



JUDICIAL COUNCIL  
OF CALIFORNIA

TRIAL COURT BUDGET  
ADVISORY COMMITTEE

TRIAL COURT BUDGET ADVISORY COMMITTEE  
FUNDING METHODOLOGY SUBCOMMITTEE

MATERIALS FOR JUNE 15, 2022  
VIRTUAL MEETING

**Meeting Contents**

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# JUDICIAL COUNCIL OF CALIFORNIA

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## TRIAL COURT BUDGET ADVISORY COMMITTEE FUNDING METHODOLOGY SUBCOMMITTEE

### 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:** June 15, 2022  
**Time:** 3:00 p.m. to 5:00 p.m.  
**Public Call-in Number:** <https://jcc.granicus.com/player/event/1826>

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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. CLOSED SESSION (CAL. RULES OF COURT, RULE 10.75(D))

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##### Call to Order and Roll Call

##### Item 1 (No Action Required)

Pursuant to California Rules of Court, rules 10.75 (d)(2) and 10.75(d)(7).

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#### II. ADJOURNMENT

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##### Adjourn to Open Meeting

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#### III. 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 April 19, 2022 Funding Methodology Subcommittee meeting.

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**IV. 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 3:00 p.m. on June 14, 2022 will be provided to advisory body members prior to the start of the meeting.

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**V. DISCUSSION AND POSSIBLE ACTION ITEMS (ITEM 1)**

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**Item 1**

**2022-23 Civil Assessment Allocation Methodology (Action Required)**

Deliberation on the development of a new methodology for 2022-23 civil assessment allocations.

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

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

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**None**

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**VII. ADJOURNMENT**

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**Adjourn**



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## TRIAL COURT BUDGET ADVISORY COMMITTEE FUNDING METHODOLOGY SUBCOMMITTEE

### MINUTES OF OPEN MEETING

April 19, 2022

1:00 p.m. - 4:00 p.m.

<https://jcc.granicus.com/player/event/1704>

**Advisory Body Members Present:** Judges: Hon. Jonathan B. Conklin (CoChair), Hon. Patricia L. Kelly, and Hon. Kevin M. Seibert.

Executive Officers: Ms. Rebecca Fleming (CoChair), Mr. Chad Finke, Mr. Kevin Harrigan, Mr. Brandon E. Riley, Mr. Neal Taniguchi, and Mr. David Yamasaki.

**Advisory Body Members Absent:** Hon. B. Scott Thomsen and Mr. James Kim.

**Others Present:** Ms. Fran Mueller, Mr. Zlatko Theodorovic, Ms. Brandy Olivera, Ms. Michele Allan, and Mr. Catrayel Wood.

#### OPEN MEETING

##### Call to Order and Roll Call

The cochairs called the meeting to order at 1:01 p.m. and took roll call.

##### Approval of Minutes

The subcommittee reviewed and approved the minutes of the November 17, 2021 Funding Methodology Subcommittee (FMS) meeting.

#### DISCUSSION AND ACTION ITEMS (ITEMS 1-5)

##### Item 1: Workload Formula Adjustment Request Process (ARP) (Action Required)

Discuss one ARP submitted to the Judicial Council Administrative Director.

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

**Action:** *The FMS unanimously voted for Judicial Council staff to survey courts in order to obtain the most recent obligations intended to be funded with civil assessment or other revenues and share this information back with FMS to determine if the debt obligations should be adjusted, which revenue sources should be included, and how these obligations should reflect in the Workload Formula compared to actual revenue received for implementation July 1, 2023.*

**Item 2: Allocation Methodology of Trial Court Funding in 2022-23 Governor's Budget (Action Required)**

Discuss methodologies to allocate trial court funding included in the 2022-23 Governor's Budget.

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

**Action:** *The FMS unanimously voted to approve the following recommendations for consideration by the Trial Court Budget Advisory Committee (TCBAC), the Judicial Branch Budget Committee (Budget Committee), and then the Judicial Council at its July 14-15, 2022 business meeting:*

1. *First allocate \$84.2 million to 56 trial courts using the 3.8 percent Consumer Price Index–based increase over each court's fiscal year 2021–22 Workload Formula allocation, excluding the two base funding floor courts and without a non-sheriff security reduction;*
2. *Then allocate \$100 million equity funding to bring courts below the 2022-23 statewide average funding level up to, or as close to, the statewide average funding level, where each court would be brought up to the same Workload Formula percentage and without a non-sheriff security reduction; and*
3. *Lastly allocate \$31.2 million in new judgeship funding via the council-approved Workload Formula methodology as outlined above, with non-sheriff security funding reduced from the funding amount prior to allocation.*

**Item 3: Base Funding Floor Review (Action Required)**

Consider updates to the current base funding floor process for requesting adjustments.

