



JUDICIAL COUNCIL
OF CALIFORNIA

TRIAL COURT BUDGET
ADVISORY COMMITTEE

TRIAL COURT BUDGET ADVISORY COMMITTEE

MATERIALS FOR NOVEMBER 16, 2021
VIRTUAL MEETING

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ADVISORY COMMITTEE

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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

Date: November 16, 2021
Time: 12:00 p.m. to 1:30 p.m.
Public Call-in Number: <https://jcc.granicus.com/player/event/1475>

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 October 14, 2021 Trial Court Budget Advisory Committee (TCBAC) virtual meeting.

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

This meeting will be conducted by electronic means with a listen only conference line available for the public. As such, the public may submit comments for this meeting only in writing. In accordance with California Rules of Court, rule 10.75(k)(1), written comments pertaining to any agenda item of a regularly noticed open meeting can be submitted up to one complete business day before the meeting. For this specific meeting, comments should be e-mailed to tcbac@jud.ca.gov. Only written comments received by 12:00 p.m. on November 15, 2021 will be provided to advisory body members prior to the start of the meeting.

III. DISCUSSION AND POSSIBLE ACTION ITEM (ITEMS 1-3)

Item 1

2020-21 Final One-Time Reduction for Fund Balances Above the 3% Cap (Action Required)

Review of final submissions of one-time reductions for 2020-21 fund balances.

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

Item 2

Base Funding Floor Requests (Action Required)

Consideration of a recommendation from the Funding Methodology Subcommittee (FMS) on a base funding floor increase effective July 1, 2022 for Alpine and Sierra Superior Courts, currently set at \$800,000.

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

Item 3

Court Interpreters Program (CIP) Methodology (Action Required)

Consideration of a recommendation from the FMS on an allocation methodology for CIP funding effective July 1, 2022.

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

IV. INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

Info 1

Trial Court Trust Fund Funds Held on Behalf Expenditure Reporting

Quarterly report to the TCBAC 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

V. ADJOURNMENT

Adjourn



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MINUTES OF OPEN MEETING

October 14, 2021
12:00 p.m. – 1:30 p.m.

<http://jcc.granicus.com/player/event/1436>

Advisory Body Members Present: Judges: Hon. Jonathan B. Conklin (Chair), Hon. Jill C. Fannin, Hon. Patricia L. Kelly, Hon. Erick L. Larsh, Hon. Deborah A. Ryan, Hon. Michael A. Sachs, Hon. Kevin M. Seibert, and Hon. Theodore C. Zayner.

Executive Officers: Ms. Kim Bartleson, Mr. Chad Finke, Mr. Kevin Harrigan, Mr. James Kim, Mr. Shawn Landry, Ms. Krista LeVier, Mr. Brandon E. Riley, Mr. Chris Ruhl, Mr. Neal Taniguchi, Mr. Brian Taylor, and Mr. David Yamasaki.

Advisory Body Members Absent: Hon. Daniel J. Buckley, Hon. Kimberly Gaab, Hon. Scott B. Thomsen, and Ms. Rebecca Fleming (Vice Chair).

Others Present: Mr. John Wordlaw, Ms. Fran Mueller, Mr. Zlatko Theodorovic, Ms. Brandy Olivera, Ms. Audrey Fancy, Ms. Kelly Meehleib, Mr. Douglas Denton, Mr. Rob Oyung, and Mr. Cory Jasperson.

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 August 5, 2021 Trial Court Budget Advisory Committee (TCBAC) virtual meeting.

DISCUSSION AND ACTION ITEMS (ITEM 1)

Item 1 - Federally Funded Dependency Representation Program (FFDRP): Funding Allocation Methodology for General Fund Supplement to Address Shortfall (Action Required)

Consideration of a Funding Methodology Subcommittee recommendation on an allocation methodology for up to \$30 million in support of court-appointed counsel in dependency cases.

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

Action: TCBAC unanimously voted to approve the following recommendation:

1. Approve the allocation and distribution methodology for 2021-22 which funds all providers with FFDRP contracts for the full amount of the shortfall between their contract and total billing in one lump sum payment, provided that they submit invoices for each month of the contract or demonstrate extenuating circumstances preventing them from invoicing;
2. Revise this approach for future years to make the payments on a quarterly basis;
3. Approve a proportional allocation approach with each provider receiving their share of the \$30 million based on their contract share of total FFDRP funding up to their full contract amount if the shortfall exceeds \$30 million; and
4. Direct CFCC staff to monitor FFDRP invoicing to ensure that this allocation methodology is maximizing the drawdown of Federal Title IV-E funds.

INFORMATION ONLY ITEMS (ITEMS 1 - 2)

Info 1 - \$30 Million One-Time Court Interpreter Employee Incentive Grant Funding

Discussion of the 2021-22 one-time funding included in SB 170.

Presenter(s)/Facilitator(s): Mr. Douglas Denton, Principal Manager, Judicial Council Center for Families, Children & the Courts

Action: No action taken.

Info 2 - \$37 Million in Ongoing Funding for Court Reporters in Family Law and Civil Cases and for Increased Transcript Rates

Discussion of the 2021-22 ongoing funding included in SB 170.

Presenter(s)/Facilitator(s): Mr. Rob Oyung, Chief Operating Officer, Judicial Council
Mr. Cory Jaspersen, Director, Judicial Council Governmental Affairs

Action: No action taken.

