



# JUDICIAL COUNCIL OF CALIFORNIA

TRIAL COURT BUDGET  
ADVISORY COMMITTEE

## TRIAL COURT BUDGET ADVISORY COMMITTEE

### MATERIALS FOR APRIL 22, 2021 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:** April 22, 2021  
**Time:** 10:00 a.m. to 1:00 p.m.  
**Public Call-in Number:** <http://jcc.granicus.com/player/event/1239>

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

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

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

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

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##### **Call to Order and Roll Call**

##### **Approval of Minutes**

Approve minutes of the March 9, 2021 Trial Court Budget Advisory Committee (TCBAC) 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 10:00 a.m. on April 21, 2021 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**

**Allocation Methodology of Trial Court Funding in 2021-22 Governor's Budget (Action Required)**

Consider a recommendation from the Funding Methodology Subcommittee on allocation methodologies for the \$167.8 million funding restoration and the \$72.2 million new, discretionary funding included in the 2021-22 Governor's Budget for inclusion in the 2021-22 Workload Formula allocation should the funding be included in the enacted budget.

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

**Item 2**

**Prioritization of Trial Court Budget Change Proposal (BCP) Concepts for 2022-23 (Action Required)**

Review and prioritize trial court BCP concepts, and BCP concept submissions in which the TCBCAC was identified as having purview and the opportunity to provide input, for submission to the Judicial Branch Budget Committee for its review.

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

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

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**None**

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**V. ADJOURNMENT**

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**Adjourn**



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TRIAL COURT BUDGET ADVISORY COMMITTEE

MINUTES OF OPEN MEETING

March 9, 2021

12:00 p.m. – 1:00 p.m.

<http://jcc.granicus.com/player/event/1198?>

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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, and Hon. Deborah A. Ryan.

Executive Officers: Ms. Rebecca Fleming (Vice Chair), Ms. Sherri Carter, Ms. Nancy Eberhardt, Mr. Chad Finke, Mr. Shawn Landry, Mr. Chris Ruhl, Mr. Neal Taniguchi, Mr. Brian Taylor, and Mr. David Yamasaki.

**Advisory Body Members Absent:** Hon. Charles Margines, Hon. B. Scott Thomsen, Ms. Kim Bartleson, Michael D. Planet, and Ms. Kim Turner

**Others Present:** Mr. John Wordlaw, Ms. Fran Mueller, Mr. Zlatko Theodorovic, Ms. Brandy Olivera, Ms. Kristen Greenway, Mr. Catrayel Wood, and Hon. D. Zeke Ziedler.

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OPEN MEETING

**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 January 12, 2021 Trial Court Budget Advisory Committee (TCBAC) video conference meeting and the January 21 and 28, 2021 TCBAC Action by Email between meetings.

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DISCUSSION AND ACTION ITEMS (ITEMS 1-2)

**Item 1 - Workload Formula Adjustment Request Process (ARP) (Action Required)**

Consider a recommendation from the Funding Methodology Subcommittee (FMS) on two ARP submissions.

Presenter(s)/Facilitator(s): Ms. Kristin Greenaway, Supervising Research Analyst, Judicial Council Business Management Services

**Action:** TCBAC voted , with one abstention, for the following recommendation from FMS that TCBAC deny the request presented in the ARPs to create a Bureau of Labor Statistics floor. Meanwhile, FMS will maintain its work plan item to review the cluster methodology used in the Workload Formula.

**Item 2 - Court Interpreters Program (CIP) Methodology (Action Required)**

Consider recommendations from the FMS on the 2020-21 allocation, the one-time allocation methodology for 2021-22, and updates on an ongoing workload-based methodology.

