



# JUDICIAL COUNCIL OF CALIFORNIA

TRIAL COURT BUDGET  
ADVISORY COMMITTEE

## TRIAL COURT BUDGET ADVISORY COMMITTEE

### MATERIALS FOR NOVEMBER 10, 2022 VIRTUAL MEETING

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# JUDICIAL COUNCIL OF CALIFORNIA

TRIAL COURT BUDGET  
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

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**Date:** November 10, 2022  
**Time:** 12:00 p.m. – 2:00 p.m.  
**Public Call-in Number:** <https://jcc.granicus.com/player/event/2071>

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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 September 8, 2022 Trial Court Budget Advisory Committee meeting.

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

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This meeting will be conducted by electronic means with a listen only conference line available for the public. As such, the public may submit comments for this meeting only in writing. In accordance with California Rules of Court, rule 10.75(k)(1), written comments pertaining to any agenda item of a regularly noticed open meeting can be submitted up to one complete business day before the meeting. For this specific meeting, comments should be e-mailed to [tcbac@jud.ca.gov](mailto:tcbac@jud.ca.gov). Only written comments received by 12:00 p.m. on November 9, 2022 will be provided to advisory body members prior to the start of the meeting.

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**III. DISCUSSION AND POSSIBLE ACTION ITEMS (ITEMS 1-5)**

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**Item 1**

**Community Assistance, Recovery, and Empowerment (CARE) Act Allocation Methodology (Action Required)**

Consideration of a Funding Methodology Subcommittee (FMS) recommendation for a new methodology for 2022-23 CARE Act allocations.

Presenter(s)/Facilitator(s): Mr. Don Will, Deputy Director, Judicial Council Center for Families, Children & the Courts  
Ms. Anne Hadreas, Supervising Attorney, Judicial Council Center for Families, Children & the Courts

**Item 2**

**Model Self-Help Pilot Program Update (Action Required)**

Consideration of one-time funding allocations for the 2022-23 Model Self-Help Pilot Program.

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

**Item 3**

**Base Funding Floor Inflationary Increases (Action Required)**

Consideration of an FMS recommendation for updating the base funding floor process for automatic inflationary increases similar to all other courts.

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

**Item 4**

**2021-22 Final Adjustments for Year-end Fund Balances (Action Required)**

Review of final submissions of one-time adjustments for 2021-22 trial court fund balances.

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

**Item 5**

**Court Interpreters Program (CIP) Allocation Methodology (Action Required)**

Consideration of an FMS recommendation for an allocation methodology for CIP funding effective July 1, 2023.

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

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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**



# JUDICIAL COUNCIL OF CALIFORNIA

TRIAL COURT BUDGET  
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## TRIAL COURT BUDGET ADVISORY COMMITTEE

### MINUTES OF OPEN MEETING

September 8, 2022

4:00 p.m. – 5:30 p.m.

<https://jcc.granicus.com/player/event/1926>

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**Advisory Body Members Present:** Judges: Hon. Jonathan B. Conklin (Chair), Hon. Kimberly Gaab, Hon. Patricia L. Kelly, Hon. Erick L. Larsh, and Hon. Michael A. Sachs.

Executive Officers: Ms. Rebecca Fleming (Vice Chair), Mr. Chad Finke, Mr. James Kim, Mr. Shawn Landry, Ms. Krista LeVier, Mr. Chris Ruhl, Mr. Neal Taniguchi, Mr. Brian Taylor, and Mr. David Yamasaki.

**Advisory Body Members Absent:** Hon. Jill C. Fannin, Hon. Deborah A. Ryan, Hon. Kevin M. Seibert, Hon. Theodore C. Zayner, Hon. B. Scott Thomsen, Ms. Kim Bartleson, Mr. Kevin Harrigan, and Mr. Brandon E. Riley.

**Others Present:** Hon. David Kalemkarian, Mr. John Wordlaw, Ms. Fran Mueller, Ms. Brandy Olivera, Ms. Michele Allan, and Ms. Oksana Tuk.

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### OPEN MEETING

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#### Call to Order and Roll Call

The chair welcomed the members, called the meeting to order at 4:01 p.m. and took roll call.

#### Approval of Minutes

The advisory body reviewed and approved minutes of the August 18, 2022 Trial Court Budget Advisory Committee (TCBAC) virtual meeting.

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### DISCUSSION AND ACTION ITEMS (ITEMS 1)

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#### Item 1 – Trial Court Executive Summary Display (Action Required)

Consideration of updates included on the 2022-23 allocation summary for distribution to all 58 trial courts.

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

**Action:** TCBAC unanimously voted to approve the recommended updates to the 2022-23 executive summary as displayed in Attachment 1A to be distributed to all 58 trial courts no later than October 2022. Final 2022-23 executive summaries will be distributed to the courts in the spring of 2023 when all allocations are final.

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

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**Info 1 – Trial Court Operational and Budgetary Metrics**

Discussion on the operational and budgetary metrics included in SB 154, which requires the judicial branch to report to the Legislature on specified metrics annually.

Presenter(s)/Facilitator(s): Ms. Leah Rose-Goodwin, Manager, Judicial Council Business Management 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 4:22 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:** Community Assistance, Recovery, and Empowerment (CARE) Act Allocation Methodology

**Date:** 11/4/2022

**Contact:** Don Will, Deputy Director, Judicial Council Center for Families, Children & the Courts  
415-865-7577 | [don.will@jud.ca.gov](mailto:don.will@jud.ca.gov)  
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**Issue**

The CARE Act establishes a court-based mental health services engagement and oversight program for individuals with “schizophrenia spectrum and other psychotic disorders,” as defined in the *Diagnostic and Statistical Manual of Mental Disorders, 5<sup>th</sup> Edition (DSM-V)*. The first cohort of counties to begin implementation consists of Glenn, Orange, Riverside, San Diego, San Francisco, Stanislaus, and Tuolumne to begin CARE Act programming no later than October 1, 2023. The 2022 Budget Act includes \$2.8 million for staff or other administrative costs for the seven trial courts in these counties to begin planning implementation<sup>1</sup>.

