



JUDICIAL COUNCIL OF CALIFORNIA

TRIAL COURT BUDGET
ADVISORY COMMITTEE

TRIAL COURT BUDGET ADVISORY COMMITTEE FUNDING METHODOLOGY SUBCOMMITTEE

MATERIALS FOR OCTOBER 18, 2018

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TRIAL COURT BUDGET ADVISORY COMMITTEE
FUNDING METHODOLOGY SUBCOMMITTEE

NOTICE AND AGENDA OF OPEN IN-PERSON MEETING

Open to the Public (Cal. Rules of Court, rule 10.75(c)(1) and (e))

THIS MEETING IS BEING RECORDED

Date: October 18, 2018
Time: 1:30 p.m. – 4:30 p.m.
Location: 455 Golden Gate Avenue, San Francisco, CA 94102; Judicial Council
Boardroom, 3rd Floor
Public Call-in Number: 1-877-820-7831 passcode 1884843 (Listen Only)

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 [insert e-mail address].

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 July 12, 2018, Funding Methodology Subcommittee meeting.

II. PUBLIC COMMENT (CAL. RULES OF COURT, RULE 10.75(K)(1)-(2))

In-Person Public Comment

Members of the public requesting to speak during the public comment portion of the meeting must place the speaker's name, the name of the organization that the speaker represents if any, and the agenda item that the public comment will address, on the public comment sign-up sheet. The sign-up sheet will be available at the meeting location at least 30 minutes prior to the meeting start time. The Chair will establish speaking limits at the beginning of the public comment session. While the advisory body welcomes and

encourages public comment, time may not permit all persons requesting to speak to be heard at this meeting.

Written Comment

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 or mailed or delivered to 455 Golden Gate Avenue, San Francisco, CA 94102, attention: Lucy Fogarty. Only written comments received by 1:30 p.m. on Wednesday, October 17, 2018 will be provided to advisory body members prior to the start of the meeting.

III. DISCUSSION AND POSSIBLE ACTION ITEMS (ITEMS 1-7)

Item 1

Base Funding Floor Inflationary Review (Action Required)

Discussion regarding whether the base funding floor, currently set at \$750,000, should be increased.

Presenter(s)/Facilitator(s): Leah Rose-Goodwin, Manager, Budget Services

Item 2

Civil Assessments and the Workload-Based Allocation and Funding Methodology (WAFM) (Action Required)

Discussion regarding how civil assessment revenues should be factored into WAFM.

Presenter(s)/Facilitator(s): Lucy Fogarty, Deputy Director, Budget Services

Item 3

Facilities Costs Review (Action Required)

Discussion regarding how unfunded costs for facilities should be factored into WAFM.

Presenter(s)/Facilitator(s): Lucy Fogarty, Deputy Director, Budget Services

Item 4

Court-Appointed Dependency Counsel Allocation Methodology for Small Courts for 2019-20 (Action Required)

Discussion regarding the two-year Bureau of Labor Statistics increase to 1.0 for all small courts that is due to sunset on June 30, 2019.

Presenter(s)/Facilitator(s): Brandy Sanborn, Manager, Budget Services

Penny Davis, Supervising Analyst, Center for Families
Children, and the Courts

Item 5

Allocation of \$2.92 Million in the Budget Act of 2018 for Two Judgeships in Riverside Superior Court (Action Required)

Discussion regarding how the funds for the judgeships should be allocated.

Presenter(s)/Facilitator(s): Melissa Ng, Senior Budget Analyst, Budget Services

Item 6

Interpreter Shortfall and Allocation Funding Methodology (Action Required)

Discussion regarding establishing an ad hoc subcommittee to explore options for addressing potential shortfalls in interpreter funding in future years and consideration of an allocation methodology.

Presenter(s)/Facilitator(s): Catrayel Wood, Senior Budget Analyst, Budget Services

Item 7

Funding Methodology Subcommittee Work Plan (Action Required)

Discussion regarding updates to the subcommittee's work plan.

Presenter(s)/Facilitator(s): Lucy Fogarty, Deputy Director, Budget Services

IV. INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

Info 1

Graduated Funding Floors

Update regarding the graduated funding floors.

Presenter(s)/Facilitator(s): Leah Rose-Goodwin, Manager, Budget Services

V. ADJOURNMENT

Adjourn



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TRIAL COURT BUDGET
ADVISORY COMMITTEE

TRIAL COURT BUDGET ADVISORY COMMITTEE
FUNDING METHODOLOGY SUBCOMMITTEE

MINUTES OF OPEN MEETING

July 12, 2018

10:00 a.m. – 3:00 p.m.

455 Golden Gate Avenue, San Francisco, CA

Advisory Body Members Present: Judges: Hon. Jonathan B. Conklin (Cochair), Hon. Daniel J. Buckley; Hon. Mark Ashton Cope, Hon. Joyce D. Hinrichs, and Hon. Paul M. Marigonda.

Executive Officers: Ms. Rebecca Fleming (Cochair), Ms. Sherri R. Carter, Ms. Kimberly Flener, Mr. Michael D. Planet, Mr. Michael M. Roddy, and Ms. Tania Ugrin-Capobianco.

Advisory Body Members Absent:

Others Present: Ms. Lucy Fogarty, Ms. Brandy Sanborn, Ms. Leah Rose-Goodwin, Ms. Kristin Greenaway, Mr. Catrayel Wood, Mr. Chad Finke, Mr. Colin Simpson, and Mr. David Yamasaki.

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 10:00 a.m., and took roll call.

Approval of Minutes

The advisory body reviewed and approved the minutes of the May 21, 2018, Funding Methodology Subcommittee meeting.

DISCUSSION AND ACTION ITEMS (ITEMS 1-7)

Item 1

Funding Methodology Subcommittee (FMS) Work Plan

Updates to the FMS work plan.

Action: The FMS voted unanimously to approve the changes to the work plan and made the following additional changes:

Add the following two items to 2018-19

- Develop policy parameters regarding an allocation methodology for trial courts that exceed 100% of their need.

- *Review court-appointed dependency allocations and determine allocation methodology for 2019-20.*

Move item 7 to 2018-19 and amend it to read: Evaluate how to include unfunded costs for facilities – courthouse construction, maintenance and modifications, including a review of the WAFM adjustment request from Stanislaus Superior Court, submitted on January 16, 2018.

Item 2

Allocation of \$75 Million in New Funding

Allocation methodology for the \$75 million in new funding provided in the Budget Act of 2018.

Action: *The FMS voted unanimously to recommend Option 2a for allocation of the \$75 million in discretionary funding. Option 1 was considered as an alternative for 2018-19 only but is not supported as it is inconsistent with the Judicial Branch's continued support to allocate funding via the Workload-based Allocation and Funding Methodology pursuant to its existing policy.*

Item 3

Methodology for Courts Exceeding 100% of WAFM Need

Discuss policy parameters for 2019-20 and beyond regarding allocations for courts exceeding 100% of their WAFM need.

Action: *No action taken.*

Item 4

Allocation Methodology for 2019-20 Self-Help Funding

Allocation methodology for all self-help funding beginning in 2019-20.

Action: *The FMS voted unanimously to:*

1. *Adopt a three-year population update schedule using a three-year average of census data from the California Department of Finance, Demographic Research Unit, Population Estimates for Cities and Counties and the State. The next update would be for 2021-22.*
2. *Maintain the current baseline allocation of \$34,000 per courts and revisit in 2021 after the November 30, 2020 report to the Legislature.*

Item 5

Allocation Methodology for Interpreter Program Shortfall

Discuss a methodology for allocating a shortfall in the event that Court Interpreter Program has insufficient funds to cover all eligible reimbursements.

Action: *Based on the current projections indicating a \$3.4 million shortfall in the current year, the FMS voted unanimously to discontinue reimbursement for interpreters in all civil case types effective October 1, 2018.*

Item 6

Cluster 2 Court Review

Update regarding work plan item 4 and the review of the WAFM adjustment request submitted by Del Norte Superior Court on January 8, 2018.

Action: No action taken.

Item 7

All Trial Court Funding Sources

Consider all funding sources and determine allocation models.

Action: No action taken.

A D J O U R N M E N T

There being no further business, the meeting was adjourned at 2:01 p.m.

Approved by the advisory body on enter date.

(Action Item)

Title: Base Funding Floor Inflationary Review (Action Required)
Date: 10/18/2018
Contact: Leah Rose-Goodwin, Manager, Budget Services
415-865-7708 | leah.rose-goodwin@jud.ca.gov

Issue

The Funding Methodology Subcommittee (FMS) work plan states that every year, the subcommittee shall “review the base and graduated funding floor amounts annually for presentation to the TCBAC in December, to determine whether an inflationary adjustment is needed.” Two courts currently qualify for the base funding floor: the superior courts of Alpine and Sierra counties. Given that no inflationary adjustments have made to those courts’ WAFM allocations and costs have increased over time, it would be timely for the Funding Methodology Subcommittee to consider increasing the base funding floor to \$800,000. This is 7% more than the current base funding floor allocation of \$750,000.

Background

When the Workload-based Allocation and Funding Methodology (WAFM) was first approved, a funding floor was established for the smallest courts, based on the minimum staffing and operational costs needed to “open the doors.” The parameters for the funding floor are shown in table 1. Based on costs that were current at the time, the total allotment needed for 6.5 FTE personnel and associated operating expenses and equipment was \$394,203. This amount was rounded up to \$750,000 and has remained at that amount.

Table 1: Base Funding Floor Computation

Position Needed	"FTE" Count	Program 10 or 90?	Base FTE \$\$ Value	Salary Driven Benefit	Non Salary Driven Benefit	TOTAL Allotment for 'FTE'
	[a]	[b]	[c]	[d]	[e]	[f]=[c]+[d]+[e]
Court Executive Officer	1	90	\$ 115,576	\$ 36,347	\$ 10,702	\$ 162,625.31
Processing Clerk [1]	3	10	\$ -	\$ -	\$ 8,743	\$ 26,228.97
Administrative Support (HR/Fiscal)	1	90	\$ -	\$ -	\$ 10,702	\$ 10,702.04
Courtroom Clerk	1	10	\$ -	\$ -	\$ 8,743	\$ 8,742.99
Court Reporter	0.5	10	\$ -	\$ -	\$ 8,743	\$ 4,371.49
TOTAL PERSONNEL FLOOR	6.5					\$ 212,671
OE&E per FTE [2]						\$ 27,928
Total OE&E [3]=[2]*[a]						\$ 181,532
TOTAL FLOOR NEED						\$ 394,203
Round To (Manual Entry)						\$ 750,000

OE&E Validation:

Five Cluster 1 courts volunteered to review detailed actual operating expenses in an effort to identify those costs that reflected the cost of "opening" business. This analysis focused on identifying costs that must exist regardless of workload. Their results found that:

OE&E "Minimum Needed", Based on Detailed Review of Small Court \$ 168,204

In December 2017, the Judicial Council approved new policy parameters for WAFM for 2018–19 and beyond. Among the items that was reviewed as part of that report was the base funding floor. The base funding floor was analyzed to determine if an inflationary adjustment was necessary. Ultimately, the committee determined that an adjustment was unnecessary in 2018–19 but that the amount should be reviewed annually as part of the committee’s work plan.