A D J O U R N M E N T

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
BUDGET SERVICES
Report to the Trial Court Budget Advisory Committee

(Action Item)

Title: Final One-Time Reduction for 2020-21 Fund Balances Above the 3% Cap
Date: 11/16/2021
Contact: Oksana Tuk, Senior Analyst, Judicial Council Budget Services
916-643-8027 | oksana.tuk@jud.ca.gov

Issue

The final, one-time reduction for trial courts' 2020-21 fund balance above the statutory 3 percent cap and prior year excluded funds is \$7,669,000. This is further reduced by \$7,437,000 in approved Trial Court Trust Fund (TCTF) funds held on behalf (FHOB) to \$232,000, and is provided for Trial Court Budget Advisory Committee (TCBAC) consideration and recommendation to the Judicial Branch Budget Committee (Budget Committee) for consideration by the Judicial Council at its January 20-21, 2022 business meeting.

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 of each fiscal year to be offset by the amount of fund balance (or reserves) in excess of the amount authorized by Government Code section 77203. Government Code section 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 statutory cap:

- 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 Judicial 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.

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- 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 2020-21, which have been reviewed by the Judicial Council’s Budget Services and Branch Accounting and Procurement staff:

- Column A displays the calculated fund balance cap amount for each court;
- Column H shows the court’s 2020-21 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 I displays the courts’ final computation of the amount above their 3 percent cap, totaling \$7.26 million;
- Column J shows FHOB returned to TCTF, totaling \$6,000;
- Column K provides those 2020-21 adjustments to the courts’ 2018-19 and 2019-20 fund balance cap, totaling \$407,000; and
- Column L displays the courts’ final total reduction computation, totaling \$7.67 million.

A total of 13 courts have submitted requests totaling \$7.4 million (Column M) 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 2020-21 3 percent cap adjustment and TCTF FHOB requests that will be distributed in the February 2022 distribution to the trial courts:

- Column A shows the preliminary 3 percent cap reductions. (Due to timing and when information becomes 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 9, 2021 business meeting and deferred to be considered as the final allocation reductions for fund

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balances above the 3 percent cap prior to recommendation to the Judicial Council at its business meeting in January 2022);

- Column B displays the final reductions, affecting 24 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 \$7.4 million. Of this amount, \$4.49 million will be allocated to trial courts for 2021-22 expenditures (Column F) and \$2.95 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 2022 allocation adjustment for TCTF FHOB of the trial courts.
- The Net Adjustment column displays the total net allocation adjustment for both the 3 percent cap and the TCTF FHOB returning to courts in 2020-21.

Recommendation

It is recommended that the TCBAC approve the 3 percent fund balance cap reduction allocation of \$7,669,000 to match the trial courts' final calculations of the amount above the 3 percent fund balance cap, which nets to \$232,000 with offsetting FHOB requests, for consideration and recommendation to the Budget Committee and then the council at its January 20-21, 2022 business meeting.

Attachments

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

Attachment B: Final Allocation Adjustments for 2020-21 3% Cap Adjustment and TCTF FHOB

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

Table with 16 columns: Court, Fund Balance Cap, 2020-21 Ending Fund Balance, Encumbrance Reserves at June 30, Excluded Funds, Prepayments, Cannabis Conviction Resentencing, FHOB Returned to Court, Fund Balance Subject to Cap, Current Year Reduction, FHOB Returned to TCTF, Prior Year Disencumbrance, Total Final Reduction, Approved 2021-22 FHOB, Net Reduction after FHOB. Rows include courts like ALAMEDA, ALPINE, AMADOR, etc., and a TOTAL row at the bottom.

1 Variance in total is due to rounding.

2 Approved TCTF FHOB Requests include those requests pending before the Judicial Council at its January 20-21, 2022 business meeting.

