



Judicial Council of California
Trial Court Budget Advisory Committee

TRIAL COURT BUDGET ADVISORY COMMITTEE

**MATERIALS FOR JULY 6, 2023
VIRTUAL MEETING**

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Judicial Council of California
Trial Court Budget Advisory Committee

www.courts.ca.gov/tcbac.htm
tcbac@jud.ca.gov

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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: Thursday, July 6, 2023
Time: 12:00 p.m. - 1:00 p.m.
Public Video Livestream: <https://jcc.granicus.com/player/event/2738>

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 emailed 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 May 25, 2023 Trial Court Budget Advisory Committee (TCBAC) 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 July 5, 2023 will be provided to advisory body members prior to the start of the meeting.

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

Item 1

Allocation Methodologies for SB 154 and SB 101 Backfill Funding (Action Required)

Consideration of Funding Methodology Subcommittee (FMS) recommendations for allocation of backfill funding related to fee waivers (SB 154) and criminal fee elimination (SB 101) for distribution to the trial courts.

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

Item 2

Annual FMS Work Plan Update (Action Required)

Consideration of an FMS recommendation to update items on the annual work plan.

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

IV. INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

Info 1

2023 Budget Act

Update on the funding provided for trial courts in the 2023 Budget Act.

Presenter(s)/Facilitator(s): Mr. Zlatko Theodorovic, Director, Judicial Council Budget Services

V. ADJOURNMENT

Adjourn



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TRIAL COURT BUDGET ADVISORY COMMITTEE

MINUTES OF OPEN MEETING

May 25, 2023

3:30 p.m. – 5:00 p.m.

<https://jcc.granicus.com/player/event/2809>

Advisory Body Members Present: Judges: Hon. Jonathan B. Conklin (Chair), Hon. Michael A. Sachs, Hon. Kimberly A. Gaab, Hon. Patricia L. Kelly, Hon. Kevin M. Seibert, Hon. Wendy G. Getty, and Hon. Jill C. Fannin.

Executive Officers: Ms. Rebecca Fleming (Vice Chair), Ms. Krista LeVier, Mr. Brandon E. Riley, Mr. Chris Ruhl, Mr. Neal Taniguchi, Ms. Stephanie Cameron, Mr. Chad Finke, and Mr. Shawn Landry, and Mr. David Yamasaki.

Advisory Body Members Absent: Hon. Erick L. Larsh, Hon. Kimberly Merrifield, Hon. Michael J. Reinhart, Ms. Kim Bartleson, and Mr. James Kim.

Others Present: Hon. David Kalemkarian, Mr. Zlatko Theodorovic, Ms. Fran Mueller, Ms. Brandy Olivera, Mr. Jessie Romine, and Ms. Rose Lane.

OPEN MEETING

Call to Order and Roll Call

The chair welcomed the members, called the meeting to order at 3:00 p.m., and took roll call.

Approval of Minutes

The advisory body reviewed and approved minutes from the May 4, 2023 Trial Court Budget Advisory Committee (TCBAC) meeting.

DISCUSSION AND ACTION ITEMS (ITEMS 1)

Item 1 – 2023-24 Civil Assessment Backfill Funding Allocation (Action Required)

Consideration of a Funding Methodology Subcommittee recommendation for the civil assessment backfill funding for 2023-24 and ongoing.

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

Action: *TCBAC voted to approve (with 15 members voting yes and one voting no) the following recommendation for consideration by the Judicial Branch Budget Committee at its June 6, 2023 meeting:*

- *Supplemental Scenario (Scenario 5) – which increases the amount of the \$12.5 million reduction for three courts funded over 100 percent in the amount of \$421,000 and decreases the reduction amount for five courts below the statewide average funding level.*

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

None

ADJOURNMENT

There being no further business, the meeting was adjourned at 4:36 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: Allocation Methodologies for SB 154 and SB 101 Backfill Funding

Date: 6/29/2023

Contact: Oksana Tuk, Senior Analyst, Budget Services
916-643-6926 Oksana.Tuk@jud.ca.gov

Issue

Consideration of allocation methodologies recommended by the Funding Methodology Subcommittee (FMS) to provide trial court backfill funding for: 1) fee waiver changes included in the 2022 Budget Act (Senate Bill (SB) 154, Ch. 43, Stats. 2022) for 2022-23 and ongoing and 2) elimination of certain criminal fees included in the 2023 Budget Act (SB 101, Ch. 12, Stats. 2023) for 2023-24 and ongoing.