**Background**

Funding for courts to begin implementation of the CARE Act in 2022-23 was estimated using Table 1 and was included in the 2022 Budget Act, Item 0250-101-0932, Provision 36:

**Table 1 – Estimated CARE Act Funding**

Court Program Administration	
Staff for program administration, coordination, and Self-Help Centers (2.0 FTE per court avg. for full year)	14.5
Costs (Salary, benefits, and operating expenditures and equipment)	\$195,000
<b>Total Court Administration costs</b>	<b>\$2,828,000</b>

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<sup>1</sup> (AB 179, Ting, Budget Act of 2022);  
[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220AB179](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB179).

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

**Cost/Impact**

Attachment 1A presents four alternatives considered by the Funding Methodology Subcommittee (FMS) for allocating funding to the first cohort of seven courts:

- A. By county population;
- B. By total filings;
- C. By the 2022-23 Workload Formula; and
- D. By the 2022-23 Workload Formula with a floor of \$49,000 to ensure that small courts have sufficient resources to plan implementation.

The \$49,000 floor was calculated as 0.25 full-time equivalent (FTE) of the average \$195,000 per FTE provided to the Department of Finance in implementation estimates.

The first cohort of courts intends to meet regularly and share implementation experience. The subcommittee also recommends that the consideration of an allocation methodology for funding available in 2023-24 and following be deferred until early 2023, when more information will be available from the first cohort on implementation costs.

**Recommendations**

The FMS recommends the following for approval by the Trial Court Budget Advisory Committee (TCBAC) followed by the Judicial Branch Budget Committee and then the Judicial Council at its January 19-20, 2023 business meeting:

- 1. Approve for the CARE Act Cohort One courts the 2022-23 scenario *Allocation by Final Workload Allocation* with 0.25 FTE base, displayed in columns K-M of Attachment 1A;
- 2. Approve the TCBAC to perform a reconciliation using CARE Act spending reports and court projections; and
- 3. Direct the FMS to develop an allocation for CARE Act funding in 2023-24 and subsequent years.

**Attachments**

**Attachment 1A:** CARE Act Cohort One Court Funding Allocation Models



**ATTACHMENT 1A. CARE Act Cohort One Court Funding Allocation Models**

Col. A	Col. B	Col. C	Col. D	Col. E	Col. F	Col. G	Col. H	Col. I	Col. J	Col. K	Col. L	Col. M
Court	Allocated by County Population			Allocated by Total Filings			Allocated by Final Workload Allocation			Allocated by Final Workload Allocation		
	Population	Percent	Distribution	Total Filings	Percent	Distribution	Final Workload Allocation	Percent	Distribution	Base: 0.25 FTE	Final Workload Allocation	Total Distribution
Glenn	29,750	0.29%	\$ 8,119	5,204	0.48%	\$ 13,538	\$ 2,913,222	0.49%	\$ 13,971	\$ 49,000	\$ -	\$ 49,000
Orange	3,162,245	30.52%	863,013	373,014	34.31%	970,359	184,275,447	31.25%	883,748	49,000	786,834	835,834
Riverside	2,435,525	23.50%	664,683	298,751	27.48%	777,171	133,058,980	22.56%	638,124	49,000	568,146	617,146
San Diego	3,287,306	31.72%	897,143	286,236	26.33%	744,614	169,972,330	28.82%	815,153	49,000	725,761	774,761
San Francisco	842,754	8.13%	229,997	59,696	5.49%	155,293	63,648,431	10.79%	305,245	49,000	271,771	320,771
Stanislaus	549,466	5.30%	149,956	56,985	5.24%	148,241	31,028,662	5.26%	148,807	49,000	132,489	181,489
Tuolumne	55,291	0.53%	15,090	7,221	0.66%	18,785	4,785,485	0.81%	22,950	49,000	-	49,000
<b>Total</b>	<b>10,362,337</b>	<b>100.00%</b>	<b>\$ 2,828,000</b>	<b>1,087,107</b>	<b>100.00%</b>	<b>\$ 2,828,000</b>	<b>\$ 589,682,557</b>	<b>100.00%</b>	<b>\$ 2,828,000</b>	<b>\$ 343,000</b>	<b>\$ 2,485,000</b>	<b>\$ 2,828,000</b>

**Total Court Allocation 2022-23**    \$ 2,828,000

**Sources**

Department of Finance, Population Estimates for Cities, Counties and the State (E1)

<https://dof.ca.gov/forecasting/demographics/estimates-e1/>

Judicial Council, June 28, 2022. Trial Court Budget: Allocations from the Trial Court Trust Fund and Trial Court Allocations for 2022-23.

Attachment C: 2022-23 Workload Formula Allocation

Judicial Council, Court Statistics Report. Appendix G. County Tables. Caseloads and Judicial Positions, by County Superior Courts Fiscal Year 2020-21



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

*Item No.:*

For business meeting on: December 2, 2022

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**Title**

Allocations and Reimbursements to Trial Courts: Model Self-Help Pilot Program

**Agenda Item Type**

Action Required

**Effective Date**

December 2, 2022

**Rules, Forms, Standards, or Statutes Affected**

None

**Date of Report**

November 7, 2022

**Recommended by**

Trial Court Budget Advisory Committee  
Hon. Jonathan B. Conklin, Chair

**Contact**

Bonnie Hough 415 865 7668  
[bonnie.hough@jud.ca.gov](mailto:bonnie.hough@jud.ca.gov)

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### Executive Summary

The Model Self-Help Pilot Program has been operating in four trial courts since 2002. The court operating a fifth project, technological solutions, decided not to continue its participation during the 2019-20 program year. The Trial Court Budget Advisory Committee recommended, and the Judicial Council approved allowing all courts to apply for funds to expand their use of technology in providing self-help assistance as part of a consolidated technology funding application process. This allows a wider group of courts to expand services using technology. This report makes recommendations for funding for 2022-23.

### Recommendation

The Trial Court Budget Advisory Committee recommends that the Judicial Council, effective December 2, 2022:

Approve the proposed one-time funding allocations for the 2022-23 Model Self-Help Program – Technology as set forth in Attachment A.

## Relevant Previous Council Action

On March 12, 2021, the Judicial Council approved a recommendation to allow all trial courts to apply for funds to expand their use of technology in providing self-help assistance as part of a consolidated technology funding application process and determine a process for future funding.