**Final Allocation Adjustments for 2021-22
3% Cap Adjustment and TCTF Funds Held on Behalf**

Court	3% Cap Adjustments			TCTF FHOB					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 FHOB of the Trial Courts Returned to Courts	Total Final TCTF FHOB of the Trial Courts	TCTF FHOB of the Trial Courts to be Returned for 2021-22	TCTF Funds Held in Reserve in the TCTF for Future Years ¹	Allocation Adjustment for TCTF FHOB of the Trial Courts	
						One-Time		One-Time Feb #8 Dist.	
A	B	C (B - A)	D	E	F Feb #8 Dist.	G	H		
Alameda	-	(8,266)	(8,266)	-	-	-	-	-	(8,266)
Alpine	-	(5)	(5)	-	-	-	-	-	(5)
Amador	-	-	-	-	-	-	-	-	-
Butte	-	(7,500)	(7,500)	-	-	-	-	-	(7,500)
Calaveras	-	(35,916)	(35,916)	-	-	-	-	-	(35,916)
Colusa	-	(298,796)	(298,796)	-	283,796	125,000	158,796	125,000	(173,796)
Contra Costa	-	-	-	-	-	-	-	-	-
Del Norte	-	-	-	-	-	-	-	-	-
El Dorado	-	-	-	-	-	-	-	-	-
Fresno	-	-	-	-	-	-	-	-	-
Glenn	-	(62,414)	(62,414)	-	62,414	62,414	-	62,414	-
Humboldt	-	-	-	-	-	-	-	-	-
Imperial	-	(272,916)	(272,916)	-	272,916	272,916	-	272,916	-
Inyo	-	-	-	-	-	-	-	-	-
Kern	-	(1,152,436)	(1,152,436)	-	1,152,436	1,152,436	-	1,152,436	-
Kings	-	(380,546)	(380,546)	-	380,546	-	380,546	-	(380,546)
Lake	-	-	-	-	-	-	-	-	-
Lassen	-	-	-	-	-	-	-	-	-
Los Angeles	-	-	-	-	-	-	-	-	-
Madera	-	-	-	-	-	-	-	-	-
Marin	-	(17,650)	(17,650)	-	-	-	-	-	(17,650)
Mariposa	-	-	-	-	-	-	-	-	-
Mendocino	-	-	-	-	-	-	-	-	-
Merced	-	-	-	-	-	-	-	-	-
Modoc	-	(25,248)	(25,248)	-	-	-	-	-	(25,248)
Mono	-	(321,057)	(321,057)	-	321,057	90,000	231,057	90,000	(231,057)
Monterey	-	(806,537)	(806,537)	-	806,537	299,134	507,403	299,134	(507,403)
Napa	-	(55,761)	(55,761)	-	55,761	-	55,761	-	(55,761)
Nevada	-	-	-	-	-	-	-	-	-
Orange	-	(1,044)	(1,044)	-	-	-	-	-	(1,044)
Placer	-	(786,257)	(786,257)	-	715,000	715,000	-	715,000	(71,257)
Plumas	-	-	-	-	-	-	-	-	-
Riverside	-	-	-	-	-	-	-	-	-
Sacramento	-	(30,989)	(30,989)	-	-	-	-	-	(30,989)
San Benito	-	(1,503,404)	(1,503,404)	-	1,503,404	500,000	1,003,404	500,000	(1,003,404)
San Bernardino	-	-	-	-	-	-	-	-	-
San Diego	-	-	-	-	-	-	-	-	-
San Francisco	-	-	-	-	-	-	-	-	-
San Joaquin	-	-	-	-	-	-	-	-	-
San Luis Obispo	-	(6,918)	(6,918)	-	-	-	-	-	(6,918)
San Mateo	-	(4,942)	(4,942)	-	-	-	-	-	(4,942)
Santa Barbara	-	-	-	-	-	-	-	-	-
Santa Clara	-	-	-	-	-	-	-	-	-
Santa Cruz	-	-	-	-	-	-	-	-	-
Shasta	-	(1,117,292)	(1,117,292)	-	1,117,292	1,117,292	-	1,117,292	-
Sierra	-	-	-	-	-	-	-	-	-
Siskiyou	-	-	-	-	-	-	-	-	-
Solano	-	-	-	-	-	-	-	-	-
Sonoma	-	-	-	-	-	-	-	-	-
Stanislaus	-	-	-	-	-	-	-	-	-
Sutter	-	(559,848)	(559,848)	-	559,999	-	559,999	-	(559,848)
Tehama	-	(206,244)	(206,244)	-	205,914	155,914	50,000	155,914	(50,330)
Trinity	-	-	-	-	-	-	-	-	-
Tulare	-	-	-	-	-	-	-	-	-
Tuolumne	-	-	-	-	-	-	-	-	-
Ventura	-	-	-	-	-	-	-	-	-
Yolo	-	-	-	-	-	-	-	-	-
Yuba	-	(6,940)	(6,940)	-	-	-	-	-	(6,940)
Total	-	(7,668,926)	(7,668,926)	-	7,437,072	4,490,106	2,946,966	4,490,106	(3,178,820)

¹ Approved requests for TCTF FHOB will be held in reserve in the TCTF account for courts that have indicated they will incur expenditures in future years.

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BUDGET SERVICES
Report to the Trial Court Budget Advisory Committee

(Action Item)

Title: Base Funding Floor Adjustment Requests
Date: 11/16/2021
Contact: Oksana Tuk, Senior Analyst, Judicial Council Budget Services
916-643-8027 | oksana.tuk@jud.ca.gov

Issue

Each year, Alpine and Sierra Superior Courts have an opportunity to submit a request for an adjustment to the base funding floor amount for review by the Funding Methodology Subcommittee (FMS), and presentation to the Trial Court Budget Advisory Committee (TCBAC) no later than December, to determine whether an inflationary adjustment is needed. The FMS has reviewed requests received this year and is recommending a \$150,000 funding floor adjustment for TCBAC consideration effective July 1, 2022.

Background

Base funding is currently allocated to the two smallest trial courts based on the minimum level of staffing and necessary operational costs.

When the Workload Formula was first approved, a funding floor was established for the smallest courts as there was operational funding needed above that which the Workload Formula provided. Based on staffing needs and operational costs at the time, a base funding floor amount of \$750,000 was approved by the Judicial Council at its February 20, 2014 business meeting, effective 2014-15¹.

At its March 15, 2019, business meeting, the council approved a \$50,000 inflationary adjustment, increasing the base funding floor to \$800,000, effective 2019-20². At that time, there had not been any adjustments to the initial base funding floor amount.

This increase, based on inflationary adjustments as reported by the Department of Finance (DOF) at that time, helped to account for increases to employee salaries and operating expenses

¹ Judicial Council meeting report (February 20, 2014), www.courts.ca.gov/documents/jc-20140220-itemK.pdf; Judicial Council meeting minutes (February 20, 2014), <https://www.courts.ca.gov/documents/jc-20140220-minutes.pdf>.

² 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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and equipment. While these are factored into the Workload Formula for trial courts, the two base funding floor courts did not benefit from these adjustments in the model since base floor funding is allocated outside of the Workload Formula.

Base Funding Floor Requests

In July 2021, Judicial Council Budget Services staff contacted the court executive officers of Alpine and Sierra Superior Courts to ascertain the need to request an update to the base funding floor amount, and both courts expressed strong interest. The court executive officer of the Sierra Superior Court indicated an urgent need for a funding floor adjustment and is requesting a \$150,000 ongoing increase. Due to staffing challenges and the impact of wildfires in the area, Alpine Superior Court was unable to submit a formal request for a funding floor increase, but was able to provide an email request absent a targeted dollar amount and expressed a desire to align with Sierra's request, which Sierra Superior Court supports.

Sierra Superior Court

Sierra Superior Court indicated the need for a funding floor increase driven by information technology (IT), case management system (CMS) costs, benefit cost increases, staffing, recruitment, retention, security, and the impact of inflation.

IT and CMS – It has been Sierra's past practice and only option to contract out for IT management and support. Due to its rural location and small pool for human resources, Sierra is unable to bring in an in-house specialist who can adequately support its IT needs. The cost for this service has increased from \$25,000 to \$54,000 per year.