Background

Assembly Bill (AB) 199¹ (Ch. 57, Stats. 2022) expands eligibility for civil filing fee waivers by increasing the poverty threshold from 125 percent to 200 percent to qualify for automatic waivers on various filing fees. Accordingly, SB 154² provides up to \$18 million in funding for revenue loss resulting from AB 199.

Judicial Council Budget Services staff worked with the Department of Finance to determine the estimated backfill need for revenue loss resulting from AB 199 that is not already addressed through existing backfill methodologies. In May 2023, the final amount was determined to be \$1.6 million. Of this amount, \$689,000 is designated for the trial courts. A new backfill allocation methodology needs to be established to distribute this funding for 2022-23 and ongoing. The balance will be distributed to county law libraries.

AB 134³, the 2023-24 public safety trailer bill, proposes to repeal criminal administrative fees related to a change of plea or set aside verdict and record sealing. SB 101⁴ includes up to \$826,000 to backfill trial courts for revenue loss resulting from SB 134. A new backfill allocation methodology also needs to be established to distribute this funding for 2023-24 and ongoing.

¹ Assembly Bill 199 (Ch. 57, Stats. 2022),

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB199

² Senate Bill 154 (Ch. 43, Stats 2022),

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB154

³ Assembly Bill 134, (Stats 2023),

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB134

⁴ Senate Bill 101 (Ch. 12, Stats 2023),

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB101

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

Methodology for Allocation of the SB 154 Backfill Funding

Judicial Council Budget Services staff, in consultation with the Department of Finance, developed a methodology to determine the amount of trial court revenue backfill needed, which uses revenue collection data comprised of all affected filing fees under AB 199 over the five-year period from 2017-18 through 2021-22 as outlined in Table 1 below.

Table 1 – Trial Court Revenue Collections associated with AB 199

Fiscal Year	Revenue Collected
2017-18	\$23,048,000
2018-19	\$22,100,000
2019-20	\$17,682,000
2020-21	\$21,080,000
2021-22	\$18,638,000
Total	\$ 102,548,000

The five-year revenue data amount of \$102.5 million is used as the percentage base to proportionally allocate the \$689,000 backfill funding to the trial courts. This allocation methodology as outlined in Attachment A, provides a detailed breakdown by court.

Methodology for Allocation of the SB 101 Backfill Funding

Judicial Council Budget Services staff, again in consultation with the Department of Finance, developed a methodology to determine the amount of backfill funding for criminal fees affected under SB 101 to be allocated to the trial courts. The \$826,00 is based on the five-year average, from 2016-17 through 2020-21 of revenue collection data for these fees, as outlined in Table 2 below.

Table 2 – Trial Court Revenue Collections associated with SB 101

Fiscal Year	Revenue Collected
2016-17	\$955,000
2017-18	\$889,000
2018-19	\$834,000
2019-20	\$647,000
2020-21	\$807,000
5-Year Average	\$ 826,000

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(Action Item)

Attachment B provides a detailed breakdown of the \$826,000 by individual court based on the five-year average of actual collection date.

The above allocation methodologies were approved by the FMS at its June 28, 2023 meeting⁵ for consideration by the Trial Court Budget Advisory Committee.

Recommendation

The FMS recommends the following for approval:

1. Approve the five-year revenue collection methodology for allocation of the \$689,000 backfill funding to the trial courts for 2022-23 and ongoing as outlined in Attachment A. In 2023-24, trial courts will receive a total of \$1.4 million, which includes the annual backfill amount for 2022-23 and 2023-24; and
2. Approve the five-year average revenue collection methodology for allocation of the \$826,000 backfill funding to the trial courts for 2023-24 and ongoing.

The approved recommendations will be considered by the Judicial Branch Budget Committee and then the Judicial Council effective September 19, 2023.