## Analysis/Rationale

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

The approved programs were:

- Superior Court of Butte County—*Regional Model Court*;
- Superior Court of Contra Costa County—*Technology Model Court*;
- Superior Court of Fresno County—*Spanish-speaking Model Court*;
- Superior Court of Los Angeles County—*Urban Collaboration Model Court*; and
- Superior Court of San Francisco County—*Multilingual Model Court*.

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

On September 16, 2019, the Superior Court of Contra Costa County informed the council that it would no longer participate in the Model Self-Help Project. After further discussion with the court and review of potential options, the Trial Court Budget Advisory Committee (TCBAC) recommended, and the Judicial Council approved, that the \$191,400 in funding that the court would have received be reallocated to the remaining four pilot projects to use for technology-related services to improve the experience for self-represented litigants. The reallocation was based on a short application process to ensure the full use of this funding for its intended purpose—which would serve more court users.

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

On January 12, 2021, TCBAC recommended that the funding be distributed through a consolidated funding approach for technology. This consolidated process minimizes court time to prepare applications and comply with requirements. The committee voted to delegate authority for determination of the project to an ad hoc subcommittee comprised of members of the TCBAC, the Committee on Providing Access and Fairness (PAF), and the Information Technology Advisory Committee (ITAC).

Seven courts applied for a combined total of over \$735,000 in funding. CFCC staff recommended funding four programs for a total of \$191,400 that increased remote service capacity, supported multiple or coordinated court efforts, could be replicated by other courts, and did not duplicate statewide efforts. Each of these programs presented the results of their efforts to self-help centers throughout the state at a weekly webinar for self-help staff as outlined in Table 1.

**Table 1 – 2021-22 Project Outcome**

<b>Court</b>	<b>Project</b>	<b>Amount</b>
San Joaquin	Implement web-based file submittal for electronic review with document queue monitoring and reports; and establish a computer lab.	\$14,970
San Mateo	Select and implement technology for form completion and staff assistance with forms and facilitate electronic signatures for family law/divorce judgements.	75,755
Santa Cruz	Procure technology equipment to allow staff to provide remote services.	4,908
Sutter	Set-up of a computer room for remote and in-person litigant assistance, including voice-to-computer technology with remote audio-video (AV) controls.	95,767
<b>Total Allocations to the Courts</b>		<b>\$191,400</b>

### **Current Recommendations**

Using the same consolidated funding application process for the current grant year, 13 courts submitted a total of 15 applications for a combined total of \$699,635. To ensure the most effective use of funding, CFCC staff coordinated proposal reviews with the Court Technology and Modernization Fund and the Language Access and Signage Technology grant reviews and identified \$306,783 in Model Self-Help applications that could be funded by those other sources. Thus, \$498,183 of the \$699,635 could be funded and all courts that applied for Model Self-Help funding would receive a significant portion of their request. Only one application is not recommended for funding at this time since the council is working on a statewide solution with separate funding.

The ad hoc committee of representatives from TCBAC, PAF and ITAC considered all applications and recommends allocating the \$191,400 in 2022-23 Model Self-Help technology funding to the eight programs outlined in Table 2.

**Table 2 – 2022-23 Project Recommendations**

<b>Court</b>	<b>Project</b>	<b>Amount</b>
Lassen	Computers for the Self-Help Center	\$5,000
Mendocino	Self-Help Center Remote Communication Coordination	6,758
Nevada	Computers for Remote Staff including Self-Help Staff	3,040
San Francisco	Computers for Self-Help Center staff	40,070
San Mateo	Remote Case Management for Pro Pers with Additional Services, Instructions, and Support	70,200
Shasta	Computers for remote online and video support, intake, and triage	32,112
Sutter	Computers for the Self-Help Center	16,470
Tuolumne	Computers for the Self-Help Center	17,750

**Total Allocations to the Courts** **\$191,400**

### **Policy Implications**

Technology has become increasingly important in assisting self-represented litigants. Allowing all courts to apply for funding to develop model programs and reporting on their activities to allow replication promotes broader dissemination of innovative technological solutions.

### **Comments**

This proposal did not circulate for public comment and no public comments were received.

### **Alternatives considered**

The ad hoc subcommittee considered identifying one model technology project. However, given the interest of a wide variety of courts in exploring new methods of utilizing technology and the greater opportunity for replication with smaller grants, the committee recommended continuing to allow all courts to apply using the consolidated technology funding application.

### **Fiscal and Operational Impacts**

For 2022-23, more self-help centers will be able to expand services using technology as a result of this allocation. Resources developed by the courts administering these projects will be available to all courts throughout the state as they continue to adapt services, particularly with remote and shared services.

### **Attachments and Links**

Attachment 1: Model Self-Help 2022-23 Proposed Project Funding

Court	Project Name	Amount Requested	Other Funding Source	Other Funding Amount	Recommended Model Self-Help Project - Technology Funding	Comments
Kings	Self-Help and Family Court Services Qmatic Queuing	\$ 6,954	Signage and Technology	\$ 6,954	\$ -	Fully funded by another program.
Lassen	Self-Help Center Remote Communication Coordination	5,000		-	5,000	Recommend full funding.
Madera	Self-Help - Kiosks, Instructional Videos, and Upgraded Public and Staff Devices	15,824	Signage and Technology	15,824	-	Fully funded by another program.
Mendocino	Computers for a Remote Self-Help Center	6,758		-	6,758	Recommend full funding.
Nevada	Computers for Self-Help Center Staff	15,000		-	3,040	Recommend funding for Self-Help Center staff computers. Additional funding requested for staff on loan to the Self-Help Center.
Orange (1)	Court Kiosks	186,000	Signage and Technology	186,000	-	Fully funded by another program.
Orange (2)	Online Document Assistance Program	167,959		-	-	Potential duplication of efforts with branchwide document assistance program development.
San Francisco	Computers for the Self-Help Center	56,600		-	40,070	Recommend funding for most of the requested supplemental computers.
San Mateo (1)	Remote Case Management for Pro Pers with Additional Services, Instructions, and Support	70,200		-	70,200	Recommend full funding.
San Mateo (2)	Multilingual Divorce Instruction/Orientation Videos	30,558	Signage and Technology	30,558	-	Fully funded by another program.
Shasta	Computers for the Self-Help Center	51,674	Court Technology and Modernization	19,562	32,112	Recommend funding for most of the requested replacement computers. The remaining funding request was approved as part of the Court Technology and Modernization Funding allocation.
Sutter (1)	Family Law Classroom Language Access	8,385	Signage and Technology	8,385	-	Fully funded by another program.
Sutter (2)	Computers for the Self-Help Center	16,470		-	16,470	Recommend full funding.
Tuolumne	Computers for the Self-Help Center	22,753		-	17,750	Recommend full funding for public use computers, staff workstation and most of the requested training laptops.
Yolo	Self-Help Queue Management System	39,500	Signage and Technology	39,500	-	Fully funded by another program.
Total		\$ 699,635		\$ 306,783	\$ 191,400	

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

**Title:** Base Funding Floor Inflationary Increases  
**Date:** 11/10/2022  
**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**

Consideration of the Funding Methodology Subcommittee's (FMS) recommendation for updating the annual base funding floor process to include automatic increases for the base funding floor courts, Alpine and Sierra, similar to all other courts when inflationary funding is received through the budget process.