Sierra's CMS is currently hosted by Placer Superior Court because the court does not have the internal appliances/servers and on-site staff expertise necessary to manage and maintain the system. As a result, the court pays a fee for these services as well as a fee for a licensing agreement which both have increased from 1 to 3 percent each year. The current annual licensing fee for the CMS and the annual cost to host the CMS is currently \$88,000 or 46 percent of Sierra's operational expenses.

Modernization Projects – Recently, Sierra was able to participate in some court modernization projects due to the reprioritization of these critical efforts among limited court staff resources and with the additional assistance of a project manager from the Judicial Council Information Technology office. With IT management now in place, the court will use this resource to support the necessary security advancements required by the Judicial Council as well as advancements in technology to better serve the public. Sierra's cost for the project manager, labor, and equipment (not covered by grant money) is approximately \$33,000.

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Benefits – The health costs for the court have increased more than 5 percent each year over the last seven years, and a recent County Board of Supervisors’ decision approved the refinance of the current pension obligation bond to reduce the interest rate and shorten the repayment period. Once the bond is refinanced, the payment amount is expected to increase to \$107,000, which represents a 45 percent increase. Because both Sierra and Alpine are base funding floor courts, increases in benefit costs are not provided to the court dollar-for-dollar, as they are for the other 56 trial courts.

Staffing, Recruitment, and Retention – The court is currently operating with reduced staffing to stay within budget and left 1.5 positions vacant last year. This resulted in the court operating with 3.5 full-time equivalent employees instead of 5.0, which provides difficulty in covering sick and vacation time, and is impacting the quality of service provided. Additional funds for staffing and the opportunity to retain employees through regular step increases and negotiated cost-of-living adjustments are needed.

The court must carefully balance its obligation to provide access to justice to the public with the rising operational costs of providing critical services. Investments in IT access are essential for small courts in rural areas to support public access given the unique challenges of rural locations. These include the lack of economy of scale for key services given the small size of the court, and the travel distance to the courthouse and the impact of inclement weather for court users. Adequate financial resources for staffing and IT support will ensure continued public access to justice and safety for court users and staff.

Alpine Superior Court

Alpine Superior Court has expressed a need to address deficiencies in areas of IT management and support, including a CMS upgrade, managing the ongoing cost impact of Judicial Council court modernization projects, security, disaster recovery; human resources, including training, cost-of-living adjustments, and benefits; jury and grand jury management; and accounting, finance, and audit support. The court is currently operating with three clerks instead of four to stay within budget, which is not sustainable.

Consumer Price Index (CPI)

A funding augmentation of \$150,000 represents an approximate 19 percent increase to the current base funding floor amount of \$800,000. This is intended to reflect adjustments for CPI as well as increased operational costs for managing IT, CMS, and unfunded accrued liability. For reference, the percent change in the CPI for California from 2018-19, the year following information used for the last funding floor increase, through 2022-23 is 12.3 percent for the Los Angeles region and 13.1 percent for the San Francisco region (see Table 1 below).

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Table 1: CPI Information as Available from the DOF³

Fiscal Year	Los Angeles % Change	San Francisco % Change
2018-19	3.4	4.0
2019-20	2.5	2.4
2020-21	2.0	2.1
2021-22	1.9	2.1
2022-23	2.5	2.5
Total	12.3%	13.1%

Information as of April 2021; fiscal years 2021-22 and 2022-23 are forecasted.

Fund Balances

Fund balance information over the last three years was provided to the FMS and is outlined below in Table 2. The subcommittee determined that the balances each court has been carrying is not sufficient to cover their ongoing cost increases and funding needs.

Table 2: Fund Balance Information

Fiscal Year	Fund Balance Subject to Cap		Total Fund Balance Reduction	
	Alpine	Sierra	Alpine	Sierra
2018-19	\$9,927	\$4,783	\$2,097	\$0
2019-20	\$25,837	\$19,575	\$1,183	\$0
2020-21	\$11,716	\$27,423	\$5	\$0

Recommendation

The FMS recommends approval of a \$150,000 increase to the current base funding floor amount of \$800,000 effective July 1, 2022, for both Alpine and Sierra Superior Courts, for consideration by the Judicial Branch Budget Committee on December 7, 2021 and the Judicial Council at its January 20-21, 2022 business meeting.

³ Department of Finance, Consumer Price Indices, May 2021 Revision Forecast, <http://www.dof.ca.gov/Forecasting/Economics/Indicators/Inflation/>.

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

(Action Item)

Title: Court Interpreters Program (CIP) Allocation Methodology
Date: 11/16/2021
Contact: Catrayel Wood, Senior Analyst, Budget Services
916-643-7008 | catrayel.wood@jud.ca.gov

Issue

Consider recommendations by the Funding Methodology Subcommittee (FMS) on an ongoing, workload-based methodology for allocation of CIP funding, including video remote interpreting (VRI), cross assignments, benefit cost changes, and unspent funds effective July 1, 2022, for consideration by the Judicial Branch Budget Committee.

Background

Judicial Council Meeting

On May 21, 2021, the Judicial Council approved the Trial Court Budget Advisory Committee's (TCBAC) recommendation for a one-time CIP allocation methodology for 2021-22 to allocate the same \$130.977 million in funding provided to trial courts in 2020-21; to return unspent 2020-21 funds for use in offsetting shortfalls courts experienced in 2020-21; and to revert remaining funds to the Trial Court Trust Fund (TCTF) as restricted program funding¹. The approved recommendation, which is now the second year of this appropriation switching from a reimbursement to an allocation methodology, recognized the need to address insufficient funding to reimburse trial courts based on actual expenditures.