The workplan states that the base funding floor be reviewed annually, but it is proposed that the wording be updated to reflect that funding floor will be reviewed only if requested by the applicable courts. That change is identified in the agenda item related to the FMS work plan. Along those lines, the court executive officers of Alpine and Sierra Superior Courts were contacted preceding this report to ask whether there was a need to update the funding floor.

The court executive officer and finance director of the Sierra Superior Court indicated a need for a funding floor adjustment. The court is under contract with a vendor for a badly-needed case management system upgrade. The annual cost of the upgrade represents about 13% of the court’s annual budget and the court has needed to make a number of operational adjustments and

cutbacks to afford the contract cost. With courts unable to retain more than 1% in reserve funds, this somewhat modest investment in court technology infrastructure is nearly impossible to absorb for a court of Sierra’s size while the court is also funding personnel cost increases and increases in operating expenses and equipment. Those cost increases are reflected in the WAFM formula for calculating funding need, but the floor courts have not benefitted from those adjustments to the model since the base funding is allocated outside of the WAFM formula.

The court executive officer of the Alpine Superior Court noted that the court could continue to operate within the current funding floor but acknowledged that the situation at the Sierra Court might be different. Indeed, the two courts have very distinct numbers of filings, population levels, and other differentiating factors that might make their individual funding situations unique.

That being said, it would be appropriate for FMS to consider an inflationary adjustment to the base funding floor at this time. An inflationary increase of \$50,000 would be about a 7% increase; that represents the approximate change in the consumer price index for California from 2012-13 (the first year that WAFM went into effect) through 2017-18, using data from the state Department of Finance. The percent change for the Los Angeles region is 8.9% from 2012-13 to 2017-18 and the percent change for the San Francisco region is 14.1%.

Table 2: CPI indices, California 2012-13 to 2017-18

CONSUMER PRICE INDICES FOR ALL URBAN CONSUMERS (CPI-U)
LOS ANGELES CMSA AND SAN FRANCISCO CMSA
FISCAL YEAR AVERAGES a/
(1982-84=100)

Fiscal	Los Angeles	%	San Francisco	%
<u>Year</u>	<u>CMSA</u>	<u>Change</u>	<u>CMSA</u>	<u>Change</u>
2012-13	238.359	1.9	242.549	2.6
2013-14	240.654	1.0	248.330	2.4
2014-15	243.030	1.0	255.055	2.7
2015-16	247.130 R/	1.7	262.117 R/	2.8
2016-17	252.311	2.1	271.141	3.4
2017-18 f/	260.048	3.1	278.880	2.9

f/ May Revision Forecast, April 2018

Source: <http://www.dof.ca.gov/Forecasting/Economics/Indicators/Inflation/>

A change in the funding level provided may or may not impact court spending for the two floor courts; should one of the courts not require the additional funding, that portion of the allocation would revert back to the general fund at the end of the fiscal year. Over the past few years, the two floor courts have at various times reverted back some portion of their annual allocations.

Recommendation

It is recommended that the FMS approve an inflationary adjustment to the base funding floor, increasing it to \$800,000 for 2019-20. Per FMS policy, the base funding floor will be reviewed next year at this time.

The recommendations of the FMS will be presented to the Trial Court Budget Advisory Committee for consideration.

(Action Item)

Title: **Graduated Funding Floors (Information Item)**
Date: 10/18/2018
Contact: Leah Rose-Goodwin, Manager, Budget Services
 415-865-7708 | leah.rose-goodwin@jud.ca.gov

Issue

The WAFM model contains a series of graduated funding floors to provide a threshold level of funding for smaller courts whose workload-based funding needed to be supplemented with additional funding to “open the doors.” These smaller courts are all in cluster 1, which consists of all two-judge courts. The Judicial Council approved the Trial Court Budget Advisory Committee’s recommendation to retain the graduated funding floors until such time as the cluster one courts are fully funded. The council further approved a recommendation that in years in which new money is provided to the branch, the first allocation of funding to be made with the new money would be to fully fund “all cluster 1 courts to at least 100% of funding need.”

Status

The 2018 Budget Act provided \$122.8 million in new funding to trial courts, including \$75 million in discretionary funding. The Judicial Council, at its September 2018 meeting, approved an allocation methodology for that funding that in part called for fully funding the cluster 1 courts. Since the cluster 1 courts are fully funded for 2018-19, the council’s direction regarding the graduated floors can be implemented. At this time, they will no longer be used in the WAFM allocation methodology.

(Action Item)

Title: Civil Assessments and the Workload-Based Allocation and Funding Methodology
Date: 10/18/2018
Contact: Lucy Fogarty, Deputy Director, Budget Services
415-865-7587 | lucy.fogarty@jud.ca.gov

Issue

The Funding Methodology Subcommittee (FMS) work plan item 1 states:

Evaluate the impact of civil assessments as it relates to the Workload-based Allocation and Funding Methodology (WAFM).

Background

The subcommittee discussed the impacts of civil assessments on WAFM during their meeting on March 26, 2018. The committee asked Judicial Council staff to survey the trial courts to obtain any written agreements that committed civil assessment revenues for any expenditure that was not discretionary in nature. The written agreements received from the courts were reviewed by Judicial Council Legal Services and their recommendations regarding the obligations are provided in Attachment A. The agreements for each court are provided in Attachment D.

The gross civil assessment collections, Maintenance of Effort Obligations, and net civil assessment for each court for fiscal years 2011-12 through 2017-18 are provided in Attachment B.

In addition, the subcommittee asked staff to provide data regarding distribution of civil assessments in the following manner:

1. Pool civil assessment revenues state-wide; then
2. Fund the Maintenance of Effort Obligation for all courts; then
3. Fund other civil assessment obligations as identified in written agreements provided by courts; then
4. Distribute the net civil assessment to each court based upon their pro-rata share of gross civil assessment collections.

This distribution for 2017-18 is provided in Attachment C. This distribution does not factor in a reduction, if any, based on the agreement for Fresno Superior Court. Consistent with current practice, civil assessments would be distributed on a monthly basis with a final reconciliation occurring after all collections data are available.

In addition, the subcommittee needs to develop a recommendation regarding how civil assessment revenues be factored into WAFM need.

Recommendation

It is recommended that the FMS:

1. Review the civil assessment obligations identified in Attachment A and determine if they should be covered by the statewide pool in the event the methodology identified in 2 is recommended.
2. Determine how civil assessments should be distributed beginning in 2019-20. Attachment C identifies distribution for 2017-18 civil assessment revenues according to the following methodology:
 - a. Pool civil assessment revenues statewide; then
 - b. Fund the Maintenance of Effort Obligation for all courts; then
 - c. Fund other civil assessment obligations as identified in written agreements provided by courts; then
 - d. Distribute the net civil assessment to each court based upon their pro-rata share of gross civil assessment collections.This distribution does not factor in a reduction, if any, based on the agreement for Fresno Superior Court.
3. Determine how civil assessments should be factored into WAFM need. One option would be to include a three year average of the net civil assessment received by the court as contributing to a courts' WAFM need.

The recommendations of the FMS will be presented to the Trial Court Budget Advisory Committee for consideration.

LOCAL AGREEMENTS REGARDING USE OF CIVIL ASSESSMENT REVENUES

Court	Response	Description	Key cites from contract	Civil assessment obligation
Alameda	Agreement Provided (2014 Intra-Branch Agreement, JC-court, plus 2017 First Amendment)	East County Courthouse Construction. Commencing after 6/20/2014, distributions to court from Trial Court Trust Fund (TCTF) to be reduced by total cumulative sum of \$20,800,000. Starting in fiscal 2014-15, annual distributions to court from TCTF to be \$2M less than otherwise owed, and court required to pay an annual \$2M contribution of civil assessment revenues towards East County Courthouse construction. Agreement amended 6/2/2017 to provide court's civil assessment contribution would be reduced in 2017-18 by \$650,000 to \$1,350,000. Commencing in fiscal 2018-19, annual contribution (of \$2M) to resume and increase by a cumulative total of \$650,000 to be paid through fiscal 2021-22 in amounts/times of court's choosing (i.e., a cumulative total of \$650K above the annual \$2M contribution must be repaid by 2021-22).	Secs. 2.1, 3.1, 3.2 and First Amendment at Recitals B and D and sec. 2.	\$2,000,000/year, except that for fiscal 2017-18 amount reduced to \$1,350,000. In subsequent fiscal years through fiscal 2021-22, amount owed reverts to \$2M/year plus whatever portion of the cumulative total of \$650K (i.e., the portion of the \$2M unpaid in 2017-18) court chooses to pay each year (i.e., entire \$650K loan must be paid by end of fiscal 2021-22).
Alpine	No Response			0
Amador	No Agreement Provided			0
Butte	No Response			0
Calaveras	No Agreement Provided			0
Colusa	No Agreement Provided			0
Contra Costa	No Agreement Provided			0
Del Norte	No Response			0
El Dorado	No Agreement Provided			0
Fresno	Agreement Provided (2005 MOU between court and county)	Court Facilities and Related Needs (Selma Courthouse and related tenant improvements, new juvenile delinquency court). Net revenues collected in the amount of \$250 per civil assessment minus allowable costs provided pursuant to PC sec. 1463.007 to be deposited in Civil Assessment Trust Fund (CATF) established in 2000 agreement between county and court. Funds in CATF to be distributed monthly to county (for costs of tenant improvements, lease payments for Selma Courthouse and monthly debt service on bonds that financed the Juvenile Courthouse) and to court. In addition to this distribution from the CATF, revenue from civil assessments in excess of \$250 per CA shall be the property of the court to be used exclusively by it for its facility needs as determined by the court in its sole discretion.	Secs. 1 & 2.	TBD (annual amounts of civil assessment funds committed to court not set forth in MOU). Term of agreement is not to exceed 20 years (sec. 2(d)), i.e., is not to extend past 2025.
Glenn	No Agreement Provided			0
Humboldt	No Agreement Provided			0
Imperial	No Agreement Provided			0
Inyo	No Response			0
Kern	No Agreement Provided			0
Kings	No Agreement Provided			0
Lake	No Response			0
Lassen	No Agreement Provided			0
Los Angeles	No Response			0
Madera	No Agreement Provided			0
Marin	Agreement Provided (2016 MOU between court and county)	No Obligation		0
Mariposa	No Agreement Provided			0
Mendocino	No Agreement Provided			0