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

**Action:** TCBAC unanimously voted to approve FMS's recommendation to approve the following be considered by the Judicial Council at its May 20-21, 2021 business meeting:

1. Require courts to return all unspent 2020-21 CIP allocated funds to the Judicial Council. The funds will first reimburse courts with a CIP shortfall in 2020-21, and remaining funds will be reverted to the TCTF as restricted program funding;
2. Allocate in 2021-22 the same amount of funding provided to trial courts in 2020-21; and
3. Expand the number of Ad Hoc Interpreter Subcommittee members, continued as a subset of the TCBAC, with members to be determined after TCBAC consideration and approval.

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

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**Info 1 - Governor's Budget Proposal for 2021-22**

Update on the Governor's Budget proposal for 2021-22.

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

**Action:** No action taken.

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**A D J O U R N M E N T**

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There being no further business, the meeting was adjourned at 12:32 p.m.

Approved by the advisory body on enter date.

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

(Action Item)

**Title:** Allocation Methodology of Trial Court Funding in 2021-22 Governor's Budget

**Date:** 4/22/2021

**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**

Consider recommendations from the Funding Methodology Subcommittee (FMS) on the allocation methodology for the restoration of the current year reduction of \$167.8 million and the \$72.2 million in new, discretionary funding for trial court operations included in 2021-22 Governor's Budget, effective July 1, 2021, for consideration by the Judicial Council at its July 8-9, 2021 business meeting. These recommendations are contingent on the proposed funding being included in the final enacted Budget Act.

**Background**

**2021-22 Governor's Budget Proposals**

The 2021-22 Governor's Budget includes \$4.2 billion in operating and facility funds for the judicial branch. This includes \$381.1 million in new General Fund (GF) monies, despite the economic downturn caused by the global pandemic and continuing need for statewide fiscal constraint. There are no additional operational reductions proposed for the judicial branch in 2021-22. The proposed budget reflects critical funding needs to support the essential services provided by all areas of judicial branch operations.

In February 2021, Governor Newsom and legislative leaders announced an agreement that would restore the previously enacted 2020-21 reductions of \$200 million for the judicial branch, effective July 1, 2021. Of this amount, the proposal would restore the \$167.8 million reduction included in the 2020-21 trial court allocations.

To maintain timely access to justice in the trial courts and to help courts address impacts of the disruptions caused by the pandemic, the proposed budget also includes \$72.2 million ongoing GF, which represents an overall increase of 3.7 percent compared to the 2020 Budget Act. This funding is for general trial court operations and is intended to assist courts in continuing to provide fair and timely access to justice, including taking actions to continue making

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modifications to improve court processes. This funding will also support the courts' efforts to implement recently enacted legislation.

### **Non-Sheriff Court Security**

At its July 28, 2015 business meeting, the council approved the following policy as it relates to court-provided (non-sheriff) security:<sup>1</sup>

- Beginning in 2016-17 and thereafter, if any new GF augmentation is received, courts with court-provided (non-sheriff) security since 2010-11 would be provided funding based on the same growth funding percentage that the county sheriff receives; and
- If the growth percentage provided to the county sheriffs exceeds the GF augmentation percentage increase to the trial courts, the funding provided (to courts with court-provided security) will equal the GF augmentation percentage increase and will cease if a court discontinues its court-provided security services.

In 2019-20, 39 eligible courts received a total of \$455,000 in additional security funding due to the \$24.5 million received for the cost of 25 new judgeships. The total security base allocation is now \$43 million.

Consistent with council policy, the FMS considered, and included in its recommendation, the application of the non-sheriff court security adjustment as it relates to new funding proposed for 2021-22.

### **Methodologies**

#### **\$167.8 Million Restoration**

The restoration of \$167.8 million will be allocated back to the trial courts on a dollar-for-dollar basis, consistent with the reduction amounts implemented in 2020-21, without allowing any court to exceed 100 percent of their Workload Formula amount. Any excess funding will be pooled and added to the \$72.2 million for allocation to the trial courts.

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<sup>1</sup> Judicial Council meeting report (July 28, 2015), <https://www.courts.ca.gov/documents/jc-20150728-itemG.pdf>;  
Judicial Council meeting minutes (July 28, 2015), <https://www.courts.ca.gov/documents/jc-20150728-minutes.pdf>.