The funding methodology used for current and prior year was an interim approach to allocate available funds to provide the subcommittee additional time to develop an ongoing, workload-based methodology. This approach used available data on projected staff costs (with an added three-year Bureau of Labor statistics average) and actual contractor costs to identify projected need, and then allocated the appropriation on a proportional basis to each court as CIP expenditures have consistently exceeded the annual appropriation provided in the Budget Act.

¹ Judicial Council meeting report (May 21, 2021), <https://jcc.legistar.com/View.ashx?M=F&ID=9331635&GUID=0A165B73-BAD7-4575-8D64-2A3240E3BEF2>; Judicial Council meeting minutes (May 21, 2021), <https://jcc.legistar.com/View.ashx?M=M&ID=803678&GUID=183ADEA3-1A53-4ED1-9E95-A43E3C390D21>.

JUDICIAL COUNCIL OF CALIFORNIA
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FMS Ad Hoc Interpreter Subcommittee

To ensure adequate, statewide representation dedicated to the ongoing development of the workload-based allocation methodology, the subcommittee, a subset of court executive officers of the TCBAC, was expanded effective September 15, 2021 to include additional members from the TCBAC and includes members of small, medium, and large courts as well as urban, rural, and suburban locales. A current list of subcommittee members is included in Table 1.

Table 1 – Ad Hoc Interpreter Subcommittee Membership

#	Member Name and Court
1	Mr. Chad Finke, Alameda Superior Court
2	Mr. Shawn Landry, Yolo Superior Court
3	Ms. Krista LeVier, Lake Superior Court
4	Mr. Neal Taniguchi, San Mateo Superior Court
5	Mr. Brian Taylor, Solano Superior Court
6	Mr. David Yamasaki, Orange Superior Court

Allocation Methodology – Through subcommittee deliberations, a recommendation was developed for implementation beginning in 2022-23. Due to the lack of available, consistent data in both the Court Interpreter Data Collection System (CIDCS) and courts’ case management systems (CMS) for a more focused workload-based approach, the subcommittee referred to historical spending to identify CIP need by court, applied a three-year average of each court’s total eligible CIP expenditures, and then recommended allocating dollars on a proportional basis up to the CIP appropriation.

Cross Assignments – In addressing cross assignments, it was determined that the current practice of a court receiving interpreter services from another “home” court, and the “home” court paying for the costs, needed to be considered and this process changed effective 2022-23 so that the receiving court reimburses the “home” court for extraordinary costs (e.g., travel costs and mileage). No updates were made to the historical figures used in the allocation methodology as there is no data currently available on historical cross assignment usage. Instead, the recommendation for receiving courts to reimburse “home” courts for interpreter services will be prospective and covered out of courts’ recommended allocation amount, with a process to be determined upon approval.

Video Remote Interpreting – In addressing VRI, it was determined that adjustments to the methodology would not be made. The goal is to provide courts with a defined allocation amount for planning purposes and VRI efficiencies are still underway.

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Benefit Cost Changes – A new consideration was made as it relates to cost benefit changes (i.e., health and retirement) for interpreters. Currently, these cost changes are tracked separately for non-interpreter and interpreter staff cost changes. The non-interpreter cost changes are adjusted to each court dollar-for-dollar, while the interpreter cost change adjustment was rolled into the appropriation amount and then allocated to courts not based on their dollar-for-dollar change but rolled into the appropriation and allocated based on the reimbursement or allocation methodology in place at that time. Effective 2022-23, the recommendation is to treat these cost changes consistent with non-interpreters and provide courts their dollar-for-dollar change for interpreters going forward.

Finally, the same approach of courts returning unspent funds are included in this methodology recommendation and is recommended for the current 2021-22 allocation as well. Returned funds can be used for reallocation as needed for courts facing a shortfall; however, courts will be responsible for its interpreter costs out of their operating budgets should the reallocation amount not be sufficient to cover the shortfall.

Attachment A provides details on the recommended methodology as if applied to the current year's allocations.

Future Allocation Methodology Items to Address

It was determined that this recommended approach is a starting point for the methodology and would need to be fine-tuned to take into consideration the COVID-19 pandemic and impact, and what data can be utilized and considered from courts' current case management systems and reporting capabilities. These items can assist in more clearly defining interpreter need by court, can provide support for future funding requests as needed, and will be considered for a recommendation as needed beginning 2023-24 and ongoing.

Recommendations

The FMS recommends the following for approval, to be considered by the Judicial Branch Budget Committee on December 7, 2021, and by the Judicial Council at its January 20-21, 2022 business meeting:

1. Approve a proportional allocation methodology based on a three-year average of expenditure data available (2017-18, 2018-19, and 2019-20), up to the CIP appropriation amount effective 2022-23, while the subcommittee continues review of pandemic impact and reporting data considerations effective in 2023-24;
2. Require courts to return to the Judicial Council all unspent 2021-22, 2022-23 and ongoing CIP-allocated funds, which will first reimburse courts with a shortfall in each

JUDICIAL COUNCIL OF CALIFORNIA
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respective year not to exceed the overall appropriation amount, with any remaining funds reverting to the TCTF as restricted program funding;

3. Allocate staff interpreter benefits dollar-for-dollar to courts reporting cost benefit changes effective 2022-23; and
4. Require receiving courts to offset extraordinary interpreter expenses to courts providing cross-assignments (or “home courts”) and charge the subcommittee with working with Judicial Council staff on development of a payment/reimbursement method.