LOCAL AGREEMENTS REGARDING USE OF CIVIL ASSESSMENT REVENUES

Court	Response	Description	Key cites from contract	Civil assessment obligation
Merced	Agreement Provided (2005 MOU between county and JC)	Merced Courthouse Construction. County has sole responsibility for courthouse construction, with court to provide civil assessment funds as established in MOU Exhibits C and E-1 or E-2. All civil assessments provided by court must be used to repay county's bonded indebtedness or as permitted in the MOU, including \$310K/year (for a period not to exceed December 2038) to repay the county's bonded indebtedness (i.e., apparently the court itself may not use any civil assessment funds).	Secs. 2.7, 4.1; Exh. C (2003 Trial Court Facilities Agreement between court and county) at sec. 4.); Exhs. E-1 (summary sheet entitled "New Proposed Justice Facility With State Funding") & E-2 ("New Proposed Budget Facility w/o State Funding")	\$310,000 annually until no later than December 2038
Modoc	No Response			0
Mono	No Agreement Provided			0
Monterey	Document Provided ("Superior Court of California Request for Court-Funded Project (non-CCF)")	Request document is a form (OCCM2 revised 10/23/08) with spaces to describe "project funding", "source of funding", "nature of project", "scope of work", court operations the project will serve, costs, schedule, etc. Under item #1, "project funding", a \$50K/year payment is described. Specifically, the state is to pay this sum to offset the cost to the county of a juror shuttle service between AMTRAK station parking lot and the court's administrative building parking lot. Following item #2, "source(s) of funding" is the language "civil assessment revenue". The annual \$50k payment is to be made pursuant to "an agreed-upon cost sharing arrangement described in the Transfer Agreement Between the Judicial council of California...and the County of Monterey, for the Transfer of Responsibility for Court Facility--Salinas Courthouse North Wing".	Form item Nos. 1, 2, 4 and 5	\$50,000 annually, in arrears, due June 15 starting June 15, 2009 and lasting for so long as parking at the court & county facilities remains restricted due to ongoing construction/placement of modulars. (Amount for 2008-09 is pro-rated sum of \$4,166.67.)
Napa	Agreement Provided (Attachment C to unidentified MOU between "County and the Courts")	No Obligation. Civil assessment funds under Penal Code sec. 1214.1 (among other funds)--"to the extent not prohibited by law"--to be deposited in the Trial Court Operations Fund "for the exclusive use of Court".		0
Nevada	No Agreement Provided			0
Orange	No Agreement Provided			0
Placer	No Agreement Provided			0
Plumas	No Agreement Provided			0
Riverside	No Agreement Provided			0
Sacramento	Agreement Provided (Certification of FY 2003-04 Civil Assessment Revenue, Offset and Distribution)	No Obligation. The Certification sets forth the county's calculation of gross collections of civil assessments by the court and the county, the cost of obtaining those collections, and the court's net share of collections & the county's net share of collections, respectively. The Certification does not address the use of civil assessment funds that are collected or the account(s) into which the civil assessment funds are to be deposited.		0
San Benito	No Agreement Provided			0
San Bernardino	No Agreement Provided			0
San Diego	No Response			0
San Francisco	No Response			0
San Joaquin	No Agreement Provided			0
San Luis Obispo	No Response			0

LOCAL AGREEMENTS REGARDING USE OF CIVIL ASSESSMENT REVENUES

Court	Response	Description	Key cites from contract	Civil assessment obligation
San Mateo	No Agreement Provided			0
Santa Barbara	No Response			0
Santa Clara	Agreement Provided (2017 First Amendment to Intra-Branch Agreement between JC and the court regarding court's financial commitments to the Family Justice Center Project)	Family Justice Center Construction. The court must contribute \$1.5M in civil assessment funds annually to the Immediate and Critical Needs Account (ICNA) from fiscal year 2009-10 through 2042-43 to fund the construction of the Family Justice Center.	Sec. 3	\$1,500,000 (reduced from \$2,500,000 Civil Assessment Contribution called for in original intra-branch agreement because the amount of net civil assessments collected had substantially declined over the term of the original agreement). Term: fiscal 2009-10 through fiscal 2042-43.
Santa Cruz	Agreement Provided (2007 Agreement between the county and the court for AB 139 Civil Assessments/Equity Adjustment for Financing Watsonville Court Facility)	Watsonville Superior Court Construction. Passage of A.B. 139 cut off the county's access to civil assessment funds that had previously been used to finance the county's debt service for the Watsonville court. The Agreement was necessary to allow the county to tap the court's civil assessment funds to offset the county's debt service for tenant improvements for the Watsonville court. The Agreement requires the court to transfer \$75K annually (from fiscal year 2007-08 through 2035-36) to the county for this purpose.	Secs. 1 & 4	\$75,000 annually from fiscal 2007-08 through fiscal 2035-36
Shasta	Agreement Provided (2006 MOU between county and court)	No commitment. MOU was superseded by a subsequent transfer agreement.		No commitment
Sierra	No Response			0
Siskiyou	Agreement Provided (MOU between court and county)	No Obligation		0
Solano	Agreement Provided (Certification of FY 2003-04 Civil Assessment Revenue, Offset and Distribution)	No Obligation. The Certification sets forth the county's calculation of gross collections of civil assessments by the court and the county, the cost of obtaining those collections, and the court's net share of collections & the county's net share of collections, respectively. The Certification does not address the use of civil assessment funds that are collected or the account(s) into which the civil assessment funds are to be deposited.		0
Sonoma	No Response			0
Stanislaus	No Response			0
Sutter	No Agreement Provided			0
Tehama	No Response			0
Trinity	No Response			0
Tulare	No Response			0
Tuolumne	No Agreement Provided			0
Ventura	No Agreement Provided			0
Yolo	No Response			0
Yuba	No Response			0

**Civil Assessment Revenue Remitted by Court
For Fiscal Years 2011-2012 through 2016-17**

Court	FY 2011-2012	FY 2012-2013	FY 2013-2014	FY 2014-2015	FY 2015-2016	FY 2016-17	FY 2017-18	Buyout Amount
Alameda	3,934,741	7,525,255	9,102,313	9,752,809	9,129,048	7,349,955	6,201,260	1,796,656
Alpine	7,865	12,926	8,366	6,473	5,733	7,636	13,937	-
Amador	51,823	44,932	54,234	45,085	45,360	31,624	54,131	-
Butte	759,632	712,086	611,444	658,325	637,597	693,609	674,697	365,845
Calaveras	149,248	124,036	136,821	108,015	91,932	89,917	66,289	-
Colusa	36,426	115,836	138,792	122,986	111,334	118,976	111,255	-
Contra Costa	7,601,759	7,727,236	6,700,681	7,155,262	5,552,852	4,941,785	4,327,680	1,045,423
Del Norte	164,724	156,003	87,040	76,982	17,951	51,854	46,761	-
El Dorado	701,240	796,034	743,256	682,121	542,474	435,906	282,555	251,264
Fresno	5,323,615	4,867,886	3,504,721	5,481,995	4,507,027	2,311,215	2,535,376	-
Glenn	151,539	118,147	91,966	98,545	248,884	251,855	201,578	67,848
Humboldt	825,312	984,389	958,424	1,069,560	949,032	815,903	641,783	57,562
Imperial	1,329,532	1,244,086	1,174,733	1,319,796	991,602	849,132	723,944	41,842
Inyo	49,832	85,077	78,394	86,654	76,810	76,774	51,780	-
Kern	3,701,554	4,249,801	4,212,308	4,682,089	3,588,102	3,906,383	3,716,008	161,109
Kings	633,890	628,288	698,858	732,578	394,647	349,543	509,875	201,707
Lake	257,099	273,447	226,175	187,410	139,973	214,399	182,165	231,464
Lassen	206,183	136,754	127,276	135,625	120,157	105,222	129,246	41,842
Los Angeles	28,343,860	27,378,859	26,907,869	27,958,711	20,933,375	17,127,745	15,935,997	19,046,032
Madera	542,920	518,525	525,755	612,742	517,459	527,296	381,859	-
Marin	712,235	760,227	712,279	666,580	535,460	675,888	722,957	-
Mariposa	28,420	34,648	38,074	77,040	67,644	62,231	67,027	-
Mendocino	447,115	363,763	365,113	334,731	300,432	334,307	371,568	246,643
Merced	1,497,897	1,585,633	1,515,981	1,413,603	403,518	526,970	503,875	83,772
Modoc	11,103	8,001	10,542	6,209	7,359	9,135	5,907	-
Mono	-	-	15,221	62,682	91,432	107,432	116,267	-
Monterey	2,426,491	2,315,987	1,874,584	2,009,499	1,661,291	1,495,879	1,520,277	563,067
Napa	538,833	517,449	466,394	563,824	430,813	424,274	412,924	-
Nevada	360,151	334,361	427,341	532,993	243,874	172,284	202,765	-
Orange	9,447,468	9,535,829	11,240,549	11,738,999	9,005,454	8,075,037	7,660,063	2,797,167
Placer	1,761,170	1,805,345	1,434,256	1,450,182	1,461,426	1,471,644	1,582,675	333,396
Plumas	65,924	53,802	53,548	99,237	28,250	35,242	45,295	34,162
Riverside	10,475,382	11,705,441	17,710,129	16,763,649	12,162,708	12,022,116	11,858,072	-
Sacramento	8,233,772	8,777,788	8,701,340	8,249,827	7,272,945	6,063,469	4,633,741	3,651,494
San Benito	135,271	107,631	115,269	131,423	103,277	133,036	81,982	10,088
San Bernardino	6,880,618	6,967,093	7,472,959	6,876,030	5,113,672	3,485,954	4,190,202	4,202,181
San Diego	12,885,798	13,212,075	12,564,863	13,529,627	12,695,865	11,431,450	10,246,534	1,503,534
San Francisco	3,369,441	3,836,633	5,359,512	5,790,789	3,573,523	2,506,737	3,537,395	-
San Joaquin	1,509,954	1,554,235	1,748,585	1,295,872	914,243	353,311	620,727	1,239,420
San Luis Obispo	860,638	846,051	830,142	864,323	756,927	677,250	826,508	212,950
San Mateo	2,440,705	2,759,765	3,006,715	3,766,242	2,934,936	2,617,973	3,441,282	2,106,535
Santa Barbara	1,809,518	1,837,372	1,746,353	1,938,739	1,900,339	1,701,095	1,190,422	34,950
Santa Clara	8,191,211	7,548,469	6,224,398	6,042,908	5,063,980	5,747,423	3,227,883	2,500,000
Santa Cruz	1,672,786	1,780,707	1,368,089	1,297,816	898,423	782,670	716,713	331,940
Shasta	208,755	159,397	193,983	236,774	197,521	202,453	235,636	401,580
Sierra	6,653	14,025	16,081	9,149	7,275	6,828	6,495	-
Siskiyou	327,597	286,365	277,098	277,730	241,639	252,492	241,372	125,243
Solano	2,074,865	2,121,563	2,021,828	1,813,344	1,172,050	1,045,348	1,412,415	549,745
Sonoma	2,164,537	2,040,679	2,033,152	1,994,420	1,503,221	1,842,110	1,366,566	734,695
Stanislaus	1,813,389	1,556,305	1,528,556	1,526,854	1,249,442	1,329,865	1,224,586	600,860
Sutter	310,433	388,589	355,813	417,949	426,124	208,760	148,911	-
Tehama	65,357	84,086	157,297	168,209	210,714	150,200	177,154	4,941
Trinity	34,269	29,245	25,635	33,490	23,168	16,657	19,249	32,126
Tulare	1,820,376	2,038,955	1,940,835	2,315,146	1,980,187	1,882,162	1,786,326	405,601
Tuolumne	157,611	144,193	156,962	182,329	126,081	126,954	127,823	65,664
Ventura	2,301,490	2,758,862	3,606,207	3,057,653	2,309,047	2,074,412	2,229,969	1,898,398
Yolo	1,207,564	1,290,533	1,104,717	1,301,576	1,035,944	1,185,894	896,788	365,844
Yuba	302,739	273,272	274,461	298,358	242,083	256,176	215,188	-
Total	143,330,308	149,133,977	154,784,286	160,039,838	126,953,637	111,749,847	104,659,715	48,302,729

**NET Civil Assessment Revenue Remitted by Court
For Fiscal Years 2011-2012 through 2016-17**

Yellow cells mean they didn't collect enough CA to cover their MOE amount, no impact to court