Attachments

Attachment A: Trial Court SB 154 Backfill Allocation for 2022-23 and Ongoing

Attachment B: Trial Court SB 101 Backfill Allocation for 2023-24 and Ongoing

⁵ FMS meeting report (June 28, 2023),
<https://www.courts.ca.gov/documents/tcbac-20230628-fms-materials.pdf>

Trial Court SB 154 Backfill Allocation for 2022-23 and Ongoing

Court	Total Revenue Collected from 2017-18 through 2021-22 by Court				% of Total (D/ Total D)	Proposed SB 154 Backfill Allocation (E * \$689,410)
	Trial Court Trust Fund Revenue	Dispute Resolution Revenue	Small Claims Advisory Revenue	Total Revenue Collected		
	A	B	C	D (SUM (A+B+C))		
Alameda	2,386,917	-	-	2,386,917	2.328%	\$16,047
Alpine	44,109	-	-	44,109	0.043%	\$297
Amador	77,937	-	-	77,937	0.076%	\$524
Butte	241,550	-	-	241,550	0.236%	\$1,624
Calaveras	94,864	-	-	94,864	0.093%	\$638
Colusa	21,719	-	-	21,719	0.021%	\$146
Contra Costa	1,540,851	-	-	1,540,851	1.503%	\$10,359
Del Norte	73,629	-	1,306	74,936	0.073%	\$504
El Dorado	1,092,501	-	12,164	1,104,666	1.077%	\$7,426
Fresno	1,461,078	813,296	89,994	2,364,369	2.306%	\$15,895
Glenn	59,583	-	900	60,483	0.059%	\$407
Humboldt	1,113,132	-	7,981	1,121,113	1.093%	\$7,537
Imperial	374,321	-	9,858	384,179	0.375%	\$2,583
Inyo	66,053	-	623	66,676	0.065%	\$448
Kern	1,033,870	776,147	113,880	1,923,897	1.876%	\$12,934
Kings	465,088	-	5,388	470,476	0.459%	\$3,163
Lake	171,236	-	-	171,236	0.167%	\$1,151
Lassen	70,615	-	-	70,615	0.069%	\$475
Los Angeles	26,561,130	-	-	26,561,130	25.901%	\$178,566
Madera	430,506	-	14,532	445,038	0.434%	\$2,992
Marin	697,239	-	27,078	724,317	0.706%	\$4,869
Mariposa	57,149	-	-	57,149	0.056%	\$384
Mendocino	184,237	-	4,515	188,752	0.184%	\$1,269
Merced	561,347	193,664	-	755,011	0.736%	\$5,076
Modoc	136,644	-	618	137,262	0.134%	\$923
Mono	289,328	-	-	289,328	0.282%	\$1,945
Monterey	1,410,802	268,612	48,291	1,727,704	1.685%	\$11,615
Napa	230,291	108,665	-	338,955	0.331%	\$2,279
Nevada	147,055	-	-	147,055	0.143%	\$989
Orange	14,296,032	-	469,764	14,765,796	14.399%	\$99,268
Placer	981,140	-	25,074	1,006,214	0.981%	\$6,765
Plumas	49,564	-	-	49,564	0.048%	\$333
Riverside	6,634,602	-	323,186	6,957,788	6.785%	\$46,776
Sacramento	2,796,284	-	152,366	2,948,649	2.875%	\$19,823
San Benito	252,242	-	3,024	255,266	0.249%	\$1,716
San Bernardino	5,238,043	-	-	5,238,043	5.108%	\$35,214
San Diego	4,700,128	-	360,452	5,060,580	4.935%	\$34,021
San Francisco	2,595,627	-	83,574	2,679,201	2.613%	\$18,012
San Joaquin	805,343	-	-	805,343	0.785%	\$5,414
San Luis Obispo	574,132	-	-	574,132	0.560%	\$3,860
San Mateo	2,390,668	544,149	58,361	2,993,178	2.919%	\$20,123
Santa Barbara	909,451	-	-	909,451	0.887%	\$6,114
Santa Clara	4,841,160	-	164,812	5,005,972	4.882%	\$33,654
Santa Cruz	401,722	-	-	401,722	0.392%	\$2,701
Shasta	273,942	-	10,741	284,683	0.278%	\$1,914
Sierra	3,685	-	-	3,685	0.004%	\$25
Siskiyou	91,715	-	-	91,715	0.089%	\$617
Solano	1,241,091	402,030	38,854	1,681,975	1.640%	\$11,308
Sonoma	1,089,648	-	33,826	1,123,475	1.096%	\$7,553
Stanislaus	1,099,918	439,233	-	1,539,151	1.501%	\$10,347
Sutter	238,687	-	-	238,687	0.233%	\$1,605
Tehama	95,714	-	15,303	111,017	0.108%	\$746
Trinity	57,051	-	-	57,051	0.056%	\$384
Tulare	854,565	330,186	56,256	1,241,007	1.210%	\$8,343
Tuolumne	119,516	-	5,418	124,935	0.122%	\$840
Ventura	2,382,322	-	-	2,382,322	2.323%	\$16,016
Yolo	294,359	-	-	294,359	0.287%	\$1,979
Yuba	130,588	-	-	130,588	0.127%	\$878
Total	\$96,533,719	\$3,875,983	\$2,138,140	\$102,547,842	100%	\$689,000