Attachments

Attachment A: 2022-23 CIP Allocation Methodology

RECOMMENDED METHODOLOGY EFFECTIVE 2022 - 23

Court	Total Reimbursed Expenditures ¹			3-Year Average D (Avg. A, B, C)	% of Total E (D / Total D)
	2017-18	2018-19	2019-20 ²		
	A	B	C		
Alameda	\$ 4,994,709	\$ 5,491,760	\$ 5,360,994	\$ 5,282,488	4.414%
Alpine	1,426	2,336	-	1,254	0.001%
Amador	24,773	64,824	56,206	48,601	0.041%
Butte	227,263	210,505	197,038	211,602	0.177%
Calaveras	26,354	60,955	74,633	53,981	0.045%
Colusa	97,888	124,806	134,759	119,151	0.100%
Contra Costa	2,637,825	3,333,363	3,182,989	3,051,392	2.550%
Del Norte	49,298	61,063	53,349	54,570	0.046%
El Dorado	246,609	249,962	207,363	234,645	0.196%
Fresno	2,017,712	2,383,506	2,131,639	2,177,619	1.820%
Glenn	95,045	130,134	114,266	113,148	0.095%
Humboldt	175,045	229,942	184,169	196,385	0.164%
Imperial	508,413	569,293	580,832	552,846	0.462%
Inyo	45,097	72,353	79,793	65,748	0.055%
Kern	3,224,330	3,646,134	3,957,861	3,609,441	3.016%
Kings	467,843	470,995	544,340	494,392	0.413%
Lake	91,889	114,989	134,433	113,770	0.095%
Lassen	43,511	48,414	54,935	48,953	0.041%
Los Angeles	35,688,712	38,540,226	39,032,884	37,753,941	31.547%
Madera	557,225	592,718	578,204	576,049	0.481%
Marin	558,335	691,846	667,907	639,363	0.534%
Mariposa	32,342	41,374	21,901	31,872	0.027%
Mendocino	359,279	376,616	418,321	384,739	0.321%
Merced	966,879	1,056,300	1,089,640	1,037,606	0.867%
Modoc	5,305	7,201	3,510	5,338	0.004%
Mono	43,654	48,056	55,533	49,081	0.041%
Monterey	1,146,230	1,292,899	1,409,995	1,283,041	1.072%
Napa	661,583	679,987	699,487	680,352	0.569%
Nevada	73,370	73,507	67,586	71,488	0.060%
Orange	10,886,950	10,734,638	10,058,682	10,560,090	8.824%
Placer	486,303	549,588	477,053	504,315	0.421%
Plumas	6,460	15,036	11,446	10,980	0.009%
Riverside	5,314,665	5,301,396	6,130,551	5,582,204	4.664%
Sacramento	4,083,870	4,345,704	4,336,528	4,255,367	3.556%
San Benito	106,006	116,488	99,671	107,388	0.090%
San Bernardino	5,653,715	6,074,705	6,157,161	5,961,860	4.982%
San Diego	5,924,143	6,024,074	6,178,018	6,042,078	5.049%
San Francisco	3,372,792	3,840,708	3,771,960	3,661,820	3.060%
San Joaquin	1,746,143	1,810,602	1,689,788	1,748,844	1.461%
San Luis Obispo	688,397	814,806	954,270	819,158	0.684%
San Mateo	2,318,537	2,591,358	2,666,320	2,525,405	2.110%
Santa Barbara	1,914,515	2,136,538	2,043,928	2,031,660	1.698%
Santa Clara	7,056,941	7,289,792	5,846,426	6,731,053	5.624%
Santa Cruz	820,068	911,406	993,481	908,318	0.759%
Shasta	318,164	365,959	353,929	346,017	0.289%
Sierra	4,997	371	-	1,789	0.001%
Siskiyou	58,183	52,207	45,377	51,923	0.043%
Solano	604,941	675,939	664,477	648,452	0.542%
Sonoma	1,172,567	1,538,376	1,772,234	1,494,393	1.249%
Stanislaus	1,341,709	1,552,478	1,483,286	1,459,158	1.219%
Sutter	274,046	344,883	297,890	305,606	0.255%
Tehama	169,600	189,229	178,745	179,191	0.150%
Trinity	52,512	49,184	70,962	57,553	0.048%
Tulare	1,780,095	1,733,140	1,587,507	1,700,247	1.421%
Tuolumne	50,913	61,415	51,198	54,509	0.046%
Ventura	2,001,836	2,067,841	1,987,149	2,018,942	1.687%
Yolo	836,195	943,340	902,632	894,056	0.747%
Yuba	68,737	75,057	64,094	69,296	0.058%
Total	\$ 114,181,943	\$ 122,872,321	\$ 121,969,330	\$ 119,674,531	100.0%

Appropriation \$ 103,545,000 \$ 108,873,000 \$ 120,599,000

¹ Included mandated and non-mandated costs.
² Includes 4 months of the pandemic.