**Background**

**Funding Methodology Subcommittee Meetings**

On April 19, 2022, the FMS was asked to consider updates to the current base funding floor process for requesting adjustments as included in its work plan. The FMS voted that the base funding floor courts should be eligible for inflationary increases similar to all other courts and asked that Judicial Council staff develop options to bring back to FMS for consideration that provide 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<sup>1</sup>. On November 2, 2022, the FMS had a follow-up discussion and voted to recommend that the base funding floor amount should be increased by the same Consumer Price Index (CPI) percentage as all other 56 courts would receive in years when CPI funding is included in the annual state budget<sup>2</sup>.

**Base Funding Floor Changes**

The base funding floor amount is allocated to the two smallest trial courts, Alpine and Sierra, based on the minimum level of staffing and necessary operational costs. When the Workload Formula (WF) was first approved, a funding floor was established for these courts as there was operational funding needed above that which the WF provided using workload metrics alone.

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<sup>1</sup> FMS meeting report (April 19, 2022), <https://www.courts.ca.gov/documents/tcbac-20220419-fms-materials.pdf>; FMS meeting minutes (April 19, 2022), <https://www.courts.ca.gov/documents/tcbac-20220419-fms-minutes.pdf>.

<sup>2</sup> FMS meeting report (November 2, 2022), <https://www.courts.ca.gov/documents/tcbac-20221102-fms-materials.pdf>.

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

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 2014-15<sup>3</sup>.

No changes were made to the funding floor amount for approximately five years. At its March 15, 2019 business meeting, the council approved a \$50,000 inflationary adjustment which increased the base funding floor to \$800,000, effective 2019-20<sup>4</sup>. This increase was based primarily on personnel and operating expenditures and equipment cost increases that the courts were attempting to cover through cutbacks and with funding they could retain within their 1 percent fund balance reserve. These resources were not sufficient and the courts' cost-cutting efforts were impacting core business operations.

Most recently, at its March 11, 2022 business meeting, the council approved a \$150,000 inflationary adjustment, increasing the base funding floor to \$950,000, effective 2022-23. This increase was based on numerous cost increase factors including information technology, case management systems, modernization projects, benefits, staffing, recruitment, and retention. In addition, this increase will provide critical funding to support operations and access to justice for the two smallest courts.

### **Consumer Price Index (Inflationary) Funding**

In 2021-22, the trial courts received a 3.7 percent ongoing inflationary increase of \$72.2 million which the council approved to allocate to all 58 courts, including the two base funding floor courts, by allocating a 3.7 percent increase over each court's 2020-21 WF allocation<sup>5</sup>. However, because Alpine and Sierra have a set base funding floor amount, the CPI adjustment was not provided to these two courts because it would have exceeded the established base funding floor amount.

In 2022-23, the trial courts received an additional 3.8 percent ongoing inflationary increase of \$84.2 million which the council also approved to allocate to all 58 courts, including Alpine and

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<sup>3</sup> Judicial Council meeting report (February 20, 2014), [www.courts.ca.gov/documents/jc-20140220-itemK.pdf](http://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>.

<sup>4</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>.

<sup>5</sup> Judicial Council meeting report (July 9, 2021), <https://jcc.legistar.com/View.ashx?M=F&ID=9499530&GUID=797D4736-AE15-43D3-84D7-4676D4D7C4B0>; Judicial Council meeting minutes (July 9, 2021), <https://jcc.legistar.com/View.ashx?M=M&ID=803683&GUID=7A91FDD5-4839-4018-9831-79E23D4383BF>.



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Sierra, which was allocated as a 3.8 percent increase over each court's 2021-22 WF allocation<sup>6</sup>. However, because of the set base funding floor amount, the CPI adjustment received by these two courts was included in their allocation up to their newly established base funding floor amount of \$950,000.

**Options**

At its meeting on November 2, 2022, the FMS was provided the following options to assist in deliberations in developing a recommendation for TCBAC consideration<sup>7</sup>:

1. Implement an automatic annual adjustment to the base funding floor amount in years that CPI is provided in the budget that is equal to the same percentage provided to the other 56 trial courts.
  - a. For example, if this year's 3.8 percent CPI was applied to the current base funding floor amount, the increase would have been \$36,100:  $\$950,000 \times 0.038 = \$36,100$   
 $\$950,000 + \$36,100 = \$986,100$  (new base funding floor amount)
2. Implement an automatic annual adjustment to the base funding floor amount in years that CPI is provided in the budget that is a portion of the percentage amount provided to the other 56 trial courts.
  - a. If 50 percent of this year's CPI percentage was applied, the increase would have been \$18,050:  $\$950,000 \times 0.019 = \$18,050$   
 $\$950,000 + \$18,050 = \$968,050$  (new base funding floor amount)
3. Revisit and evaluate the established process for adjustments to the base funding floor for a set period and make necessary modification recommendations.
  - a. For example, every two years on an ongoing basis; or
  - b. Every three years.

**Recommendation**

Consideration of an FMS recommendation to provide automatic increases for the base funding floor amount in years when inflationary funding is included in the annual state budget as outlined in option 1 for consideration by the Judicial Branch Budget Committee at its November 16, 2022 meeting and then the Judicial Council at its January 20, 2023 business meeting.