Court	FY 2011-2012	FY 2012-2013	FY 2013-2014	FY 2014-2015	FY 2015-2016	FY 2016-17	FY 2017-18	Buyout Amount
Alameda	2,138,085	5,728,599	7,305,657	7,956,153	7,332,392	5,553,299	4,404,604	1,796,656
Alpine	7,865	12,926	8,366	6,473	5,733	7,636	13,937	-
Amador	51,823	44,932	54,234	45,085	45,360	31,624	54,131	-
Butte	393,787	346,241	245,599	292,480	271,752	327,764	308,852	365,845
Calaveras	149,248	124,036	136,821	108,015	91,932	89,917	66,289	-
Colusa	36,426	115,836	138,792	122,986	111,334	118,976	111,255	-
Contra Costa	6,556,336	6,681,813	5,655,258	6,109,839	4,507,429	3,896,362	3,282,257	1,045,423
Del Norte	164,724	156,003	87,040	76,982	17,951	51,854	46,761	-
El Dorado	449,976	544,769	491,991	430,856	291,210	184,642	31,290	251,264
Fresno	5,323,615	4,867,886	3,504,721	5,481,995	4,507,027	2,311,215	2,535,376	-
Glenn	83,692	50,299	24,118	30,697	181,036	184,007	133,730	67,848
Humboldt	767,750	926,827	900,862	1,001,996	891,470	758,341	584,221	57,562
Imperial	1,329,532	1,244,086	1,174,733	1,319,796	991,602	849,132	723,944	41,842
Inyo	49,832	85,077	78,394	86,654	76,810	76,774	51,780	-
Kern	3,540,445	4,088,692	4,051,200	4,520,980	3,426,994	3,745,274	3,554,899	161,109
Kings	432,183	426,581	497,151	530,871	192,940	147,836	308,168	201,707
Lake	25,635	41,983	(5,289)	(44,054)	(91,491)	(17,065)	(49,299)	231,464
Lassen	164,341	94,912	85,434	93,783	78,315	63,380	87,404	41,842
Los Angeles	9,297,828	8,332,827	7,861,837	8,912,679	1,887,343	(1,918,287)	(3,110,035)	19,046,032
Madera	542,920	518,525	525,755	612,742	517,459	527,296	381,859	-
Marin	712,235	760,227	712,279	666,580	535,460	675,888	722,957	-
Mariposa	28,420	34,648	38,074	77,040	67,644	62,231	67,027	-
Mendocino	200,472	117,120	118,470	88,088	53,789	87,664	124,925	246,643
Merced	1,414,124	1,501,861	1,432,208	1,329,830	319,746	443,198	420,102	83,772
Modoc	11,103	8,001	10,542	6,209	7,359	9,135	5,907	-
Mono	-	-	15,221	62,682	91,432	107,432	116,267	-
Monterey	1,863,424	1,752,920	1,311,517	1,446,432	1,098,224	932,812	957,210	563,067
Napa	538,833	517,449	466,394	563,824	430,813	424,274	412,924	-
Nevada	360,151	334,361	427,341	532,993	243,874	172,284	202,765	-
Orange	6,650,301	6,738,662	8,443,382	8,941,832	6,208,287	5,277,870	4,862,896	2,797,167
Placer	1,427,783	1,471,958	1,100,869	1,116,795	1,128,040	1,138,258	1,249,288	333,396
Plumas	31,761	19,640	19,385	5,074	(5,913)	1,080	11,133	34,162
Riverside	10,475,382	11,705,441	17,710,129	16,763,649	12,162,708	12,022,116	11,858,072	-
Sacramento	4,582,278	5,126,294	5,049,845	4,598,333	3,621,450	2,411,975	982,246	3,651,494
San Benito	125,183	97,543	105,181	121,335	93,189	122,948	71,894	10,088
San Bernardino	2,678,437	2,764,912	3,270,778	2,673,849	911,491	(716,227)	(11,979)	4,202,181
San Diego	11,382,264	11,708,541	11,061,329	12,026,093	11,192,331	9,927,916	8,743,000	1,503,534
San Francisco	3,369,441	3,836,633	5,359,512	5,790,789	3,573,523	2,506,737	3,537,395	-
San Joaquin	270,534	314,815	509,164	56,451	(325,177)	(886,109)	(618,693)	1,239,420
San Luis Obispo	647,688	633,101	617,192	651,373	543,977	464,300	613,558	212,950
San Mateo	334,170	653,230	900,180	1,659,707	828,401	511,438	1,334,747	2,106,535
Santa Barbara	1,774,568	1,802,422	1,711,403	1,903,789	1,865,389	1,666,145	1,155,473	34,950
Santa Clara	5,691,211	5,048,469	3,724,398	3,542,908	2,563,980	3,247,423	727,883	2,500,000
Santa Cruz	1,340,846	1,448,767	1,036,149	965,876	566,483	450,730	384,773	331,940
Shasta	(192,825)	(242,183)	(207,597)	(164,806)	(204,059)	(199,127)	(165,944)	401,580
Sierra	6,653	14,025	16,081	9,149	7,275	6,828	6,495	-
Siskiyou	202,354	161,122	151,855	152,487	116,396	127,249	116,129	125,243
Solano	1,525,120	1,571,818	1,472,083	1,263,599	622,305	495,603	862,670	

Distribution of Civil Assessment Revenues

Attachment 3C

Court	2017-19 Gross Collections	Pro Rata Percentage	Buyout Amount	Written Agreements	Net Civil Assessments	Pro Rata Distribution	Difference
	A	B	C	D	E A-C-D	F B*52,471,986	G F-E
Alameda	6,201,260	5.93%	1,796,656	2,000,000	2,404,604	3,106,089	701,485
Alpine	13,937	0.01%	-	-	13,937	6,981	(6,956)
Amador	54,131	0.05%	-	-	54,131	27,113	(27,018)
Butte	674,697	0.64%	365,845	-	308,852	337,942	29,090
Calaveras	66,289	0.06%	-	-	66,289	33,203	(33,086)
Colusa	111,255	0.11%	-	-	111,255.37	55,726	(55,530)
Contra Costa	4,327,680	4.14%	1,045,423	-	3,282,257	2,167,649	(1,114,607)
Del Norte	46,761	0.04%	-	-	46,761	23,422	(23,340)
El Dorado	282,555	0.27%	251,264	-	31,290	141,526	110,236
Fresno	2,535,376	2.42%	-	-	2,535,376	1,269,920	(1,265,456)
Glenn	201,578	0.19%	67,848	-	133,730	100,966	(32,764)
Humboldt	641,783	0.61%	57,562	-	584,221	321,457	(262,765)
Imperial	723,944	0.69%	-	-	723,944	362,609	(361,335)
Inyo	51,780	0.05%	-	-	51,780	25,935	(25,844)
Kern	3,716,008	3.55%	161,109	-	3,554,899	1,861,275	(1,693,624)
Kings	509,875	0.49%	201,707	-	308,168	255,387	(52,782)
Lake	182,165	0.17%	231,464	-	(49,299)	91,243	140,542
Lassen	129,246	0.12%	41,842	-	87,404	64,737	(22,667)
Los Angeles	15,935,997	15.23%	19,046,032	-	(3,110,035)	7,982,026	11,092,062
Madera	381,859	0.36%	-	-	381,859	191,265	(190,593)
Marin	722,957	0.69%	-	-	722,957	362,115	(360,842)
Mariposa	67,027	0.06%	-	-	67,027	33,573	(33,455)
Mendocino	371,568	0.36%	246,643	-	124,925	186,111	61,186
Merced	503,875	0.48%	83,772	310,000	110,102	252,381	142,279
Modoc	5,907	0.01%	-	-	5,907	2,959	(2,948)
Mono	116,267	0.11%	-	-	116,267	58,236	(58,031)
Monterey	1,520,277	1.45%	563,067	50,000	907,210	761,477	(145,733)
Napa	412,924	0.39%	-	-	412,924	206,826	(206,099)
Nevada	202,765	0.19%	-	-	202,765	101,561	(101,204)
Orange	7,660,063	7.32%	2,797,167	-	4,862,896	3,836,774	(1,026,122)
Placer	1,582,675	1.51%	333,386	-	1,249,288	792,730	(456,558)
Plumas	45,295	0.04%	34,162	-	11,133	22,687	11,555
Riverside	11,858,072	11.33%	-	-	11,858,072	5,939,474	(5,918,598)
Sacramento	4,633,741	4.43%	3,651,494	-	982,246	2,320,949	1,338,703
San Benito	81,982	0.08%	10,088	-	71,894	41,063	(30,831)
San Bernardino	4,190,202	4.00%	4,202,181	-	(11,979)	2,098,789	2,110,769
San Diego	10,246,534	9.79%	1,503,534	-	8,743,000	5,132,287	(3,610,713)
San Francisco	3,537,395	3.38%	-	-	3,537,395	1,771,812	(1,765,584)
San Joaquin	620,727	0.59%	1,239,420	-	(618,693)	310,910	929,603
San Luis Obispo	826,508	0.79%	212,950	-	613,558	413,981	(199,576)
San Mateo	3,441,282	3.29%	2,106,535	-	1,334,747	1,723,670	388,923
Santa Barbara	1,190,422	1.14%	34,950	-	1,155,473	596,259	(559,214)
Santa Clara	3,227,883	3.08%	2,500,000	1,500,000	(772,117)	1,616,783	2,388,900
Santa Cruz	716,713	0.68%	331,940	75,000	309,773	358,987	49,214
Shasta	235,636	0.23%	401,580	-	(165,944)	118,025	283,970
Sierra	6,495	0.01%	-	-	6,495	3,253	(3,242)
Siskiyou	241,372	0.23%	125,243	-	116,129	120,898	4,770
Solano	1,412,415	1.35%	549,745	-	862,670	707,451	(155,219)
Sonoma	1,366,566	1.31%	734,695	-	631,872	684,486	52,614
Stanislaus	1,224,586	1.17%	600,860	-	623,726	613,371	(10,355)

Distribution of Civil Assessment Revenues

Attachment 3C

Court	2017-19 Gross Collections	Pro Rata Percentage	Buyout Amount	Written Agreements	Net Civil Assessments	Pro Rata Distribution	Difference
	A	B	C	D	E A-C-D	F B*52,471,986	G F-E
Sutter	148,911	0.14%	-	-	148,911	74,587	(74,325)
Tehama	177,154	0.17%	4,941	-	172,213	88,733	(83,480)
Trinity	19,249	0.02%	32,126	-	(12,877)	9,642	22,518
Tulare	1,786,326	1.71%	405,601	-	1,380,726	894,736	(485,990)
Tuolumne	127,823	0.12%	65,664	-	62,159	64,024	1,865
Ventura	2,229,969	2.13%	1,898,388	-	331,580	1,116,947	785,367
Yolo	896,788	0.86%	365,844	-	530,944	449,184	(81,761)
Yuba	215,188	0.21%	-	-	215,188	107,783	(107,404)
Total	104,659,715	100.00%	48,302,729	3,935,000	52,421,986	52,421,986	0

(Action Item)

Title: Facilities Costs and the Workload-Based Allocation and Funding Methodology
Date: 10/18/2018
Contact: Lucy Fogarty, Deputy Director, Budget Services
415-865-7587 | lucy.fogarty@jud.ca.gov

Issue

The Funding Methodology Subcommittee (FMS) work plan states:

Evaluate how to include unfunded costs for facilities – courthouse construction, maintenance and modifications, including a review of the WAFM adjustment request from Stanislaus Superior Court, submitted on January 16, 2018.