SCENARIO BASED ON CURRENT YEAR INFORMATION

Allocation of Approp. Before Benefit Changes	2020-21 Current Year Benefit Cost Changes	2021 Budget Act Benefit Cost Changes	2021-22 Current Year Benefit Cost Changes	Total Allocation
F (E * \$130.977m)	G	H	I	J (SUM F-I)
\$ 5,781,384	\$ (31,753)	\$ 21,056	TBD	\$ 5,770,686
1,372	-	-	TBD	1,372
53,191	-	-	TBD	53,191
231,587	-	-	TBD	231,587
59,079	-	-	TBD	59,079
130,404	-	-	TBD	130,404
3,339,576	(5,361)	258	TBD	3,334,473
59,724	-	-	TBD	59,724
256,805	(1)	-	TBD	256,804
2,383,281	25,336	(19,190)	TBD	2,389,427
123,834	-	-	TBD	123,834
214,933	-	-	TBD	214,933
605,059	3,523	3,214	TBD	611,796
71,957	-	-	TBD	71,957
3,950,329	44,695	8,468	TBD	4,003,492
541,085	138	280	TBD	541,502
124,515	-	-	TBD	124,515
53,577	-	-	TBD	53,577
41,319,551	(15,121)	484,332	TBD	41,788,762
630,453	2,028	8,169	TBD	640,650
699,746	(6,767)	1,310	TBD	694,288
34,883	-	-	TBD	34,883
421,075	6,076	3,324	TBD	430,475
1,135,602	4,898	4,079	TBD	1,144,579
5,843	-	-	TBD	5,843
53,717	-	-	TBD	53,717
1,404,216	(20,051)	3,424	TBD	1,387,590
744,607	5,754	(1,787)	TBD	748,574
78,239	-	-	TBD	78,239
11,557,421	17,209	177,499	TBD	11,752,129
551,944	783	2,516	TBD	555,243
12,017	-	-	TBD	12,017
6,109,406	38,120	96,219	TBD	6,243,745
4,657,259	(18,546)	34,552	TBD	4,673,265
117,530	-	-	TBD	117,530
6,524,919	(13,967)	97,882	TBD	6,608,833
6,612,713	(3,488)	52,160	TBD	6,661,385
4,007,655	(20,239)	20,908	TBD	4,008,323
1,914,011	6,991	17,270	TBD	1,938,272
896,522	-	9,158	TBD	905,680
2,763,913	630	8,163	TBD	2,772,706
2,223,537	3,838	18,965	TBD	2,246,340
7,366,757	-	2,557	TBD	7,369,314
994,103	3,109	4,039	TBD	1,001,250
378,696	-	-	TBD	378,696
1,958	-	-	TBD	1,958
56,826	-	-	TBD	56,826
709,694	177	853	TBD	710,725
1,635,528	-	13,196	TBD	1,648,724
1,596,965	11,061	2,949	TBD	1,610,975
334,469	-	-	TBD	334,469
196,115	2,373	1,333	TBD	199,821
62,988	-	-	TBD	62,988
1,860,825	286	2,674	TBD	1,863,785
59,656	-	-	TBD	59,656
2,209,618	(2,491)	4,393	TBD	2,211,519
978,493	2,702	(4,247)	TBD	976,949
75,841	1,691	-	TBD	77,532
\$ 130,977,000	\$ 43,632	\$ 1,079,979	\$ -	\$ 132,100,611

\$ 130,977,000

CURRENT ALLOCATION INFORMATION

Court	2020-21	2020-21	2021-22
	Interim Proxy ³	Allocation ³	Allocation ⁴
	K	L	M
Alameda	\$ 5,592,314	\$ 5,371,012	\$ 5,371,012
Alpine	2,593	2,490	2,490
Amador	71,947	69,100	69,100
Butte	537,620	516,345	516,345
Calaveras	75,023	72,054	72,054
Colusa	121,085	116,293	116,293
Contra Costa	3,151,013	3,026,319	3,026,319
Del Norte	67,773	65,091	65,091
El Dorado	306,114	294,001	294,001
Fresno	2,502,964	2,403,915	2,403,915
Glenn	120,494	115,726	115,726
Humboldt	298,465	286,654	286,654
Imperial	709,930	681,836	681,836
Inyo	81,386	78,166	78,166
Kern	3,960,639	3,803,906	3,803,906
Kings	584,030	560,918	560,918
Lake	127,593	122,544	122,544
Lassen	25,196	24,199	24,199
Los Angeles	44,226,256	42,476,106	42,476,106
Madera	893,625	858,262	858,262
Marin	836,604	803,498	803,498
Mariposa	45,920	44,103	44,103
Mendocino	273,595	262,768	262,768
Merced	1,420,816	1,364,591	1,364,591
Modoc	7,992	7,675	7,675
Mono	79,204	76,069	76,069
Monterey	1,739,629	1,670,788	1,670,788
Napa	711,931	683,758	683,758
Nevada	59,056	56,719	56,719
Orange	11,074,021	10,635,793	10,635,793
Placer	708,353	680,321	680,321
Plumas	7,939	7,625	7,625
Riverside	6,568,050	6,308,135	6,308,135
Sacramento	4,551,589	4,371,471	4,371,471
San Benito	129,288	124,171	124,171
San Bernardino	5,694,815	5,469,456	5,469,456
San Diego	6,693,831	6,428,939	6,428,939
San Francisco	4,146,658	3,982,564	3,982,564
San Joaquin	1,945,076	1,868,104	1,868,104
San Luis Obispo	726,452	697,704	697,704
San Mateo	4,000,365	3,842,060	3,842,060
Santa Barbara	2,090,634	2,007,902	2,007,902
Santa Clara	7,268,113	6,980,494	6,980,494
Santa Cruz	1,027,797	987,125	987,125
Shasta	518,049	497,548	497,548
Sierra	412	396	396
Siskiyou	57,944	55,651	55,651
Solano	761,559	731,422	731,422
Sonoma	1,921,932	1,845,876	1,845,876
Stanislaus	1,699,230	1,631,987	1,631,987
Sutter	305,544	293,453	293,453
Tehama	149,509	143,593	143,593
Trinity	26,337	25,295	25,295
Tulare	2,385,366	2,290,970	2,290,970
Tuolumne	45,301	43,508	43,508
Ventura	2,166,128	2,080,409	2,080,409
Yolo	1,012,921	972,837	972,837
Yuba	59,645	57,285	57,285
Total	\$ 136,373,665	\$ 130,977,000	\$ 130,977,000

³ Based on prior, one-time allocation approved by council.

⁴ Actual 2021-22 appropriation amount is \$132.145m.

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: 11/16/2021

Contact: Catrayel Wood, Senior Analyst, Judicial Council Budget Services
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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. 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 is required to finalize allocations and each court's final allocation is offset by the amount of reserves that exceed the amount authorized to be carried over pursuant to Government Code section 77203(b). Under this section, 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.

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 A).