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<sup>6</sup> Judicial Council meeting report (July 15, 2022), <https://jcc.legistar.com/View.ashx?M=F&ID=11018996&GUID=EFC36BA3-294F-4DC3-8C7E-1AC030ED7B72>; Judicial Council meeting minutes (July 15, 2022), <https://jcc.legistar.com/View.ashx?M=M&ID=869107&GUID=7982B915-4E53-4539-9B54-8536AB5EF9A1>.

<sup>7</sup> FMS meeting report (November 1, 2022), <https://www.courts.ca.gov/documents/tcbac-20221102-fms-materials.pdf>.

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**(Action Item)**

**Title:** 2021-22 Final Adjustments for Year-end Fund Balances  
**Date:** 11/10/2022  
**Contact:** Oksana Tuk, Senior Analyst, Judicial Council Budget Services  
916-643-8027 | [oksana.tuk@jud.ca.gov](mailto:oksana.tuk@jud.ca.gov)

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**Issue**

The final, one-time adjustment for trial courts' 2021-22 fund balance above the statutory 3 percent cap and prior year excluded funds is a reduction of \$13.9 million. This is further reduced by \$12.1 million in approved Trial Court Trust Fund (TCTF) funds held on behalf (FHOB) to \$1.8 million and is presented to the Trial Court Budget Advisory Committee (TCBAC) for consideration and recommendation to the Judicial Branch Budget Committee (Budget Committee) for consideration by the Judicial Council at its January 20, 2023 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 4A reflect the trial courts' finalized and closed accounting records for 2021-22, 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 2021-22 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 \$13.8 million;
- Column J shows FHOB returned to TCTF, totaling \$4,000;
- Column K provides those 2021-22 adjustments to the courts' 2019-20 and 2020-21 fund balance cap, totaling \$106,000; and
- Column L displays the courts' final total reduction computation, totaling \$13.9 million.

A total of 20 courts have submitted requests totaling \$12.1 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 efficiency projects, and other court infrastructure projects that would not be possible as an unintended consequence of the 3 percent fund balance cap.

Attachment 4B provides detail on the final allocation adjustments for the 2021-22 3 percent cap adjustment and TCTF FHOB requests that will be distributed in the February 2023 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 15, 2022 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 2023;

- Column B displays the final reductions, affecting 30 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 \$12.1 million. Of this amount, \$4.1 million will be allocated to trial courts for 2022-23 expenditures (Column F) and \$8.0 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 2023 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 2022-23.

**Recommendation**

It is recommended that the TCBAC approve the final 2021-22 year-end adjustment of a 3 percent fund balance cap reduction allocation of \$13.9 million to match the trial courts' final calculations of the amount above the 3 percent fund balance cap, which nets to \$1.8 million with offsetting FHOB requests, for consideration and recommendation to the Budget Committee and then the council at its January 20, 2023 business meeting.