Background

The subcommittee discussed how to include unfunded costs for facilities in WAFM during their meeting on July 12, 2018. The committee asked Judicial Council staff provide information regarding what facilities-related costs are already factored into WAFM. In addition, staff was asked to identify existing lease expenditures for the trial courts.

Attachment A provides information regarding facilities-related Phoenix general ledger accounts and how they are factored into WAFM. Attachment B identifies existing leases that are funded wholly, or in part, from trial court allocations.

The WAFM adjustment request submitted by Stanislaus Superior Court on January 16, 2018, is provided as Attachment C.

Recommendation

It is recommended that the FMS determine next steps regarding evaluating how to include unfunded costs for leases and debt service in WAFM. Costs for courthouse construction and facility modifications are under the purview of other advisory bodies namely, the Court Facilities Advisory Committee and the Trial Court Facility Modification Advisory Committee, respectively. All other facilities-related costs are already incorporated into WAFM.

General Ledger OE&E Designation Legend
Explicitly excluded by the Judicial Council
Explicitly included by the Judicial Council
Included by default by the Judicial Council, not identified
Explicitly included and excluded by the Judicial Council
Not addressed by Judicial Council due to no expenses in FY 2011-12
Not addressed by Judicial Council due to new expense code after FY 2011-12

**Phoenix Expense General Ledger Codes and WAFM Operating Expenses and Equipment Designations
as of October 31, 2015**

Attachment 4A

GL	Category	Name	Description	WAFM Designation
935199	Facility Operations	Facilities Operations	May be used in lieu of the individual court specific codes within such corresponding expense detail code.	Included
935201	Facility Operations	Rent/Lease State Owned	Rent or lease on state owned buildings and grounds.	Excluded
935202	Facility Operations	Rent/Lease Non-State Owned	Rent or lease on non-state owned buildings and grounds.	Excluded
935203	Facility Operations	Storage	Costs of renting storage space. (e.g., warehousing, file storage)	Included
935299	Facility Operations	Rent/Lease	May be used in lieu of the individual court specific codes within such corresponding expense detail code.	Excluded
935301	Facility Operations	Janitorial Services	The cost of janitorial services.	Included
935302	Facility Operations	Carpet Cleaning and Floor Waxing	Carpet cleaning and floor waxing.	Included
935303	Facility Operations	Janitorial Cleaning Supplies	Janitorial cleaning supplies.	Included
935399	Facility Operations	Janitorial	May be used in lieu of the individual court specific codes within such corresponding expense detail code.	Included
935402	Facility Operations	Air Conditioning/Heating Equipment	Maintenance on air conditioning or heating units.	Excluded
935403	Facility Operations	Electrical Supplies and Accessories	Electrical supplies and accessories.	Included
935404	Facility Operations	Plumbing	Plumbing.	Included
935405	Facility Operations	Carpet	Carpet repairs.	Included
935406	Facility Operations	Wood or Tile Floor	Wood or tile floor repairs.	Included
935407	Facility Operations	Paint, Protective Coating, and Sealer Supplies	Paint, protective coating, and sealer supplies.	Included
935408	Facility Operations	Hardware and Related Items	Hardware and related items.	Included
935409	Facility Operations	Key Card, Repair Counter, Replace Shelving	Key card, repair counter, replace shelving.	Included
935410	Facility Operations	Fuel for Equipment	Fuel for equipment.	Included
935411	Facility Operations	Control Devices	Devices for public access control. (e.g., crowd management cones, ropes to direct lines in lobby)	Included
935499	Facility Operations	Maintenance and Supplies	May be used in lieu of the individual court specific codes within such corresponding expense detail code.	Included
935501	Facility Operations	Grounds Maintenance	Grounds maintenance.	Included
935502	Facility Operations	Parking Maintenance	Parking maintenance.	Included

**Phoenix Expense General Ledger Codes and WAFM Operating Expenses and Equipment Designations
as of October 31, 2015**

Attachment 4A

GL	Category	Name	Description	WAFM Designation
935503	Facility Operations	Garden and Nursery	Garden and nursery.	Included
935504	Facility Operations	Extermination	Extermination.	Included
935599	Facility Operations	Grounds	May be used in lieu of the individual court specific codes within such corresponding expense detail code.	Included
935601	Facility Operations	Alterations and Improvements	Remodeling or building improvement costs.	Included
935699	Facility Operations	Alteration	May be used in lieu of the individual court specific codes within such corresponding expense detail code.	Included
935701	Facility Operations	Signs and Related Supplies	Signs and related supplies.	Included
935702	Facility Operations	Window Coverings	Mini blinds, drapes, curtains.	Included
935703	Facility Operations	Flags, Flag Poles and Banners	Flags, flag poles and banners.	Included
935704	Facility Operations	Fire Fighting Supplies	Fire fighting supplies.	Included
935799	Facility Operations	Other Facility Costs - Goods	May be used in lieu of the individual court specific codes within such corresponding expense detail code.	Included
935801	Facility Operations	Waste Removal	Waste removal services.	Included
935802	Facility Operations	Facility Planning	Facility planning services.	Excluded
935899	Facility Operations	Other Facility Costs - Services	May be used in lieu of the individual court specific codes within such corresponding expense detail code.	Included
938406	Contracted Services	Architectural Services	Costs of contracted consulting and professional services related to architectural services. (e.g., blueprints)	Excluded
938407	Contracted Services	Public Works Planning and Engineering	Costs of contracting for public works planning and engineering services.	Included
942701	Consulting and Professional Services	Business Services	County charges for purchasing, janitorial and related services.	Included (Default)
942702	Consulting and Professional Services	Custodial Services	Custodial services.	Included
973101	Debt Service	Principal	Expense for notes principal repayments.	Included
973102	Debt Service	Interest	Interest expense.	Included
973199	Debt Service	Debt Service	May be used in lieu of the individual court specific codes within such corresponding expense detail code.	Excluded
983199	Capital Costs	Court Construction	Court construction	Excluded

TCTF-Funded Leases

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Version: For submission to Budget Services on 10/5/2018

Line	Lease ID	Bldg ID	Lease Name	Current Term Start	Current Term End	Fund	Court	Total 18/19	Updates to FY 18/19 Total	Use	Notes
1	0565L	07-G1	SC-Contra Costa, Contra Costa Records & Training	02/01/18	01/31/24	0932	07	\$ 336,083	\$ 350,096.00	Records storage, administration, and training	Court funds 81.25% of expenses.
2	0061L	10-R1	SC-Fresno-CF-Casablanca	03/01/18	02/18/21	0932	10	\$ 334,574	\$ -	Court / record storage / admin offices	
3	0367L	11-C1	SC-Glenn- CF- Resource Center	1/1/2017	12/31/20	0932	11	\$ 110,378	\$ -	Administration	Rent paid with CCFs per agreement between JCC, court and county
4	0081L	13-F1	SC-Imperial-CF-El Centro Court, Valley Plaza	03/16/09	03/15/19	0932	13	\$ 292,007	\$ 292,006.74	Traffic Court	Court will allow lease to terminate as of 3/15/19.
5	0687L	14-C1	SC-Inyo, CF-Bishop CH, City Hall Expansion	11/01/18	10/31/19	0932	14	\$ 13,545	\$ -	Administration	
6	0620L	15-D2	SC-Kern, CF-1022 12th Ave	01/01/16	12/31/20	0932	15	\$ 142,430	\$ 142,429.78	Courtrooms, holding cells, offices, ancillary space	
7	0090L	15-K1	SC-Kern-CF-3131 Arrow Street	01/12/09	01/31/19	0932	15	\$ 547,332	\$ -	Traffic Court	
8	0139L	17-E1	SC-Lake, CF-Gateway Business Park	12/01/17	11/30/22	0932	17	\$ 28,913	\$ -	Records storage	
9	0743L	19-AP4	SC-Los Angeles, CFP-Santa Monica Civic Auditorium Parking	07/01/18	06/30/19	0932	19	\$ 270,864	\$ -	Parking	
10	0677L	19-BF1	SC-Los Angeles, CFP,CF-312 No Spring St	est. 10/1/18	est. 9/30/28	0932	19	\$ 71,010	\$ -	Parking	Court will fund parking after full occupancy of premises currently scheduled for December 2018.
11	0198L	19-M1	SC-Los Angeles, CFP-Central Civil West Court	06/01/16	05/31/19	0932	19	\$ 1,437,249	\$ -	Courthouse	
12	0047L	22-B1	SC-Mariposa, CF-Superior Court Vault 9	08/01/18	07/31/21	0932	22	\$ 2,431	\$ -	Storage	
13	0050L	22-B2	SC-Mariposa, CF-Superior Court Vault 5	08/01/18	07/31/21	0932	22	\$ 2,431	\$ -	Storage	
14	0639L	22-B3	SC-Mariposa, CF-Superior Court Vault 10	08/01/18	07/31/21	0932	22	\$ 2,431	\$ -	Storage	
15	0223L	22-C1	SC-Mariposa, CF-Main Building	05/01/17	04/30/19	0932	22	\$ 20,471	\$ -	Administration Offices	
16	0224L	22-C2	SC-Mariposa, CF-Self Help Ctr	05/01/17	04/30/19	0932	22	\$ 4,798	\$ -	Self Help	
17	0469L	24-F2	SC-Merced, CF-810 W Main, Merced Court Storage	01/16/17	01/15/19	0932	24	\$ 34,933	\$ -	Storage	
18	0678L	24-H1	SC-Merced, CF-720 W 20th St, Traffic Court	10/19/15	10/31/20	0932	24	\$ 65,702	\$ -	Traffic Court	
19	0609L	29-B1	SC-Nevada, CF-Joseph Center	07/01/14	06/30/19	0932	29	\$ 31,567	\$ -	Courtroom	
20	0364L	30-E3	SC-Orange, CF-Newport Beach Parking License2	06/01/18	05/31/19	0932	30	\$ 38,352	\$ -	Parking	
21	0756L	30-L1	SC-Orange, CF-520 West South, Homeless Court	05/03/17	ongoing	0932	30	\$ 480	\$ -	Homeless Court	
22	0354L	31-K1	SC-Placer, 4075 Cincinnati Avenue	08/01/18	07/31/21	0932	31	\$ 100,225	\$ -	Storage	
23	0022L	33-I1	SC-Riverside, MX-Moreno Valley	07/01/17	06/30/20	0932	33	\$ 19,944	\$ -	Janitorial only (JCC pays rent for the space)	
24	0475L	33-O1	SC-Riverside, CF-3535 10th Street	11/01/17	10/31/22	0932	33	\$ 222,913	\$ 222,912.91	Self Help	
25	0443L	34-A3	SC-Sacramento-CF-800 H St	01/01/15	12/31/21	0932	34	\$ 19,650	\$ -	Administration	
26	0368L	34-A6	SC-Sacramento, CF-901 H Street	11/01/14	12/31/21	0932	34	\$ 5,925	\$ -	Admin. Fin, Payroll, HR	
27	0019L	34-B1	SC-Sacramento-CF-Sacto, Records Center	07/01/14	06/30/19	0932	34	\$ 260,290	\$ -	Records storage	
28	0160L	34-E1	SC-Sacramento, William Ridgeway Family Relations Court	11/01/99	10/31/19	0932	34	\$ 114,294	\$ -	Janitorial only (JCC pays rent for the space)	
29	0713L	34-J1	SC-Sacramento, MX-Hall of Justice	09/19/16	09/18/24	0932	34	\$ 106,954	\$ -	Administration	

