund balance will be held on behalf of trial courts only for expenditures or projects that cannot be funded by a court's annual budget or three-year encumbrance term and that require multiyear savings to implement.
  - a. Categories or activities include, but are not limited to:
    - i) Projects that extend beyond the original planned three-year term process such as expenses related to the delayed opening of new facilities or delayed deployment of new information systems;
    - ii) Technology improvements or infrastructure such as installing a local data center, data center equipment replacement, case management system deployment, converting to a VoIP telephone system, desktop computer replacement, and replacement of backup emergency power systems;
    - iii) Facilities maintenance and repair allowed under rule 10.810 of the California Rules of Court such as flooring replacement and renovation as well as professional facilities maintenance equipment;
    - iv) Court efficiencies projects such as online and smart forms for court users and RFID systems for tracking case files; and
    - v) Other court infrastructure projects such as vehicle replacement and copymachine replacement.
  
2. The submission, review, and approval process is as follows:
  - a. All requests will be submitted to the Judicial Council for consideration.
  - b. Requests will be submitted to the *director of Budget Services* by the court's presiding judge or court executive officer.
  - c. *Budget Services* staff will review the request, ask the court to provide any missing or incomplete information, draft a preliminary report, share the preliminary report with the court for its comments, revise as necessary, and issue the report to the *Fiscal Planning Subcommittee* of the Trial Court Budget Advisory Committee (TCBAC); the *subcommittee* will meet to review the request, hear any presentation of the court representative, and ask questions of the representative if one participates on behalf of the court; and *Budget Services* office staff will issue a final report on behalf of the *subcommittee* for the council.
  - d. The final report to the *subcommittee* and the Judicial Council will be provided to the requesting court before the report is made publicly available on the California Courts website.
  - e. The court may send a representative to the *subcommittee* and Judicial Council meetings to present its request and respond to questions.

3. To be considered at a scheduled Judicial Council business meeting, requests must be submitted to the *director of Budget Services* at least 40 business days (approximately eight weeks) before that business meeting.
4. The Judicial Council may consider including appropriate terms and conditions that courts must accept for the council to approve designating TCTF fund balance on the court's behalf.
  - a. Failure to comply with the terms and conditions would result in the immediate change in the designation of the related TCTF fund balance from restricted to unrestricted and no longer held on behalf of the court unless the council specifies an alternative action.
5. Approved requests that courts subsequently determine need to be revised to reflect a change (1) in the amounts by year to be distributed to the court for the planned annual expenditures and/or encumbrances, (2) in the total amount of the planned expenditures, or (3) of more than 10 percent of the total request among the categories of expense will need to be amended and resubmitted following the submission, review, and approval process discussed in 1–3 above.
  - a. Denied revised requests will result in the immediate change in the designation of the related TCTF fund balance from restricted to unrestricted and no longer held on behalf of the court unless the council specifies an alternative action.
6. Approved requests that courts subsequently determine have a change in purpose will need to be amended and resubmitted following the submission, review, and approval process discussed in 1–3 above, along with a request that the TCTF funds held on behalf of the court for the previously approved request continue to be held on behalf of the court for this new purpose.
  - a. Denied new requests tied to previously approved requests will result in the immediate change in the designation of the related TCTF fund balance from restricted to unrestricted and no longer held on behalf of the court unless the council specifies an alternative action.
7. On completion of the project or planned expenditure, courts are required to report to the Trial Court Budget Advisory Committee within 90 days on the project or planned expenditure and how the funds were expended.
8. As part of the courts' audits in the scope of the normal audit cycle, a review of any funds that were held on behalf of the courts will be made to confirm that they were used for their stated approved purpose.

## **Recommended Criteria for Eligibility for TCTF Fund Balance Held on Behalf of the Courts**

TCTF fund balance will be held on behalf of the trial courts only for expenditures or projects that cannot be funded by the court's annual budget or three-year encumbrance term and that require multiyear savings to implement.