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

**Action:** *The FMS unanimously voted that the base funding floor courts should be eligible for inflationary increases similar to all other courts, and for Judicial Council staff to develop options to bring back to FMS for consideration that provides an inflationary increase for the base funding floor courts not in excess of the inflationary percentage provided to all other courts and not to the base funding floor courts' detriment.*

**Item 4: Judicial Council-Provided Services Update (Action Required)**

Discuss updates regarding Judicial Council-provided services versus those that are funded by local trial court operations funds included in the FMS Work Plan.

Presenter(s)/Facilitator(s): Ms. Brandy Olivera, Manager, Judicial Council Budget Services

**Action:** *The FMS unanimously voted to approve a recommendation to retain item 1, identify and evaluate the impact of Judicial Council-provided services compared to those that are funded by local court*

operations funds, on the FMS Work Plan and for Judicial Council staff to begin researching internally what services are used by which trial courts and bring the information back to FMS.

**Item 5: FMS Work Plan (Action Required)**

Discuss updates to the FMS Work Plan.

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

**Action:** *The FMS unanimously voted to update the annual work plan and present the following recommendations for TCBAC and Budget Committee consideration:*

1. *Move item 1, Judicial Council-provided services, and item 2, Court Interpreter Program funding methodology, to 2022-23;*
2. *Separate item 3 into two parts, reevaluation of the cluster system and reevaluation of floor funding, and move to 2022-23;*
3. *Mark item 4, tracking the work of the AB 1058 methodologies, as complete;*
4. *Add a new item for 2022-23 to evaluate the Workload Formula Adjustment Request Process request submitted in January 2022;*
5. *Add a placeholder item for 2022-23 to develop a solution to the Maintenance of Effort and its relation to civil assessments, to be developed after the 2022 budget is enacted.*

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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 2:29 p.m.

Approved by the advisory body on

JUDICIAL COUNCIL OF CALIFORNIA  
BUDGET SERVICES  
Report to the Trial Court Budget Advisory Committee  
Funding Methodology Subcommittee  
(Action Item)

**Title:** 2022-23 Civil Assessment Allocation Methodology  
**Date:** 6/9/2022  
**Contact:** Oksana Tuk, Senior Analyst, Judicial Council Budget Services  
916-643-8027 | oksana.tuk@jud.ca.gov

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**Issue**

Consideration of principles and options to develop a new methodology for civil assessment allocations effective July 1, 2022. The recommendation developed by the Funding Methodology Subcommittee (FMS) will be considered by the Trial Court Budget Advisory Committee (TCBAC), the Judicial Branch Budget Committee, and then the Judicial Council at its July 15, 2022 business meeting.

**Background**

Currently, civil assessment revenues are retained by the trial courts that impose this fee after maintenance of effort (MOE) and/or civil assessment obligations are met. The MOE obligation amount of \$48.3 million is deposited into the Trial Court Trust Fund and factored into the Workload Formula methodology for inclusion in base allocations to support trial court operations<sup>1</sup>.

**Principles and Options for Consideration**

In 2017, during the development of the Workload Formula methodology, a series of principles were developed for the FMS.<sup>2</sup> These principles, which are still in practice today, include the following:

1. Minimize volatility, maximize stability, and predictability to the extent possible.
2. Committed to evaluating all submissions as submitted via the process ([Workload Formula] Adjustment Request Process).
3. Time for adjustment and adaptation.
4. Responsiveness to local circumstances.

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<sup>1</sup> Judicial Council agenda/materials (August 31, 2007), <https://www.courts.ca.gov/documents/age083107.pdf>; Judicial Council minutes (August 31, 2007), <https://www.courts.ca.gov/documents/min0807.pdf>.

<sup>2</sup> FMS meeting (October 2, 2017), <https://www.courts.ca.gov/documents/tcbac-20171002-fms-materials.pdf>; FMS meeting minutes (October 2, 2017), <https://www.courts.ca.gov/documents/tcbac-20171002-fms-minutes.pdf>.

JUDICIAL COUNCIL OF CALIFORNIA  
BUDGET SERVICES  
Report to the Trial Court Budget Advisory Committee  
Funding Methodology Subcommittee  
(Action Item)

5. Transparency and accountability.
6. Independent authority of the trial courts.
7. Simplification of reporting while maintaining transparency.

### Options

Initial concepts for consideration of a new allocation methodology include:

- A. Allocate funding via the Workload Formula methodology as outlined below or using a portion of this methodology<sup>3</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 ratio. 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.*

- B. Allocate funding proportionally via Workload Formula need;
- C. Allocate funding proportionally via Workload Formula allocations; or
- D. Another guiding factor for a proportional allocation.

As allocation methodology options are deliberated, other issues for consideration include the MOE and civil assessment obligations.

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<sup>3</sup> Judicial Council materials (January 12, 2018), <https://jcc.legistar.com/View.ashx?M=F&ID=5722980&GUID=EB419556-68BE-4685-A012-6A8D8502A126>; Judicial Council minutes (January 12, 2018), <https://jcc.legistar.com/View.ashx?M=M&ID=559778&GUID=3553B33A-BE03-4DF3-84E1-8196225C58DB>.