TCTF-Funded Leases

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Line	Lease ID	Bldg ID	Lease Name	Current Term Start	Current Term End	Fund	Court	Total 18/19	Updates to FY 18/19 Total	Use	Notes
30	0373L	36-F3	SC-San Bernardino, MX-Rancho Cucamonga, Juv.Traf.2	12/01/17	11/30/22	0932	36	\$ 32,568	\$ -	Juvenile Traffic Court	Fixed payment for CFP Maintenance of Effort (\$2,281) and Janitorial (\$33)
31	0079L	36-N1	SC-San Bernardino-CF-790 S. Gifford	09/01/14	08/31/19	0932	36	\$ 109,819	\$ -	Storage and offices	
32	0077L	36-N3	SC-San Bernardino-CF-776 S. Gifford	09/01/14	08/31/19	0932	36	\$ 42,538	\$ -	Storage	
33	0035L	36-N4	SC-San Bernardino-CF- 766 S. Gifford Ave.	09/01/14	08/31/19	0932	36	\$ 43,042	\$ -	Storage	
34	0078L	36-N5	SC-San Bernardino-CF-780 S. Gifford	09/01/14	08/31/19	0932	36	\$ 72,842	\$ -	Storage	
35	0088L	36-N6	SC-San Bernardino-CF-Distribution Center	09/01/14	08/31/19	0932	36	\$ 170,630	\$ -	Storage	
36	0076L	36-Q1	SC-San Bernardino-CF-Family Law Court DCSS	10/01/15	09/30/25	0932	36	\$ 730,323	\$ 730,323.30	Family Law Court	
37	0705L	36-S1	SC-San Bernardino, CF-Temp. Parking Lot2	03/29/16	03/31/21	0932	36	\$ 90,000	\$ -	Parking	
38	0195L	37-I6	SC-San Diego, CF-East County Reg'l Ctr-Overflow Parking	03/01/16	02/28/21	0932	37	\$ 92,107	\$ -	Parking	
39	0749L	40-K1	SC-San Luis Obispo, MX-999 Monterey St	10/10/17	10/31/22	0932	40	\$ -	\$ -	Administration	Court pays expenses in excess of 40-F1 CFP amount; court projected to start contributing in FY 2019-20.
40	0676L	42-B3	SC-Santa Barbara, CF-Garden St Parking	07/01/14	06/30/19	0932	42	\$ 36,000	\$ -	Juror Parking	
41	0632L	43-B6	64 N. Market Street	01/01/17	12/31/18	0932	43	\$ 81,515	\$ -	Juror Parking	
42	0099L	44-B2	SC-Santa Cruz, CF-Watsonville Courthouse, Suite 302	05/01/18	04/30/23	0932	44	\$ 37,347	\$ -	Self Help	
43	0151L	44-B2	SC-Santa Cruz, Watsonville Courthouse Parking	01/01/09	Ongoing until terminated	0932	44	\$ 14,699	\$ -	Parking	
44	0104L	48-A1	SC-Solano-CF-Hall of Justice, 1st Fl.	06/01/13	05/31/18	0932	48	\$ -	\$ -	Administration	Court funds expenses in excess of New Judgeship funding; court projected to start contributing in FY 2019-20. 5-yr extension in progress.
45	0381L	48-A1	SC-Solano, CF-HOJ, 3rd Fl. 2	12/01/13	11/30/18	0932	48	\$ 96,770	\$ -	Administration	5-yr extension in progress.
46	0134L	48-C1	SC-Solano, CF-Solano SC Storage, Suite C	09/01/14	08/31/19		48	\$ 107,981	\$ -	Records storage	Court is payment agent for lease
47	0039L	49-B1	SC-Sonoma, Santa Rosa, Empire Annex	02/01/18	01/31/19	0932	49	\$ 146,182	\$ -	Courthouse	Court funds 50% of expenses.
48	0100L	49-B2	SC-Sonoma-CF-3055 Cleveland Avenue	04/01/09	03/31/19	0932	49	\$ 666,082	\$ -	Courthouse	Court funds expenses in excess of CFTF and New Judgeship funding.
49	0246L	50-A2	SC-Stanislaus- Hall of Records	01/01/17	12/31/21	0932	50	\$ 118,980	\$ -	Administration	
50	0247L	50-B1	SC-Stanislaus, EXP-Modesto Juvenile Court	07/01/16	06/30/21	0932	50	\$ 1,968	\$ -	Juvenile Court	
51	0247L	50-B1	SC-Stanislaus, EXP-Modesto Juvenile Court	07/01/16	06/30/21	0932	50	\$ 1,270	\$ -	Juvenile Court	
52	0074L	50-F1	SC-Stanislaus-Modesto Traffic Court	06/01/16	12/31/19	0932	50	\$ 40,495	\$ -	Traffic Court	
53	0075L	50-G1	SC-Stanislaus-CF-Modesto Civil Court	05/01/17	04/30/22	0932	50	\$ 328,493	\$ -	Civil Court	

TCTF-Funded Leases

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Line	Lease ID	Bldg ID	Lease Name	Current Term Start	Current Term End	Fund	Court	Total 18/19	Updates to FY 18/19 Total	Use	Notes
54	0116L	50-G1	SC-Stanislaus, MX-Modeso Civil Court, 6th Fl	03/01/09	02/28/19	0932	50	\$ 390,435	\$ -	Civil Court	
55	0043L	54-G1	SC-Tulare-CF-Family Law Facilitator	08/01/14	07/31/19	0932	54	\$ 41,079	\$ -	Self Help Resource Center/Family Law Facilitator	
56	0745L	54-K1	SC-Tulare, CF-Visalia City Hall, Thur Traffic Court 2	09/01/17	08/31/19	0932	54	\$ 5,100	\$ -	Traffic Court	

#7k

	TBD	33-E1	SC-Riverside, CF-Palm Spring Courts, Swing Space	01/01/19	12/31/20	0932	33	\$ 120,704	\$ 120,703.60	Temporary Space	CFRs approved; lease in draft. Costs include tenant improvements
	TBD	33-E1	SC-Riverside, CF-Palm Spring Courts, Self Help	01/01/19	12/31/20	0932	33	\$ 98,801	\$ 98,800.58	Self Help	CFRs approved; lease in draft. Costs include tenant improvements



SUPERIOR COURT OF CALIFORNIA COUNTY OF STANISLAUS

Hugh K. Swift
Court Executive Officer
Jury Commissioner

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Modesto, California 95354
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January 16, 2018

VIA EMAIL ATTACHMENT

Martin Hoshino
Administrative Director
Judicial Council of California
455 Golden Gate Ave.
San Francisco, CA

RE: Workload-Based Allocation and Funding Methodology (WAFM) Adjustment Request

Dear Mr. Hoshino,

The Superior Court of California, County of Stanislaus submits the following WAFM Adjustment Request regarding increased costs in Operating Expenditures and Equipment (OE&E) not factored into WAFM at this time:

- Court-Funded Lease/Rent

1) Description of how the factor is not currently accounted for in WAFM:

The costs of leasing or renting space for court operations is specifically excluded from WAFM calculation.

2) Basis for adjustment request:

We currently conduct trial court operations in five separate facilities. The Judicial Council leases at least a portion of four of the facilities from the county or private parties. However, through the CFR process, the court funds a portion of the lease payments at three of the facilities. In addition, due to inadequate space to accommodate a multi-defendant homicide case, the court (using the CFR process) leased an additional offsite court location for over two years (14/15 through 16/17).

When construction of the New Modesto Courthouse is completed the court will consolidate all of its operations into one building. However, the project is still in the Design Drawings phase and construction will not be completed for another four to five years, at the earliest.

The Judicial Council has the statutory responsibility to provide court facilities. (Gov.Code § 70312.) With the exception of court records storage, the rental of space for court operations is not an allowable cost of court operations. (Cal. Rules of Court, Rule 10.810(b)(2).) The CFR process provides a method for a court to meet its space requirements without committing a technical violation of Rule 10.810. However, the CFR process appears to place form over substance as the court effectively pays the rent on leased facilities through reductions in its TCTF allocations. Because WAFM does not account for these unallowable expenditures, the funding to support core court operations is reduced.

3) Analysis of adjustment necessity:

Over the previous five fiscal years, CFR payments for leased spaces has averaged \$179,332 annually. We expect to pay \$157,042 for leased spaces in 17/18.

Stanislaus remains one of the three most underfunded courts in the state. Our staffing levels are well below our RAS need of 268. Positions that may have been filled remained vacant because the court was required to use funding it received for operations to meet its facility needs.

4) Unique or broad application:

This issue is not unique to our court. The application will depend on whether there is sufficient state-owned space to meet a court's facility needs, or whether the court must use a portion of its TCTF allocation to fund leases in facilities owned by third-parties.

5) Description of costs required to support the factor that is unaccounted for by WAFM:

Leased Facilities Costs – either shared usage costs or court funded request

6) Public access consequence:

Court funding that would otherwise be used to fill vacant positions is instead used to make lease payments on space used for trial court operations. The lack of adequate staffing in the clerk's offices and self-help already negatively impacts the public's access to justice. Keeping positions open so the court can pay rent, only exacerbates the problem.

7) Consequences of not receiving funding:

Stanislaus had to freeze 12 vacancies for full fiscal year 2017-2018 in order to meet our OE&E obligations. In addition, we operated this year with an average monthly vacancy rate of 22, or ten positions over and above the 12 deemed to be frozen the entire year. We typically hold current year vacancies for 3-4 months in order to ensure we can meet expenditure obligations for leases and other unfunded cost increases, i.e., psychological evaluations.

8) Additional Information:

These are not new issues; rather, these are issues we wanted documented for our court. Specifically for lease/rent, we spoke on various occasions with JCC Facilities staff request funding of a leased facility for multi-defendant criminal cases due to lack of adequate sized and secure courtrooms and were told there was no avenue for funding other than court-funded requests. These costs are documented on our supporting spreadsheet listed as Department 26.

Thank you for your consideration of this request. If you have any questions or comments, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Hugh K. Swift". The signature is fluid and cursive, with a large initial "H" and "S".

Hugh K. Swift
Court Executive Officer

(Action Item)

Title: Court-Appointed Juvenile Dependency Counsel Funding Methodology Adjustment for Small Courts

Date: 10/9/2018

Contact: Brandy Sanborn, Manager, Judicial Council Budget Services
415-865-7195 | Brandy.Sanborn@jud.ca.gov

Issue

The interim changes to the small court dependency counsel allocations are scheduled to sunset June 30, 2018.

Background

The Judicial Council at its April 17, 2015 meeting approved several recommendations from the TCBAAC that direct the allocation of court-appointed counsel funding to the courts. The council approved a methodology for allocating the existing base funding of \$103,725,444 in 2014–2015 based on each court’s workload as calculated by the workload model for juvenile dependency, and adjusted to available funding statewide (“workload-based funding”). The council decided to phase in the new allocation methodology with annual increases or reductions in fiscal years 2015–2016, 2016–2017, and 2017–2018, and in 2018–2019 all courts will receive an equivalent percentage of statewide funding as calculated by the workload model. The allocations are to be phased in by basing each court’s annual allocation on a percentage of its historical base in 2014–2015 and a percentage of its workload-based funding in the current fiscal year, with the percentages changing annually as follows:

- 2015–2016: 10% of workload-based funding and 90% of historical base;
- 2016–2017: 40% of workload-based funding and 60% of historical base;
- 2017–2018: 80% of workload-based funding and 20% of historical base; and
- 2018–2019: 100% of workload-based funding.