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**\$72.2 Million New, Discretionary Funding**

The Workload Formula is the current process for allocating new, discretionary funding to the trial courts in an equitable manner. It was updated most recently by the Judicial Council at its January 17, 2020 business meeting, and includes the steps as outlined below:<sup>2</sup>

*[Apply security deduction.]*

1. *Bring all Cluster 1 courts up to 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 ration.*
  - a. *The first 50 percent allocation of new funding to courts below the statewide average will be scaled by courts' distance from the statewide average and size based on the courts' Workload Formula need.*
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.*

The recommendation from FMS recognizes a unique opportunity to address inequity in funding among the trial courts below the statewide average funding level and address overarching branch priorities and goals of equity, fairness, and parity. The recommendation includes a slight deviation from the current Workload Formula methodology. Instead of following the Workload Formula step 2 above by allocating up to 50 percent of funding to courts under that statewide average funding ratio, the recommendation outlines an approach to allocate the amount of funding required to fully bring these courts to the statewide average funding level. Remaining funding would then follow steps 3 and 4 of the Workload Formula as outlined above.

**Base Funding Floor Courts**

Currently, there are two base funding floor courts, Alpine and Sierra, that receive a set allocation amount of \$800,000 beginning in 2019-20.<sup>3</sup> There is a separate process in place in which this allocation amount is reviewed annually, as requested by the applicable courts, for presentation to

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<sup>2</sup> Judicial Council meeting report (January 17, 2020), <https://jcc.legistar.com/View.ashx?M=F&ID=7976128&GUID=DC14BAC5-0079-4C0C-A0E6-52C7EC068BB0>; Judicial Council meeting minutes (January 17, 2020), <https://jcc.legistar.com/View.ashx?M=M&ID=711572&GUID=AC46528C-6E37-406A-A1CE-B41CC33E29EB>.

<sup>3</sup> Judicial Council meeting report (March 15, 2019), <https://jcc.legistar.com/View.ashx?M=F&ID=7058011&GUID=805D0070-0C38-40C7-A8CE-F08E82D8DDD5>; Judicial Council meeting minutes (March 15, 2019), <https://jcc.legistar.com/View.ashx?M=M&ID=640295&GUID=4C88EDD5-7207-4839-BB72-89B184E22C9B>.



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the Trial Court Budget Advisory Committee (TCBAC) each December to determine whether an inflationary adjustment is needed.<sup>4</sup> As a result, these two courts would be excluded from receiving any portion of restoration funding and \$72.2 million in new operational funding, and their 2021-22 allocation amounts would remain unchanged from 2020-21 allocation amounts.

**Alternatives**

During the recent FMS meetings on April 12, 2021<sup>5</sup> and April 15, 2021<sup>6</sup>, alternative allocation options were presented and discussed for consideration which included confirmed, estimated allocation amounts at the second meeting.

Alternatives discussed were primarily focused on the \$72.2 million funding amount, and various ways the funding could be allocated:

- A. Allocate funds utilizing the 3.7 percent Consumer Price Index (CPI) calculation used to determine the \$72.2 million amount and distribute 3.7 percent to all courts;
- B. Allocate funds as new, discretionary funding following the current Workload Formula policy; or
- C. Allocate funds as new, discretionary funding with a modification to the current Workload Formula policy that uses a majority of the funding to bring courts below the statewide average funding level up to the statewide average funding level.

The discussion included:

- The intent of the new, proposed funding as described in the 2021-22 Governor’s Budget for general trial court operations;
- An approach to address inequities for courts below the statewide average funding level without impacting courts above the average (the current Workload Formula policy would achieve this incrementally each time the courts experience a second year of no new money);
- Support for the existing Workload Formula policy without alterations to assist courts with operational cost increases;
- The fact that cluster 1 inequities have already been addressed consistent with the Workload Formula policy; and
- How CPI should be an ongoing discussion to allow courts to rise and fall together in relation to funding.