Court	Total Revenue Collected by Penal Code 1203.4						% of Total	Proposed SB 101 Backfill Allocation
	2016-17	2017-18	2018-19	2019-20	2020-21	5-Year Total		
	A	B	C	D	E	F (SUM (A:E))	G (F/ Total F)	H (AVG (A:E))
Contra Costa	17,010	3,870	360	720	90	22,050	0.534%	\$4,410
Del Norte	-	1,500	2,700	300	-	4,500	0.109%	\$900
El Dorado	225	-	-	-	4	229	0.006%	\$46
Fresno	486	-	-	321	333	1,140	0.028%	\$228
Kings	13,099	9,760	9,596	5,619	7,620	45,694	1.106%	\$9,139
Mariposa	420	1,200	600	660	660	3,540	0.086%	\$708
Mendocino	15,735	14,630	10,230	7,350	3,300	51,245	1.240%	\$10,249
Merced	11,131	8,130	6,900	8,250	9,493	43,903	1.063%	\$8,781
Merced	2,840	3,015	1,682	1,380	1,634	10,552	0.255%	\$2,110
Monterey	51,095	4,350	28,405	26,039	38,511	148,400	3.591%	\$29,680
Nevada	6,736	6,387	6,935	6,794	5,981	32,833	0.795%	\$6,567
Orange	330,383	371,702	334,509	251,618	329,675	1,617,887	39.155%	\$323,577
Placer	11,454	12,937	10,234	9,724	7,968	52,316	1.266%	\$10,463
Riverside	2,435	213	349	-	150	3,146	0.076%	\$629
Sacramento	140,036	123,805	118,268	109,085	95,683	586,877	14.203%	\$117,375
San Bernardino	150,168	142,970	113,134	86,181	132,377	624,830	15.122%	\$124,966
San Joaquin	39,170	32,785	31,500	19,640	34,780	157,875	3.821%	\$31,575
San Mateo	64,087	64,868	71,555	41,437	52,292	294,240	7.121%	\$58,848
Santa Barbara	29,277	36,381	33,456	21,801	23,778	144,692	3.502%	\$28,938
Santa Cruz	14,930	14,896	11,581	10,045	9,675	61,127	1.479%	\$12,225
Solano	16,872	16,155	16,255	13,925	24,432	87,639	2.121%	\$17,528
Sonoma	29,589	14,725	18,537	20,226	23,030	106,107	2.568%	\$21,221
Sutter	8,120	4,513	7,587	5,875	5,741	31,837	0.770%	\$6,367
Totals	955,000	889,000	834,000	647,000	807,000	4,132,000	100%	826,000

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

Title: Annual Funding Methodology Subcommittee (FMS) Work Plan Update
Date: 6/26/2023
Contact: Rose Lane, Senior Analyst, Budget Services
916-643-6926 rosemary.lane@jud.ca.gov

Issue

Consideration of an FMS recommendation for updates to the annual work plan for 2023-24.

Background

The FMS prepares an annual work plan every July to guide its efforts to develop and refine the Workload Formula and other allocation methodologies. These include self-help and interpreter funding methodologies and methodologies for new funding included in the annual budget for consideration by the Trial Court Budget Advisory Committee (TCBAC).

The current work plan, approved by the TCBAC on July 18, 2022, is included as Attachment 1A.

Work Plan Updates

Updates to the work plan were considered by the FMS at its April 20, 2023¹ meeting and are outlined below:

- 1. Identify and evaluate the impact of Judicial Council-provided services versus those that are funded by local trial court operations funding, including Judicial Council staff internal research on what services are used by which trial courts.**

The subcommittee voted to remove this item from the work plan after reevaluating the need and status of statewide funding levels for all courts.

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

The subcommittee voted to move this item to 2023-24 with an effective date of 2024-25 as the Ad Hoc Interpreter Subcommittee continues to work with the Judicial Council's Center for Families, Children and the Courts' Language Access Services Program regarding data

¹ Funding Methodology Subcommittee meeting minutes (April 20, 2023), <https://www.courts.ca.gov/documents/tcbac-20230420-fms-minutes.pdf>

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(Action Item)

collection with the Court Interpreter Data Collection System. This includes enhancements to the data collected in the system, evaluation of how that data could be used in the allocation methodology, and development of a final recommendation regarding the use of data for video remote interpreting in the allocation methodology.²

3. Initiate an ad hoc subcommittee to reevaluate the cluster system.

The subcommittee voted to move this item to 2023-24 to be addressed by the new Data Analytics Advisory Committee, which has replaced the former Workload Assessment Advisory Committee.