The council also directed that any new state funds designated for court-appointed dependency counsel in addition to the current \$103.7 million be allocated to courts with a ratio of allocated base funding to their calculated workload-based funding need that is below the statewide ratio of base funding to workload-based funding required to meet the workload standard. Additional Judicial Council actions that impact funding allocations in 2015–2016 included revisions to how the workload methodology and funding need is calculated, and directed that a \$100,000 reserve be established for unexpected caseload increases.

In July 2016, the Judicial Council directed the Executive and Planning Committee to form a working group to consider changes to the court-appointed juvenile dependency counsel funding methodology as it relates to small courts. The working group recommended that the funding methodology be modified for the next two years to suspend reallocation related budget reductions for the 23 smallest courts, adjust the local economic index for all 30 small courts, and adjust the funding allocations of those larger courts receiving increases related to the reallocation to compensate for these increases. The Judicial Council directed the Family and Juvenile Law Advisory Committee to consider a comprehensive update of the attorney workload data and time standards used in the current workload model, and permanent revisions to the funding methodology could follow from that update and subsequent steps directed by the Judicial Council.

On May 19, 2017, the council approved the following recommendations from the Small Court Dependency Workload Working Group:

- A. “Small courts” be defined as the 30 courts in California with the lowest child welfare caseloads. All of these courts have caseloads of fewer than 400 children in child welfare.
- B. “Smallest courts” be defined as the 23 smallest courts who were identified by the Judicial Council as exempt from reallocation-related budget reductions in fiscal year 2016-2017. All of these courts have caseloads of fewer than 200.
- C. “Larger courts” be defined as the 28 courts not in the “small courts” group. The SCDW Working Group also recommends, effective July 1, 2017, that:
 - 1. Modifications be made to the Judicial Council dependency counsel workload and funding methodology as detailed in Juvenile Dependency: Court-Appointed Dependency Counsel Workload and Funding Methodology (Apr. 1, 2016) for fiscal years 2017-2018 and 2018- 2019¹;
 - 2. The 23 smallest courts continue to be exempt from reallocation-related budget reductions;
 - 3. The Bureau of Labor Statistics employment and wages index that is less than 1.0 for any of the 30 small courts be adjusted to 1.0;
 - 4. If the impact of these adjustments results in a small court being allocated more than 100 percent of the total need calculated through the workload and funding methodology, the court will receive an allocation equal to 100 percent of total need;
 - 5. The budget increase for small courts related to recommendations 2 and 3 be offset by reducing the funding allocations of those larger courts receiving increases related to the ongoing reallocation; and
 - 6. The \$100,000 reserve for caseload fluctuations in small courts be continued.

¹ <https://jcc.legistar.com/View.ashx?M=F&ID=4382676&GUID=E8BCCA8A-5DED-48C3-B946-6E21EBB0BEAF>

Options for Recommendation

- I. Sunset the modifications made to the Judicial Council dependency counsel workload and funding methodology for fiscal years 2017-2018 and 2018- 2019;
- II. Extend the modifications for two more fiscal years (2019-20 and 2020-21);
- III. Adopt the changes as permanent beginning July 1, 2019.
- IV. Revisit the methodology as it relates to small courts only, with any changes effective July 1, 2019.
- V. Other recommendation(s) as identified by the subcommittee.

Attachments

Attachment A: Small Court Juvenile Dependency Allocations

Small Court Juvenile Dependency Allocations

Court	2016-17				
	Allocation	Small Court Allocation	Total Allocation	Total Expenses	Difference Allocation vs. Expenses
Alameda	3,618,313		3,618,313	3,618,313	0
Alpine	399	654	1,053	0	1,053
Amador*	115,233	14,952	130,185	130,185	0
Butte	627,554		627,554	627,554	0
Calaveras	142,758		142,758	86,397	56,361
Colusa	40,667		40,667	40,667	0
Contra Costa	2,600,337		2,600,337	2,600,337	0
Del Norte*	214,730		214,730	214,730	0
El Dorado*	655,569		655,569	655,569	0
Fresno	2,670,600		2,670,600	2,670,600	0
Glenn	90,417		90,417	84,000	6,417
Humboldt	462,558	39,985	502,543	502,543	0
Imperial	518,512		518,512	518,512	0
Inyo	72,277	4,314	76,591	76,591	0
Kern	2,277,753		2,277,753	2,277,753	0
Kings	443,478		443,478	367,769	75,709
Lake	296,119		296,119	296,119	0
Lassen	106,891		106,891	106,891	0
Los Angeles	45,149,389		45,149,389	45,149,389	0
Madera	293,833		293,833	293,833	0
Marin*	388,488		388,488	388,488	0
Mariposa	38,070	11,221	49,291	48,291	1,000
Mendocino*	566,908	8,031	574,939	574,939	0
Merced	751,397		751,397	751,397	0
Modoc	17,128		17,128	17,128	0
Mono	13,956		13,956	13,956	0
Monterey	494,823		494,823	399,350	95,473
Napa	232,362		232,362	187,686	44,676
Nevada	226,123		226,123	216,429	9,694
Orange	5,648,065		5,648,065	5,648,065	0
Placer	687,985		687,985	687,985	0
Plumas*	154,059	6,010	160,069	160,069	0
Riverside	6,411,055		6,411,055	6,402,472	8,583
Sacramento	4,832,997		4,832,997	4,832,997	0
San Benito	89,163		89,163	34,800	54,363
San Bernardino	5,731,210		5,731,210	5,651,129	80,081
San Diego	7,711,177		7,711,177	7,711,177	0
San Francisco	3,296,146		3,296,146	3,296,146	0
San Joaquin	2,601,178		2,601,178	2,601,178	0
San Luis Obispo	647,980		647,980	647,980	0
San Mateo	668,643		668,643	461,418	207,225
Santa Barbara	1,267,448		1,267,448	1,267,448	0
Santa Clara	3,780,956		3,780,956	3,780,956	0
Santa Cruz*	713,676		713,676	713,676	0
Shasta	621,700		621,700	621,700	0
Sierra	13,759		13,759	9,729	4,030
Siskiyou	245,373		245,373	245,373	0
Solano	801,057		801,057	801,057	0
Sonoma	990,021		990,021	990,021	0
Stanislaus	1,004,470		1,004,470	1,004,470	0
Sutter	146,804	15,241	162,045	87,718	74,327
Tehama	177,634		177,634	177,634	0
Trinity	93,829		93,829	93,829	0
Tulare	1,032,410		1,032,410	1,032,292	118
Tuolumne	110,593		110,593	103,107	7,486
Ventura	1,284,628		1,284,628	1,284,628	0
Yolo	430,429		430,429	426,339	4,090
Yuba	278,909		278,909	255,540	23,369
Totals	114,599,996	100,408	114,700,404	113,946,349	754,055
Small Court Totals	5,616,433	92,377	5,708,810	5,421,944	286,866

2017-18					
Allocation	Reallocation	Small Court Allocation	Total Allocation	Total Expenses	Difference Allocation vs. Expenses
3,565,629			3,565,629	3,565,629	0
1,799			1,799	0	1,799
143,696			143,696	143,696	0
794,546			794,546	731,799	62,747
220,822	(39,094)		181,728	178,080	3,648
43,948		23,080	67,028	55,606	11,422
2,363,610			2,363,610	2,363,610	0
214,730			214,730	205,945	8,785
548,764			548,764	548,764	0
3,015,746			3,015,746	3,015,746	0
111,158			111,158	102,001	9,157
522,682		465	523,147	520,907	2,240
576,150			576,150	576,150	0
45,459			45,459	45,459	0
2,664,810	(400,000)		2,264,810	2,058,485	206,325
700,757	(125,000)		575,757	369,308	206,449
272,201		1,663	273,864	273,864	0
106,891			106,891	106,891	0
60,560,884	479,802		61,040,686	61,040,686	0
535,074	4,271		539,345	535,074	4,271
311,538			311,538	311,538	0
38,070		2,170	40,240	38,070	2,170
440,581			440,581	440,581	0
844,260			844,260	774,397	69,863
24,065		5,725	29,790	28,662	1,128
13,956			13,956	13,956	0
682,574	(78,543)		604,031	519,410	84,621
315,051	2,466		317,517	233,090	84,427
202,832			202,832	186,827	17,005
5,366,139			5,366,139	5,366,139	0
895,552	7,170		902,722	893,383	9,339
151,555			151,555	151,555	0
8,806,009	70,441		8,876,450	8,876,443	7
5,609,080			5,609,080	5,609,080	0
112,410	898		113,308	60,908	52,400
8,514,703	68,617		8,583,320	8,474,754	108,566
6,132,621			6,132,621	6,132,621	0
3,060,973			3,060,973	3,059,983	990
2,480,278			2,480,278	2,480,278	0
703,001			703,001	703,001	0
960,903	7,836		968,739	968,739	0
979,287			979,287	979,287	0
3,223,912			3,223,912	3,223,912	0
598,314			598,314	598,314	0
680,076			680,076	680,076	0
9,848	(7,873)		1,975	1,350	625
245,373			245,373	245,373	0
883,349			883,349	883,349	0
918,101			918,101	918,101	0
1,092,505			1,092,505	1,092,505	0
220,511	1,740	4,786	227,037	227,037	(0)
319,793			319,793	319,793	0
96,021			96,021	96,021	0
1,591,232	12,836		1,604,068	1,604,068	0
159,147	(28,841)		130,306	130,306	0
1,835,753	14,814		1,850,567	1,850,567	0
596,503	4,669	62,110	663,282	663,282	(0)
474,768	3,791		478,559	457,035	21,524
136,600,000	(0)	99,999	136,699,999	135,730,491	969,508
6,411,606	(57,974)	99,999	6,453,631	6,233,031	220,600

2018-19		
Current Allocation	Allocation w/o Small Court Adjustment	Difference
3,399,620	3,399,620	0
2,628	2,180	448
144,678	143,754	924
799,814	810,710	(10,896)
191,355	166,194	25,161
72,637	53,843	18,794
2,294,410	2,294,410	(0)
214,730	127,400	87,330
505,148	505,148	0
2,800,979	2,800,979	(0)
122,690	80,007	42,683
657,658	497,067	160,591
562,114	562,114	(0)
51,626	28,501	23,125
2,627,276	2,627,276	(0)
713,352	723,070	(9,718)
276,158	138,816	137,342
108,967	84,907	24,060
62,434,046	63,284,606	(850,560)
589,946	551,885	38,061
304,984	201,272	103,712
41,897	35,487	6,410
458,911	375,066	83,845
775,718	775,718	0
37,161	20,100	17,061
14,615	13,855	760
715,702	725,452	(9,750)
311,403	311,403	0
174,058	114,868	59,190
5,355,390	5,428,349	(72,959)
747,111	747,111	(0)
154,059	76,343	77,716
8,173,324	8,173,324	0
5,161,591	5,161,591	(0)
104,920	102,003	2,917
9,751,976	9,884,831	(132,855)
5,339,513	5,339,513	(0)
2,754,101	2,754,101	(0)
2,399,805	2,399,805	0
672,046	672,046	0
934,702	934,702	0
826,760	826,760	0
2,947,634	2,947,634	(0)
544,197	544,197	0
614,678	614,678	(0)
8,323	3,416	4,907
245,373	133,475	111,898
805,489	805,489	0
945,770	958,655	(12,885)
1,091,719	1,106,592	(14,873)
260,937	255,159	5,778
362,975	286,612	76,363
93,829	60,809	33,020
1,714,221	1,737,574	(23,353)
168,548	147,825	20,723
1,833,055	1,858,027	(24,972)
712,428	712,428	0
471,244	471,244	0
136,599,999	100,000	(1)
6,703,799	5,736,722	1,162,820

DRAFT Courts Small Courts * Indicates a small court in the DRAFT program. Note: 2016-17 there was no mid-year reallocation.