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<sup>4</sup> TCBAC meeting report beginning on page 10 (July 25, 2019), <https://www.courts.ca.gov/documents/tcbac-20190725-materials.pdf>; TCBAC meeting minutes (July 25, 2019), <https://www.courts.ca.gov/documents/tcbac-20190725-minutes.pdf>

<sup>5</sup> FMS meeting report (April 12, 2021), <https://www.courts.ca.gov/documents/tcbac-20210412-fms-materials.pdf>.

<sup>6</sup> FMS meeting report (April 15, 2021), <https://www.courts.ca.gov/documents/tcbac-20210415-fms-materials.pdf>.

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**Recommendation**

With a five to three vote, and two members absent, the FMS recommends approving the following allocation methodologies for consideration by the Judicial Council at its July 8-9, 2021 business meeting:

- a) Restore \$167.8 million and allocate to the trial courts on a dollar-for-dollar basis consistent with the initial reduction, without allowing any court to exceed 100 percent of their Workload Formula amount;
- b) Funds resulting from courts going over 100 percent of their Workload Formula amounts due to the restoration will be used to bring cluster 1 courts up to 100 percent of their funding need;
- c) Any remaining funds will be added to the \$72.2 million in new funding and will be allocated in the steps as outlined below:
  1. Bring all Cluster 1 courts up to 100 percent of funding need.
  2. Allocate remaining funding to courts below the statewide average funding level up to the new statewide average funding level, recognizing this step is currently estimated at \$70.9 million. Allocated funds will bring courts up to but not over the new statewide average funding ratio.
  3. Allocate remaining funding, currently estimated at \$2.2 million, 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.
- d) The non-sheriff court security will be reduced from the total of the \$72.2 million and remaining funds from the \$167.8 million allocation prior to applying steps c1 through c4 above.

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Report to the Trial Court Budget Advisory Committee

**(Action Item)**

**Title:**           **Prioritization of Trial Court Budget Change Proposal Concepts for 2022-23**  
**Date:**            4/14/2021  
**Contact:**       Brandy Olivera, Manager, Budget Services  
                          415-865-7195 | [Brandy.Olivera@jud.ca.gov](mailto:Brandy.Olivera@jud.ca.gov)

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**Issue**

Review and prioritize the trial court budget change proposal (BCP) concepts developed by other advisory committees in which the Trial Court Budget Advisory Committee (TCBAC) was identified as having purview and the opportunity to provide input for submission to the Judicial Branch Budget Committee (Budget Committee) for final review, approval, and submission to the Judicial Council at its July 8-9, 2021 business meeting.

Of the four concepts listed in Table 1 below, three of them were from the same advisory committee and were not ranked in priority order. Details for each of these concepts are included in the report submitted to the Budget Committee on February 5, 2021<sup>1</sup>.

**Table 1**

#	BCP Concept (in alphabetical order)	2022-23 Dollar Amount	Submitted By
A	Financial Obligations of the Court Facilities Trust Fund	\$52,400,000	Trial Court Facility Modification Advisory Committee (TCFMAC)
B	Phoenix System Functional Requirements	\$1,744,000 (includes \$783,000 one-time in 2022-23)	Information Technology Advisory Committee
C	Trial Court Facility Modification Prioritization and Costs	\$35,000,000	TCFMAC
D	Water Conservation and Leak Detection in Courthouses	\$1,750,000 (one-time)	TCFMAC

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<sup>1</sup> Judicial Branch Budget Committee meeting report (February 5, 2021), <https://www.courts.ca.gov/documents/tcbac-20190502-materials.pdf>.

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For reference, the BCP concepts identified by TCBAC and ranked in priority order are listed in Table 2 below. Details for each of these concepts are also included in the report to the Budget Committee and will be submitted to the Budget Committee again at its May 2021 meeting for final review, approval, and submission to the council at its July 2021 business meeting.