Judicial Council Budget Services staff submitted its initial expenditure report to the TCBAC at

JUDICIAL COUNCIL OF CALIFORNIA
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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 November 2021, Judicial Council Budget Services staff requested a status on projects or planned expenditures from those courts that indicated completion through October 29, 2021:

Court	Council Approval Date	Project or Planned Expenditure	Completion Date	Approved FHOB	Expended FHOB	Unspent FHOB Returning to TCTF
Imperial	01/22/21	New printers	07/01/21	\$75,000	\$75,000	\$0
Napa	07/24/20	Case Management System	08/02/21	\$418,000	\$414,155	\$3,845
				\$493,000	\$489,155	\$3,845

Attachments

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

Attachment B: *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

REQUEST NUMBER: 2

SECTION I: GENERAL INFORMATION

SUPERIOR COURT:

Imperial

JC APPROVED DATE:

1/22/2021

JC APPROVED AMOUNT:

\$75,000

REASON PROVIDED ON APPLICATION:

Request is for 13 new department multifunction copiers that have reached end of life in various departments across the court. We need the funds requested in this application so we can continue working efficiently in all departments.

SECTION II: PROJECT STATUS OF COMPLETION (TO BE COMPLETED BY COURT)

PROJECT COMPLETE

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."

PLEASE PROVIDE A DESCRIPTION OF HOW THE FUNDS WERE EXPENDED: We replaced the appropriate printers in multiple Departments.

TOTAL COST OF PROJECT OR PLANNED EXPENDITURE: \$79,427.85

COMPLETION DATE OF PROJECT: 7/1/2021

PROJECT NOT COMPLETED

PLEASE PROVIDE A PROGRESS REPORT:

ESTIMATED DATE OF COMPLETION: [Click here to enter a date.](#)

CONTACT PERSON AND CONTACT INFO: **Rodolfo Quintero Marquez**, rquintero@imperial.courts.ca.gov, **Phone# 760-336-3520**

PERSON AUTHORIZING REQUEST (Presiding Judge or Court Executive Officer):

Manuel R. Rumbaut 11/2/2021

FUNDS HELD ON BEHALF OF THE COURT PROJECT COMPLETION REPORTING

REQUEST NUMBER: 28-2016-1

SECTION I: GENERAL INFORMATION

SUPERIOR COURT:

Napa

JC APPROVED DATE:

7/24/2020

JC APPROVED AMOUNT:

\$418,000

REASON PROVIDED ON APPLICATION:

Tyler Technologies to provide new Case Management Systems (CMS) for Napa, Monterey, and Santa Clara courts in the same project. The collaborative agreement was designed to share expertise among the courts, create a greater uniformity, and for all three courts to be able to share in some of the vendor costs, therefore reducing the overall costs to all three courts. During the project planning phases early in the project, Tyler determined that it did not have sufficient resources to meet the original timeline set out in the initially agreed upon project plan. Specifically, the implementation resources that Tyler needed to support all three courts were needed in one location at a time, and therefore we had to stagger the implementation of the first phase further out to give each of the courts more attention in the months both before and after our implementation dates. This caused significant delays in complete implementation of the system for all case types and pushed the completion of the project into the current fiscal year (2017/18). See amended requests for funds held from prior years.

In addition to the initial request described above, the court had planned for a number of Tyler CMS project related expenditures in FY 2016/17. These included costs related to:

- A. Technological enhancements necessary to keep the court from stepping backwards from the capabilities of its current CMS such as electronic reporting, interfaces with other local and state justice agencies, and attorney check-in system for the courtroom.

Current Request for 2020/21 (CMS Costs) – The court executed contracts and purchase orders for all CMS costs as described above. Some of the needed development could not be started until after we were fully functioning on the Tyler Odyssey (ODY) platform for criminal cases. Since we started using ODY for criminal cases in December 2017, we have accomplished all of the original work that we contracted for, with one exception. We have a contract with our IT vendor, Sierra Cedar Inc, from 2016/17, amended in 2017/18. We have spent all of the funds encumbered in this P.O. with the exception of the \$14,308 requested to be carried over into 2020/21. During the current 2019/20 fiscal year, Sierra Cedar notified the court that it is no longer providing IT professional services to the courts. Because of this, we are not able to complete our requests for additional development needed to have functionality and reporting capabilities that are not available to us currently. We will need to find a IT service provider and are requesting to take the \$14,038 that is currently encumbered and use those funds for their originally intended purpose with a new vendor in the 2020/21 fiscal year.

Update for Fiscal Year 2020/21:

We were able to enter into a new contract with Sierra Cybernetics, a vendor that has resources from the former Sierra Cedar vendor, for the remaining \$14,308. As of June 30, 2021, we were able to spend \$10,193 with Sierra Cybernetics to have them develop the custom reports we needed that were not available to us in the Tyler CMS system. The remaining \$3,845 reverted back to TCTF at the end of the year. We continue to have an ongoing relationship with Sierra Cybernetics for additional development work related to CMS processing and reporting.

SECTION II: PROJECT STATUS OF COMPLETION (TO BE COMPLETED BY COURT)

PROJECT COMPLETE

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."

PLEASE PROVIDE A DESCRIPTION OF HOW THE FUNDS WERE EXPENDED:

The funds were expended on Professional IT Services, IT Software Maintenance and IT Software licenses.

TOTAL COST OF PROJECT OR PLANNED EXPENDITURE:

The total cost was \$414,155. This is the total amount requested less the \$3,845 returned at the end of fiscal year 20/21.

COMPLETION DATE OF PROJECT: 8/2/2021

PROJECT NOT COMPLETED

PLEASE PROVIDE A PROGRESS REPORT:

ESTIMATED DATE OF COMPLETION: [Click here to enter a date.](#)

CONTACT PERSON AND CONTACT INFO: Lisa Skinner, Court Financial Officer, lisa.skinner@napa.courts.ca.gov, 707-299-1126

PERSON AUTHORIZING REQUEST (*Presiding Judge or Court Executive Officer*): Robert E. Fleshman, CEO