4. Initiate an ad hoc subcommittee to reevaluate the floor funding to include Judicial Council staff developed options for FMS 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.

The subcommittee voted to remove this item, as the Judicial Council approved an ongoing inflationary adjustment for these courts beginning in July 2023.³ The subcommittee also voted to retain Item 6 to address future needs for the base funding floor courts.

5. Evaluate the Workload Formula Adjustment Request Process (ARP) request submitted in January 2022.

The subcommittee voted to remove this item, as the Judicial Council approved the ARP request at its May 2023 business meeting.

Annual Updates

6. Review the base funding floor amounts annually, if requested by the applicable courts, for presentation to the TCBAC no later than December, to determine whether an inflationary adjustment is needed.

The subcommittee voted to retain this item on the work plan as an ongoing method for the base funding floor courts to request augmentations as needed.

7. Review of Workload Formula ARP submissions as referred by the TCBAC chair.

The subcommittee voted to add ARP submissions as an annual item for review as the policy, included as Attachment 2B requires the FMS to review ARP referrals and prioritize the requests into its work plan. There were no submissions received this year by the January 2023 due date.

² Judicial Council meeting report (January 20, 2023), <https://jcc.legistar.com/View.ashx?M=F&ID=11533862&GUID=BF5043BE-FE6C-4464-B2CE-336C36D5DB40>; Judicial Council meeting minutes (January 20, 2023), <https://jcc.legistar.com/View.ashx?M=M&ID=989262&GUID=469D83CC-3971-47BE-B5FC-22D1052C8643>.

³ Judicial Council meeting report (March 14, 2023), <https://jcc.legistar.com/View.ashx?M=F&ID=11695190&GUID=BB0B0101-F2C4-4E59-A1EC-59301CF1CE4B>.

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

Recommendation

The FMS recommends updates to the annual work plan as follows:

- A. Remove *Item 1 – Judicial Council-provided services; Item 4 – Base Floor Funding*, and *Item 5 – ARP request process* from the work plan;
- B. Move *Item 2 – CIP Funding Methodology* and *Item 3 – Cluster System Revaluation to 2023-24*;
- C. Retain *Item 6 – review of Base Floor Funding*; and
- D. Add *Item 7 – review of Workload Formula ARP submissions* to the work plan.

The updated work plan as proposed is included as Attachment 2C.

Attachments

Attachment 2A: FMS Work Plan, Updated July 18, 2022

Attachment 2B: Workload Formula Adjustment Request Procedures

Attachment 2C: FMS Work Plan, Proposed Recommendations as of July 6, 2023

FUNDING METHODOLOGY SUBCOMMITTEE WORK PLAN

As approved by the Trial Court Budget Advisory Committee on July 18, 2022

Charge of the Funding Methodology Subcommittee

Focus on the ongoing review and refinement of the Workload Formula, develop a methodology for allocations from the Trial Court Trust Fund Court Interpreter Program (0150037) in the event of a funding shortfall, and consider funding allocation methodologies for other non-discretionary dollars as necessary.

Ongoing Through 2022-23

1. Identify and evaluate the impact of Judicial Council-provided services versus those that are funded by local trial court operations funds, including Judicial Council staff internal research on what services are used by which trial courts.
2. Develop an ongoing, workload-based methodology for allocation of Court Interpreter Program funding, including but not limited to video remote interpreting and cross assignments, effective in 2023-24.
3. Initiate an ad hoc subcommittee to reevaluate the cluster system.
4. Initiate an ad hoc subcommittee to reevaluate the floor funding to include Judicial Council staff developed options for FMS 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.
5. Evaluate the Workload Formula Adjustment Request Process request submitted in January 2022.

Annual Updates

6. Review the base funding floor amounts annually, if requested by the applicable courts, for presentation to the TCBAC no later than December, to determine whether an inflationary adjustment is needed.