**Table 2**

#	BCP Concept (in priority order)	2022-23 Dollar Amount	Notes
1	Annual Automatic Inflationary Adjustment for Trial Courts (Consumer Price Index)	\$162,200,000 (With an additional \$50,000,000 to \$70,000,000 each year beginning in 2023-24)	
2	Trial Court Baseline Funding Restoration of 2020-21 Budget Reductions	\$176,900,000	This is now included in the 2021-22 Governor's Budget proposal.
3	Trial Court Deferred Maintenance	\$10,832,000 (includes \$8,700,000 one-time in 2022-23)	This BCP concept is led by the TCFMAC.
4	Trial Court Civil Assessment Maintenance of Effort	\$48,300,000	
5	Trial Court Workload Formula Gap Funding to 100 Percent	\$677,400,000	
6	Trial Court Capital Outlay Funding: 2022-23 through 2025-26	\$2,052,000,000 (one-time, four-year plan; concept includes an amount to be determined for trial courts for increased costs due to completion of current projects)	This BCP concept is led by the Court Facility Advisory Committee.

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**Background**

**2022-23 BCP Concept Development**

At its January 12, 2021 meeting, the TCBAC discussed potential 2022-23 BCP concepts that included full trial court participation by having each TCBAC member reach out to courts to ascertain priorities to report back to the committee<sup>2</sup>.

The TCBAC meeting resulted in a total of 47 concepts, to which members were asked to participate in an action by email and vote on their top three choices in order of priority<sup>3</sup>. Each vote was weighted, and the result was an identified ranking of concepts presented to the committee on February 19, 2021<sup>4</sup>. This subsequent meeting resulted in a total of six BCP concepts that were introduced to the Budget Committee at its February 2021 meeting, and included the full list of budget priorities considered.

**Budget Change Proposal Concept Process**

The current BCP process was approved by the Judicial Council and was effective December 16, 2016, providing an opportunity for applicable advisory bodies to offer input and prioritize BCP concepts developed by other committees as time permits<sup>5</sup>.

In preparation for the upcoming Budget Committee meeting in May 2021 to review and approve BCP concepts for submission to the Judicial Council, all BCPs under TCBAC purview have been included for the TCBAC to provide input and prioritize as necessary.

**Options for Discussion**

1. Review and prioritize some or all of the additional BCP concepts developed by other advisory committees in Table 1 for submission to the Budget Committee;
2. Revisit the BCP concepts recommended by the TCBAC in Table 2 in consideration of incorporating the additional concepts in the current ranking order; and/or
3. Submit the additional concepts to the Budget Committee without prioritization.

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<sup>2</sup> TCBAC meeting report (January 12, 2021), <https://www.courts.ca.gov/documents/tcbac-20210112-materials.pdf>; TCBAC meeting minutes (January 12, 2021), <https://www.courts.ca.gov/documents/tcbac-20210112-minutes.pdf>.

<sup>3</sup> TCBAC Action by Email Between Meetings (January 21, 2021), <https://www.courts.ca.gov/documents/tcbac-20210121-materials.pdf>; TCBAC meeting minutes (January 21, 2021), <https://www.courts.ca.gov/documents/tcbac-20210121-minutes.pdf>.

<sup>4</sup> TCBAC additional materials (January 21, 2021), <https://www.courts.ca.gov/documents/tcbac-20210121-additional-material.pdf>.

<sup>5</sup> Judicial Council report (December 16, 2016), <https://jcc.legistar.com/View.ashx?M=F&ID=4817140&GUID=6165243B-1678-4074-B1D7-AB5A1467CA6F> ; Judicial Council minutes (December 16, 2016), <https://jcc.legistar.com/View.ashx?M=M&ID=463484&GUID=8E4B8E76-2D88-480D-843A-6576CC996914>.