**Attachments**

**Attachment 4A:** Final One-Time Allocation Reduction for Fund Balance Above the 3% Cap

**Attachment 4B:** Final Allocation Adjustments for 2021-22 Fund Balance 3% Cap Adjustment and TCTF Funds Held on Behalf

## 2021-22 Final Adjustments for Year-end Fund Balances

Court	Fund Balance Cap	2021-22 Ending Fund Balance	Encumbrance Reserves at June 30	Excluded Funds	Prepayments	Cannabis Conviction Resentencing	FHOB Returned to Court	Fund Balance Subject to Cap <sup>1</sup>	Current Year Reduction	FHOB Returned to TCTF	Prior Year Disencumbrance	Total Final Reduction	Approved 2022-23 FHOB <sup>2</sup>	Net Reduction after FHOB
	A	B	C	D	E	F	G	H (B - C : G)	I	J	K	L (I + J + K)	M	N (L - M)
ALAMEDA	3,669,558	14,109,594	9,223,280	1,747,950	16,150	0	0	3,122,215	0	0	0	0	0	0
ALPINE	27,075	79,689	66,119	10,529	2,580	0	0	461	0	0	0	0	0	0
AMADOR	142,258	1,191,592	79,184	67,325	340	0	0	1,044,742	902,484	0	0	902,484	902,484	0
BUTTE	498,207	1,943,951	745,045	433,222	179,288	0	0	586,395	86,382	1,806	0	88,188	88,188	0
CALAVERAS	115,090	759,913	2,342	238,366	261,369	0	86,494	171,343	56,253	0	0	56,253	0	56,253
COLUSA	96,194	1,700,696	45,165	315,466	9,781	0	873,225	457,059	354,215	0	6,650	360,865	168,065	192,800
CONTRA COSTA	2,010,357	8,574,591	4,299,270	2,167,610	177,801	0	0	1,929,910	0	0	0	0	0	0
DEL NORTE	118,432	1,455,798	590,894	477,495	73,847	0	300,000	13,562	0	0	0	0	0	0
EL DORADO	314,316	1,286,820	410,218	31,253	20,475	0	0	824,874	510,558	0	0	510,558	504,978	5,580
FRESNO	2,246,502	2,722,941	112,255	1,239,565	0	0	0	1,371,121	0	0	0	0	0	0
GLENN	112,039	510,018	81,278	141,507	0	0	57,914	229,319	117,280	0	0	117,280	111,000	6,280
HUMBOLDT	292,162	495,860	189,804	95,823	26,870	0	0	183,363	0	0	0	0	0	0
IMPERIAL	439,726	3,124,751	1,347,853	707,459	261,229	0	475,680	332,530	0	0	4,406	4,406	0	4,406
INYO	87,599	625,949	0	335,715	281,094	0	0	9,140	0	0	0	0	0	0
KERN	2,676,461	16,739,005	6,540,259	3,502,693	2,626,809	0	1,829,124	2,240,120	0	0	0	0	0	0
KINGS	382,739	1,999,503	54,570	427,084	505,879	0	0	1,011,969	621,092	0	8,138	629,230	629,230	0
LAKE	153,631	1,019,584	71,062	255,420	28,532	0	0	664,571	439,842	0	71,098	510,940	510,940	0
LASSEN	137,663	584,674	229,324	189,726	16,228	0	75,925	73,471	0	0	0	0	0	0
LOS ANGELES	25,420,665	143,797,739	61,967,123	34,213,491	27,415,256	0	0	20,201,869	0	0	0	0	0	0
MADERA	394,299	809,693	55,468	396,363	1,525	0	0	356,337	0	0	1,265	1,265	0	1,265
MARIN	515,312	1,012,307	0	701,963	243,517	0	0	66,828	0	0	0	0	0	0
MARIPOSA	69,273	382,976	481	41,082	218,387	0	0	123,026	53,753	0	0	53,753	53,753	0
MENDOCINO	255,865	734,912	388,837	223,685	0	0	0	122,391	0	0	0	0	0	0
MERCED	576,470	3,473,595	98,516	2,815,635	24,243	0	0	535,202	0	0	0	0	0	0
MODOC	56,694	131,024	0	37,801	0	0	0	93,224	36,530	0	0	36,530	0	36,530
MONO	87,295	837,930	44,898	90,924	187,134	0	45,000	469,974	382,678	0	3	382,681	135,000	247,681
MONTEREY	850,366	2,832,430	107,164	1,238,931	0	0	83,015	1,403,320	551,974	0	979	552,953	537,953	15,000
NAPA	356,594	1,012,872	80,362	820,814	0	0	0	111,696	0	1,958	0	1,958	0	1,958
NEVADA	246,561	685,820	179,130	394,114	0	0	0	112,576	0	0	0	0	0	0
ORANGE	6,476,671	8,555,062	2,653,719	2,644,182	616,650	0	0	2,640,511	0	0	0	0	0	0
PLACER	761,509	3,066,050	368,121	653,658	29,445	0	648,810	1,366,016	604,507	0	0	604,507	575,000	29,507
PLUMAS	57,314	139,936	0	87,252	0	0	0	52,684	0	0	5,653	5,653	0	5,653
RIVERSIDE	5,554,651	16,627,743	6,545,570	4,832,391	0	0	0	5,249,782	0	0	0	0	0	0
SACRAMENTO	3,254,820	16,328,442	3,777,897	3,398,170	872,114	0	1,079,311	7,200,950	3,946,130	0	0	3,946,130	3,946,130	0
SAN BENITO	138,775	1,789,177	4,706	64,370	3,162	0	868,632	848,307	704,532	0	5,000	709,532	709,532	0
SAN BERNARDINO	4,678,544	4,801,758	462,091	838,517	1,593,445	0	0	1,907,705	0	0	0	0	0	0
SAN DIEGO	5,906,488	21,100,760	5,487,648	11,880,531	491,805	0	0	3,240,777	0	0	0	0	0	0
SAN FRANCISCO	2,405,990	4,615,083	2,222,748	2,193,530	0	0	0	198,805	0	0	0	0	0	0
SAN JOAQUIN	1,525,433	3,971,152	41,217	1,922,038	269,547	0	0	1,738,350	212,917	0	0	212,917	212,917	0
SAN LUIS OBISPO	600,929	3,254,293	0	2,048,563	133,061	0	0	1,072,669	471,740	0	0	471,740	471,740	0
SAN MATEO	1,622,251	4,515,730	628,439	931,719	360,267	0	0	2,595,305	973,054	0	0	973,054	723,054	250,000
SANTA BARBARA	1,041,909	4,953,798	870,549	3,261,368	83,338	0	0	738,543	0	0	0	0	0	0
SANTA CLARA	3,121,319	6,192,638	2,999,429	1,099,806	52,335	0	0	2,041,068	0	0	0	0	0	0
SANTA CRUZ	543,450	1,749,566	422,672	811,263	0	0	0	515,631	0	0	1,008	1,008	0	1,008
SHASTA	744,636	2,869,725	120,638	435,364	5,023	0	1,586,671	722,028	0	0	0	0	0	0
SIERRA	36,317	242,254	44,924	15,996	115,413	0	0	65,921	29,604	0	0	29,604	29,604	0
SISKIYOU	139,842	546,783	165,661	301,034	394	0	0	79,694	0	0	0	0	0	0
SOLANO	996,726	2,797,107	349,988	1,503,756	700	0	0	943,264	0	0	1,866	1,866	0	1,866
SONOMA	924,889	4,605,790	9,691	2,341,644	438,581	0	0	1,815,874	890,985	0	0	890,985	0	890,985
STANISLAUS	1,013,867	3,601,137	563,077	421,031	863,842	0	0	1,753,187	739,320	0	0	739,320	739,168	152
SUTTER	269,103	1,360,627	14,654	366,128	106,146	0	0	873,699	604,590	6	0	604,596	604,590	6
TEHAMA	208,733	1,336,843	5,398	311,910	9,668	0	305,438	704,429	495,697	0	0	495,697	495,697	0
TRINITY	87,813	167,443	0	75,805	55,426	0	0	36,212	0	0	0	0	0	0
TULARE	1,140,053	2,935,967	1,480,483	378,343	255,342	0	0	821,799	0	0	0	0	0	0
TUOLUMNE	185,509	388,242	0	193,992	0	0	0	194,250	8,741	0	0	8,741	0	8,741
VENTURA	1,688,805	2,294,969	474,583	379,408	0	0	0	1,440,978	0	0	0	0	0	0
YOLO	569,548	1,185,033	117,538	503,430	124	0	0	563,941	0	0	0	0	0	0
YUBA	238,954	612,783	39,560	183,464	195,321	0	0	194,437	0	0	0	0	0	0
<b>TOTAL</b>	<b>88,284,252</b>	<b>341,242,120</b>	<b>116,880,301</b>	<b>97,437,672</b>	<b>39,129,482</b>	<b>0</b>	<b>8,315,239</b>	<b>79,479,426</b>	<b>13,794,858</b>	<b>3,769</b>	<b>106,066</b>	<b>13,904,693</b>	<b>12,149,023</b>	<b>1,755,670</b>

<sup>1</sup> Variance in total is due to rounding.<sup>2</sup> Approved TCTF FHOB requests include those requests pending before the Judicial Council at its January 20, 2023 business meeting.