## **Recommended Information Required to Be Provided by Trial Courts for TCTF Fund Balance Held on Behalf of the Courts**

Below is the information required to be provided by trial courts on the *Application for TCTF Funds Held on Behalf of the Court*:

### **SECTION I**

#### **General Information**

- Superior court
- Date of submission
- Person authorizing the request
- Contact person and contact information
- Time period covered by the request (includes contribution and expenditure)
- Requested amount
- A description providing a brief summary of the request

### **SECTION II**

#### **Amended Request Changes**

- Sections and answers amended
- A summary of changes to request

### **SECTION III**

#### **Trial Court Operations and Access to Justice**

- An explanation as to why the request does not fit within the court's annual operational budget process and the three-year encumbrance term
- A description of how the request will enhance the efficiency and/or effectiveness of court operations, and/or increase the availability of court services and programs
- If a cost efficiency, cost comparison (*table template provided*)
- A description of the consequences to the court's operations if the court request is not approved
- A description of the consequences to the public and access to justice if the court request is not approved
- The alternatives that the court has identified if the request is not approved, and the reason why holding funding in the TCTF is the preferred alternative

## **SECTION IV**

### **Financial Information**

- Three-year history of year-end fund balances, revenues, and expenditures (*table template provided*)
- Current detailed budget projections for the fiscal years during which the trial court would either be contributing to the TCTF fund balance held on the court's behalf or receiving distributions from the TCTF fund balance held on the court's behalf (*table template provided*)
- Identification of all costs, by category and amount, needed to fully implement the project (*table template provided*)
- A specific funding and expenditure schedule identifying the amounts to be contributed and expended, by fiscal year (*table template provided*)

## FUNDS HELD ON BEHALF OF THE COURT PROJECT COMPLETION REPORTING

<b>REQUEST NUMBER:</b> 31-18-01-00	
<b>SECTION I: GENERAL INFORMATION</b>	
<b>SUPERIOR COURT:</b> Placer	
<b>JC APPROVED DATE:</b> 9/24/2019	<b>JC APPROVED AMOUNT:</b> \$50,000
<b>REASON PROVIDED ON APPLICATION:</b>  In FY13/14 the court encumbered \$250,000 for the development and installation of a new case management system. Because of project delays, the court received an approved request last fiscal year for funds held on behalf in the amount of \$211,350. To date, \$161,350 has been expensed leaving a remaining balance of \$50,000. The final component of this project has been delayed beyond FY18/19, but is expected to be expensed during FY19/20. The court requests an amended amount of \$50,000 be held on behalf of the court in the Trial Court Trust Fund by the Judicial Council for an overage of the 1% fund balance.	
<b>SECTION II: PROJECT STATUS OF COMPLETION (TO BE COMPLETED BY COURT)</b>	
<input checked="" type="checkbox"/> <b>PROJECT COMPLETE</b>  <i>Per Judicial Council policy, "On completion of the project or planned expenditure, courts are required to report to the Trial Court Budget Advisory Committee within 90 days on the project or planned expenditure and how the funds were expended."</i>	
<b>PLEASE PROVIDE A DESCRIPTION OF HOW THE FUNDS WERE EXPENDED:</b> Funds were used for the implementation of case management system and telephonic appearance system.	
<b>TOTAL COST OF PROJECT OR PLANNED EXPENDITURE:</b> The final expense amount was \$50,000	
<b>COMPLETION DATE OF PROJECT:</b> 6/3/2020	
<input type="checkbox"/> <b>PROJECT NOT COMPLETED</b>  <b>PLEASE PROVIDE A PROGRESS REPORT:</b>  <b>ESTIMATED DATE OF COMPLETION:</b> <a href="#">Click here to enter a date.</a>	
<b>CONTACT PERSON AND CONTACT INFO:</b> Julie Kelly, Fiscal Division Manager, 916-408-6113	
<b>PERSON AUTHORIZING REQUEST (Presiding Judge or Court Executive Officer):</b> Julie Kelly, Fiscal Division Manager	