***Workload-Based Allocation and Funding Methodology (WAFM)
Adjustment Request Procedures***

The submission, review and approval process shall be under the direction of the Judicial Council and would be as follows:

1. Initial requests shall be submitted to the Administrative Director either by the trial court's Presiding Judge or Executive Officer no later than January 15 of each year, commencing January 15, 2018.
2. The Administrative Director shall forward the request to the Director of Judicial Council Budget Services. The Director of the Judicial Council Budget Services, in consultation with the Chair of the TCBAC shall review each request and refer the request to the Funding Methodology Subcommittee at the April meeting of the TCBAC.
3. The Funding Methodology Subcommittee shall review the referral from TCBAC and prioritize the request into the proposed annual work plan to be submitted back to TCBAC in July of the new fiscal year.
4. Once prioritized, requests will be evaluated by the TCBAC's Funding Methodology Subcommittee. The review of WAFM Adjustment Requests shall include a three-step process including:
 - a) initial review to determine whether the factor identified in a court's request should form the basis of a potential modification to WAFM;
 - b) evaluation of whether and how the modification should occur; and
 - c) evaluation of whether, for those circumstances where it is determined that the factor should ultimately be included in the underlying Resource Assessment Study model (RAS), an interim adjustment should be made to a trial court's WAFM funding need pending a more formal adjustment to the RAS model.
5. The Funding Methodology Subcommittee shall review any requests and present its recommendation(s) to the TCBAC no later than January prior to the year proposed for implementation.
6. The TCBAC shall make final recommendations to the Judicial Council for consideration no later than March/April Judicial Council meeting. Requested adjustments that are approved by the Judicial Council shall be included in the allocation based on the timing included in the recommendation. TCBAC will make no further recommendations for changes to the WAFM formulae impacting the next fiscal year after the March/April Judicial Council meeting of the current fiscal year.

Upon approval by the Judicial Council of an adjustment to WAFM, the Director of the Budget Services, in consultation with the TCBAC, shall notify all trial courts. (In some circumstances, the nature of the adjustment will automatically apply to all courts.

7. Adjustments to WAFM will impact the funding need for each trial court that is subject to the adjustment, along with the overall statewide funding need. Therefore, final allocations will be implemented consistent with the WAFM allocation implementation plan as approved by the Judicial Council or as amended in the future. Because funding need is currently greater than available funding and because only a portion of trial court funding

***Workload-Based Allocation and Funding Methodology (WAFM)
Adjustment Request Procedures***

is currently allocated under the WAFM, allocated funding will not equal, and may be substantially less than, the funding need identified for the adjustment being made, just as the allocated funding is substantially less than the entire WAFM funding need.

8. This policy does not preclude the Funding Methodology subcommittee from taking expedited action per the direction of the TCBAC committee.

Trial courts requesting an adjustment in accordance with the WAFM Adjustment Request Process shall be required to submit detailed information documenting the need for such adjustment. The Director of Budget Services shall develop an application form that solicits at minimum, the following information:

1. A description of how the factor is not currently accounted for in WAFM.
2. Identification and description of the basis for which the adjustment is requested.
3. A detailed analysis of why the adjustment is necessary.
4. A description of whether the unaccounted for factor is unique to the applicant court(s) or has broader applications.
5. Detailed description of staffing need(s) and/or costs required to support the factor that is unaccounted for by WAFM.
6. Description of the consequence to the public and access to justice without the funding.
7. Description of the consequences to the requesting court(s) of not receiving the funding.
8. Any additional information requested by the JCC Budget Services, Funding Methodology Subcommittee, and/or TCBAC deemed necessary to fully evaluate the request.

FUNDING METHODOLOGY SUBCOMMITTEE WORK PLAN
Proposed recommendations as of July 6, 2023

Charge of the Funding Methodology Subcommittee

Focus on the ongoing review and refinement of the Workload Formula, develop a methodology for allocations from the Trial Court Trust Fund Court Interpreter Program (0150037) in the event of a funding shortfall, and consider funding allocation methodologies for other non-discretionary dollars as necessary.

Ongoing Through 2023-24

1. Develop an ongoing, workload-based methodology for allocation of Court Interpreter Program funding including, but not limited to, video remote interpreting and cross assignments, effective in 2023-24.
2. Reevaluation of the cluster system to be addressed by the new Data Analytics Advisory Committee.

Annual Updates

3. Review the base funding floor amounts annually, if requested by the applicable courts, for presentation to the Trial Court Budget Advisory Committee no later than December, to determine whether an inflationary adjustment is needed.
4. Review of Workload Formula Adjustment Request Process submissions as referred by the Trial Court Budget Advisory Committee Chair.