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

	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 2022-23	TCTF Funds Held in Reserve in the TCTF for Future Years <sup>1</sup>	Allocation Adjustment for TCTF FHOB of the Trial Courts	
	One-Time		One-Time Feb #8 Dist.	One-Time		Feb #8 Dist.	One-Time Feb #8 Dist.		
Court	A	B	C (B - A)	D	E	F	G	H	
Alameda	-	-	-	-	-	-	-	-	-
Alpine	-	-	-	-	-	-	-	-	-
Amador	-	(902,484)	(902,484)	-	902,484	150,000	752,484	150,000	(752,484)
Butte	-	(88,188)	(88,188)	-	88,188	88,188	-	88,188	0
Calaveras	-	(56,253)	(56,253)	-	-	-	-	-	(56,253)
Colusa	-	(360,865)	(360,865)	-	168,065	100,000	68,065	100,000	(260,865)
Contra Costa	-	-	-	-	-	-	-	-	-
Del Norte	-	-	-	-	-	-	-	-	-
El Dorado	-	(510,558)	(510,558)	-	504,978	504,978	-	504,978	(5,580)
Fresno	-	-	-	-	-	-	-	-	-
Glenn	-	(117,280)	(117,280)	-	111,000	111,000	-	111,000	(6,280)
Humboldt	-	-	-	-	-	-	-	-	-
Imperial	-	(4,406)	(4,406)	-	-	-	-	-	(4,406)
Inyo	-	-	-	-	-	-	-	-	-
Kern	-	-	-	-	-	-	-	-	-
Kings	-	(629,230)	(629,230)	-	629,230	-	629,230	-	(629,230)
Lake	-	(510,940)	(510,940)	-	510,940	71,098	439,842	71,098	(439,842)
Lassen	-	-	-	-	-	-	-	-	-
Los Angeles	-	-	-	-	-	-	-	-	-
Madera	-	(1,265)	(1,265)	-	-	-	-	-	(1,265)
Marin	-	-	-	-	-	-	-	-	-
Mariposa	-	(53,753)	(53,753)	-	53,753	26,876	26,877	26,876	(26,877)
Mendocino	-	-	-	-	-	-	-	-	-
Merced	-	-	-	-	-	-	-	-	-
Modoc	-	(36,530)	(36,530)	-	-	-	-	-	(36,530)
Mono	-	(382,681)	(382,681)	-	135,000	-	135,000	-	(382,681)
Monterey	-	(552,953)	(552,953)	-	537,953	537,953	-	537,953	(15,000)
Napa	-	(1,958)	(1,958)	-	-	-	-	-	(1,958)
Nevada	-	-	-	-	-	-	-	-	-
Orange	-	-	-	-	-	-	-	-	-
Placer	-	(604,507)	(604,507)	-	575,000	575,000	-	575,000	(29,507)
Plumas	-	(5,653)	(5,653)	-	-	-	-	-	(5,653)
Riverside	-	-	-	-	-	-	-	-	-
Sacramento	-	(3,946,130)	(3,946,130)	-	3,946,130	313,155	3,632,975	313,155	(3,632,975)
San Benito	-	(709,532)	(709,532)	-	709,532	60,000	649,532	60,000	(649,532)
San Bernardino	-	-	-	-	-	-	-	-	-
San Diego	-	-	-	-	-	-	-	-	-
San Francisco	-	-	-	-	-	-	-	-	-
San Joaquin	-	(212,917)	(212,917)	-	212,917	212,917	-	212,917	-
San Luis Obispo	-	(471,740)	(471,740)	-	471,740	225,145	246,595	225,145	(246,595)
San Mateo	-	(973,054)	(973,054)	-	723,054	50,000	673,054	50,000	(923,054)
Santa Barbara	-	-	-	-	-	-	-	-	-
Santa Clara	-	-	-	-	-	-	-	-	-
Santa Cruz	-	(1,008)	(1,008)	-	-	-	-	-	(1,008)
Shasta	-	-	-	-	-	-	-	-	-
Sierra	-	(29,604)	(29,604)	-	29,604	-	29,604	-	(29,604)
Siskiyou	-	-	-	-	-	-	-	-	-
Solano	-	(1,866)	(1,866)	-	-	-	-	-	(1,866)
Sonoma	-	(890,985)	(890,985)	-	-	-	-	-	(890,985)
Stanislaus	-	(739,320)	(739,320)	-	739,168	-	739,168	-	(739,320)
Sutter	-	(604,596)	(604,596)	-	604,590	604,590	-	604,590	(6)
Tehama	-	(495,697)	(495,697)	-	495,697	495,697	-	495,697	-
Trinity	-	-	-	-	-	-	-	-	-
Tulare	-	-	-	-	-	-	-	-	-
Tuolumne	-	(8,741)	(8,741)	-	-	-	-	-	(8,741)
Ventura	-	-	-	-	-	-	-	-	-
Yolo	-	-	-	-	-	-	-	-	-
Yuba	-	-	-	-	-	-	-	-	-
Total	-	(13,904,693)	(13,904,693)	-	12,149,023	4,126,597	8,022,426	4,126,597	(9,778,096)

<sup>1</sup> 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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(Action Item)

**Title:** Court Interpreters Program (CIP) Allocation Methodology  
**Date:** 11/3/2022  
**Contact:** Brandy Olivera, Manager, Judicial Council Budget Services  
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**Issue**

Consider recommendations by the Funding Methodology Subcommittee (FMS) for an ongoing CIP allocation methodology effective July 1, 2023.

**Background**

**Funding Methodology Subcommittee Work Plan**

On July 18, 2022, the Trial Court Budget Advisory Committee (TCBAC) approved updates to the annual FMS work plan which included an item on the CIP funding methodology as follows<sup>1</sup>:

***Ongoing Through 2022-23***

*Develop an ongoing, workload-based methodology for allocation of CIP funding including, but not limited to, video remote interpreting and cross assignments, effective in 2023-24.*

**Judicial Council Meeting**

On January 21, 2022, the Judicial Council approved the TCBAC's recommendations for an ongoing, workload-based allocation methodology for CIP funding, including cross assignments, benefit cost changes, and unspent funds effective July 1, 2022<sup>2</sup>. The approved recommendations include:

- i. 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 Ad Hoc Interpreter Subcommittee continues review of pandemic impact and reporting data considerations effective in 2023-24;

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<sup>1</sup> TCBAC meeting report (July 18, 2022), <https://www.courts.ca.gov/documents/tcbac-20220718-materials.pdf>; TCBAC meeting minutes (July 18, 2022), <https://www.courts.ca.gov/documents/tcbac-20220718-minutes.pdf>.

<sup>2</sup> Judicial Council meeting report (January 21, 2022), <https://jcc.legistar.com/View.ashx?M=F&ID=10355221&GUID=7EA909C1-C551-46AA-9795-09A8FAC0B7C6>; Judicial Council meeting minutes (January 21, 2022), <https://jcc.legistar.com/View.ashx?M=M&ID=869095&GUID=3DDA3E03-F7A5-4C1F-AF15-AB32C4ABF652>.



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- ii. 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 respective year not to exceed the overall appropriation amount, with any remaining funds reverting to the Trial Court Trust Fund (TCTF) as restricted program funding;
- iii. Allocate staff interpreter benefits dollar-for-dollar to courts reporting cost benefit changes effective 2022-23; and
- iv. Require receiving courts to offset interpreter expenses to courts providing cross assignments (or “home” courts) and charge the Ad Hoc Interpreter Subcommittee with working with Judicial Council staff on development of a payment/reimbursement method.

**Ad Hoc Interpreter Subcommittee**

Through the Ad Hoc Interpreter Subcommittee’s (subcommittee) continued deliberations as outlined in the FMS work plan for the development of an ongoing, workload-based methodology for allocation of CIP funding including, but not limited to, video remote interpreting and cross assignments effective 2023-24, and as outlined in the council-approved recommendation to include pandemic impact, reporting data considerations, and development of a payment/reimbursement method for cross assignments, the subcommittee developed the following recommendations approved by the FMS at its meeting on November 2, 2022<sup>3</sup>:

- A. **Review of Pandemic Impact on Funding Methodology** – The out-year allocations will continue to include three-year average expenditure data, and the full pandemic year 2020-21 will be excluded indefinitely. As a result, the 2023-24 allocation will include fiscal years 2018-19, 2019-20, and 2021-22; the 2024-25 allocation will include fiscal years 2019-20, 2021-22, and 2022-23.
- B. **Reporting Data Considerations** – In an effort to accurately reflect what current interpreter needs are utilizing data in support of a workload-based allocation methodology, the subcommittee was provided a presentation from the Center for Families, Children & the Courts Language Access Program (LAP) on the current functionality of the Court Interpreter Data Collection System (CIDCS).

Recognizing that additional data elements are needed, and that CIDCS updates can take some time, the subcommittee determined that it would continue recommending historical data at this time and commit to enhancing the amount of data collected in CIDCS through collaboration with the LAP, to include consideration of feasibility and

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<sup>3</sup> FMS meeting report (November 2, 2022), <https://www.courts.ca.gov/documents/tcbac-20221102-fms-materials.pdf>.



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cost, as well as other data factors such as consistent and timely data reporting and reliability of data.

- C. **Reimbursements to Courts with a Shortfall not to Exceed the Appropriation** – The current process will remain in place whereby courts with a shortfall are reimbursed by courts with excess funding up to the appropriation amount, and the CIP fund balance will be utilized as needed to make courts whole. Annual CIP fund balance information will be shared with the Judicial Council every July when the new fiscal year's TCTF allocations are recommended.

If the amount of the shortfall exceeds the appropriation, and there is no surplus fund balance available, courts would be provided advance notification that they are projected to exceed their allocation and they would be required to fund these excess costs from their trial court operating budgets. This notification would be provided by the Judicial Council Budget Services office to the impacted courts as information is identified through the CIP projection process.

In the event there is not enough savings or surplus funding to cover the full amount of court shortages, the methodology to provide the available funding would be a proportional approach by shortage amount as outlined in Table 1.

**Table 1 – Funding Shortage Example**

Court	Appropriation & Allocation	Expenditures	Difference Surplus / (Deficit)
A	\$100,000	\$150,000	(\$50,000)
B	200,000	175,000	25,000
C	300,000	300,000	0
D	400,000	425,000	(25,000)
Total	\$1,000,000	\$1,050,000	

Since there is only \$25,000 in savings from Court B to cover the -\$75,000 shortage in Courts A and D, each court would receive a percentage of available dollars based on the respective shortage amounts as outlined in Table 2.

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**Table 2 – Funding Shortage Methodology**

Court	Difference Surplus / (Deficit)	% of Shortage	Proportional Allocation	Amount to be Covered by the Court	Total
A	(\$50,000)	67%	\$16,750	\$33,250	\$50,000
D	(25,000)	33%	8,250	16,750	25,000
<b>Total</b>	<b>(\$75,000)</b>	<b>100%</b>	<b>\$25,000</b>	<b>\$50,000</b>	<b>\$75,000</b>

In this example, \$75,000 of the shortage would be covered partially by court savings of \$25,000 with the remaining \$50,000 covered from the impacted courts' operating budgets.

In the event the CIP fund balance is depleted, future budget change proposals may be required to keep pace with increasing costs.

- D. **Cross Assignments** – Beginning in 2022-23, a court receiving interpreter services (“receiving” court) from another court (“home” court) will reimburse the “home” court for interpreter service expenses out of the “receiving” court’s CIP allocation including salary, benefits, overtime, and travel costs.

The accounts receivable and payable processes will occur directly between the “receiving” and “home” courts.

- E. **Video Remote Interpreting (VRI)** – Uniform VRI definitions are being developed by the LAP as VRI is not currently utilized consistently within each of the four regions. As a result, the subcommittee has determined that more information is needed prior to considering the inclusion of VRI into a CIP allocation methodology.

**Recommendations**

The FMS recommends the following for approval, to be considered by the Judicial Branch Budget Committee at its November 16, 2022 meeting, and then the Judicial Council at its January 19-20, 2023 business meeting effective July 1, 2023:

1. Approve the allocation methodology excluding the 2020-21 pandemic year in the three-year average expenditure data used in the model indefinitely;
2. Approve the use of historical expenditure data in the model while the Ad Hoc Interpreter Subcommittee continues collaborating with the LAP on possible enhancements with the data collected in the CIDCS and how that data could be utilized in the allocation methodology;

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3. Approve the approach and methodology in the event courts experience a shortfall in which the courts with a shortage will first be covered by other court savings up to the appropriation amount, then the CIP fund balance will be utilized in the event there is not sufficient savings available to make a court whole, and that funds will be allocated proportionally based on the percentage of the shortfall if there is not sufficient savings or fund balance to cover the shortage;
4. Approve “home” courts to submit cross assignment reimbursements to “receiving” courts for the “receiving” court to cover the costs of the interpretation using its CIP allocation; and
5. Approve VRI as a possible future consideration in the allocation methodology as more information is developed and finalized.