(Action Item)

Title: 2018-19 Allocation Methodology of New Judgeships
Date: 10/19/2018
Contact: Melissa Ng, Senior Budget Analyst, Judicial Council Budget Services
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Issue

Consideration of an allocation methodology recommendation for new funding for judgeships provided in the Budget Act of 2018.

Background

The Budget Act of 2018 (Stats. 2018, Ch. 29) provides a total of \$2.92 million ongoing funding to be available for expenses associated with two judgeships in Riverside Superior Court:

- \$768,000 for compensation of superior court judges (Program 0150019);
- \$256,000 for court interpreters (Program 0150037); and
- \$1.896 million for expenses related to support for the judgeships (Program 0150010).

AB 159 (Stats 2007, Ch. 722,) authorized 50 additional judgeships to be allocated to various county superior courts. SB 879 (Ch. 457, Stats. 2018) amended Government Code section 69614.3 to allocate two of the 50 judgeships to the County of Riverside effective July 1, 2018.

Current Funds Disbursement Processes

Judges' Salaries

Riverside Superior Court judges are paid through the county. The county submits paper claim schedules to the State Controller's Office to receive reimbursement for costs related to judges' salaries and benefits. As a result, the \$768,000 compensation is excluded from this recommendation.

Court Interpreters

Court interpreter costs are allocated and reimbursed through the monthly Trial Court Trust Fund distribution process. Allocated funds are distributed to courts on a monthly basis for staff interpreter salary and benefit costs for authorized positions as reported by the courts on their Schedule 7A. Additionally, courts are reimbursed for actual expenditures for qualifying actual

costs incurred during the applicable period pending available funding. As a result, the \$256,000 for court interpreters is excluded from this recommendation.

Support for Trial Court Operations

The Workload-based Allocation and Funding Methodology (WAFM) approved by the Judicial Council is used to allocate the annual state trial court operations funds with ongoing policy and technical adjustments evaluated by the Trial Court Budget Advisory Committee (TCBAC).

At its January 12, 2018 meeting, the Judicial Council adopted new policy parameters for WAFM for use in allocating funds for trial court operations beginning 2018-19.

WAFM policy specifies that in fiscal years for which new money is provided, the funding is intended in the following manner:

1. Bring all Cluster 1 courts up to at least 100 percent of the 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.
3. Allocate remaining funding to all courts based on WAFM.
4. Allow no court's allocation to exceed 100 percent of its need unless it is the result of a funding floor calculation.

Other new funding received for 2018-19 has fully funded Cluster 1 courts to 100 percent of their funding need, satisfying item 1 of the council's policy. As a result of other allocations that have been approved by the council in July and September, the statewide average funding ratio is 85.8%. When calculating the statewide average, it was assumed that the entire \$10 million allocated for court reporters in family law is set aside for that purposes and does not impact the statewide average. For the allocation of the remaining \$1.896 million in new judgeships funding, 50 percent of the funding would be allocated to courts under the statewide average, with the remaining funding allocated to all courts as per the WAFM model (see Attachment A).

Previous Council Action

.Since the implementation of WAFM in 2013-14, the funding associated with the new judgeships authorized by SB 56 and AB 159 have been reallocated based on WAFM. In addition, at its September 15, 2018 meeting, the Judicial Council reallocated two vacant judgeships, each from the Superior Courts of Alameda and Santa Clara counties to Superior Courts of San Bernardino and Riverside, respectively, pursuant to AB 103. AB 103 added Government Code section 69614.4, in which a court that has a vacant judgeship reallocated should not have their funding allocation reduced or any of its funding shifted or transferred as a result of, or in connection with, the reallocation of a vacant judgeship pursuant to this section.

These decisions continue to acknowledge that funding for general court operations is allocated based on workload, and any changes to judgeships, including the addition or transfer of

judgeships should be distributed via WAFM and not result in a change of funding allocation for general trial court operations.

Alternatives Considered

Alternative 1: Allocate \$1.896 million to Riverside County Superior Court.

This alternative is not recommended because it would create a new funding allocation that is excluded from WAFM and would apply to a single court, setting a precedent for future new funding to be targeted to specific courts. By allowing the creation of new funding streams that are outside of WAFM, this action would inhibit WAFM from continuing to fulfill its goal for advancing equity in funding for all trial courts.

Alternative 2: Provide up to \$1.896 million available to Riverside County Superior Court as a reimbursement.

This alternative would require the court to provide claims to demonstrate costs are related to the new judgeships in order to receive reimbursements for these costs, up to or over the \$1.896 million available amount of funding. While this option would be consistent with the process in place currently for judges' salaries and court interpreters, which are reimbursed based on actual expenditures, it is not recommended as additional practices and methodologies would need to be set in place.

Recommendations

Judicial Council Budget Services staff recommends that the subcommittee approve \$1.896 million for general trial court operations to be allocated following the Judicial Council-approved WAFM policy for consideration by TCBAC.

Attachments

Attachment A: New Funding Allocation Table

NEW FUNDING ALLOCATION TABLE

Cluster	Court	CURRENT FUNDING & NEED			BRING CLUSTER 1 COURTS TO 100%			
		2018-19 WAFM Allocations (Sept 2018)	2018-19 WAFM Funding Need	% of Need	\$ Difference Between Funding and Need (Cluster 1 Courts)	2018-19 with Cluster 1 Courts Brought up to 100%	New % of Need	Difference from Average
4	Alameda	72,941,207	81,002,945	90.0%	-	72,941,207	90.0%	4.2%
1	Alpine	750,000	423,375	177.1%	-	750,000	177.1%	91.3%
1	Amador	2,893,614	2,875,289	100.6%	-	2,893,614	100.6%	14.8%
2	Butte	11,088,380	13,374,342	82.9%	-	11,088,380	82.9%	-2.9%
1	Calaveras	2,632,792	2,611,172	100.8%	-	2,632,792	100.8%	15.0%
1	Colusa	2,005,351	1,994,887	100.5%	-	2,005,351	100.5%	14.7%
3	Contra Costa	41,166,818	49,564,075	83.1%	-	41,166,818	83.1%	-2.8%
1	Del Norte	2,834,516	2,821,641	100.5%	-	2,834,516	100.5%	14.6%
2	El Dorado	7,224,936	8,706,630	83.0%	-	7,224,936	83.0%	-2.8%
3	Fresno	50,884,994	61,505,974	82.7%	-	50,884,994	82.7%	-3.1%
1	Glenn	2,145,089	2,131,394	100.6%	-	2,145,089	100.6%	14.8%
2	Humboldt	6,513,164	7,859,064	82.9%	-	6,513,164	82.9%	-2.9%
2	Imperial	8,827,767	10,646,670	82.9%	-	8,827,767	82.9%	-2.9%
1	Inyo	2,013,981	2,005,177	100.4%	-	2,013,981	100.4%	14.6%
3	Kern	53,648,654	64,924,267	82.6%	-	53,648,654	82.6%	-3.2%
2	Kings	7,413,767	8,937,370	83.0%	-	7,413,767	83.0%	-2.9%
2	Lake	3,777,222	4,564,481	82.8%	-	3,777,222	82.8%	-3.1%
1	Lassen	2,166,511	2,147,934	100.9%	-	2,166,511	100.9%	15.0%
4	Los Angeles	532,772,970	638,806,215	83.4%	-	532,772,970	83.4%	-2.4%
2	Madera	8,107,053	9,793,045	82.8%	-	8,107,053	82.8%	-3.0%
2	Marin	12,325,803	12,566,559	98.1%	-	12,325,803	98.1%	12.3%
1	Mariposa	1,422,350	1,345,369	105.7%	-	1,422,350	105.7%	19.9%
2	Mendocino	5,943,681	7,193,213	82.6%	-	5,943,681	82.6%	-3.2%
2	Merced	13,118,565	15,840,897	82.8%	-	13,118,565	82.8%	-3.0%
1	Modoc	1,032,981	1,028,437	100.4%	-	1,032,981	100.4%	14.6%
1	Mono	2,024,584	1,921,905	105.3%	-	2,024,584	105.3%	19.5%
3	Monterey	19,195,834	23,133,221	83.0%	-	19,195,834	83.0%	-2.8%
2	Napa	7,210,564	8,401,332	85.8%	-	7,210,564	85.8%	0.0%
2	Nevada	4,856,201	5,843,371	83.1%	-	4,856,201	83.1%	-2.7%
4	Orange	137,487,005	158,456,848	86.8%	-	137,487,005	86.8%	0.9%
2	Placer	16,819,465	20,276,800	82.9%	-	16,819,465	82.9%	-2.9%
1	Plumas	1,257,602	1,248,131	100.8%	-	1,257,602	100.8%	14.9%
4	Riverside	96,189,715	115,862,199	83.0%	-	96,189,715	83.0%	-2.8%
4	Sacramento	78,142,814	94,395,798	82.8%	-	78,142,814	82.8%	-3.0%
1	San Benito	3,323,461	3,296,242	100.8%	-	3,323,461	100.8%	15.0%
4	San Bernardino	101,782,503	122,742,865	82.9%	-	101,782,503	82.9%	-2.9%
4	San Diego	140,914,266	149,934,947	94.0%	-	140,914,266	94.0%	8.2%
4	San Francisco	54,797,877	50,232,141	109.1%	-	54,797,877	109.1%	23.3%
3	San Joaquin	37,028,884	44,735,096	82.8%	-	37,028,884	82.8%	-3.0%

NEW FUNDING ALLOCATION TABLE

Cluster	Court	CURRENT FUNDING & NEED			BRING CLUSTER 1 COURTS TO 100%			
		2018-19 WAFM Allocations (Sept 2018)	2018-19 WAFM Funding Need	% of Need	\$ Difference Between Funding and Need (Cluster 1 Courts)	2018-19 with Cluster 1 Courts Brought up to 100%	New % of Need	Difference from Average
2	San Luis Obispo	14,041,371	16,955,493	82.8%	-	14,041,371	82.8%	-3.0%
3	San Mateo	37,011,300	44,665,811	82.9%	-	37,011,300	82.9%	-3.0%
3	Santa Barbara	22,396,298	27,023,513	82.9%	-	22,396,298	82.9%	-2.9%
4	Santa Clara	78,084,893	84,090,893	92.9%	-	78,084,893	92.9%	7.0%
2	Santa Cruz	12,985,742	15,685,230	82.8%	-	12,985,742	82.8%	-3.0%
2	Shasta	12,185,253	14,659,632	83.1%	-	12,185,253	83.1%	-2.7%
1	Sierra	750,000	384,421	195.1%	-	750,000	195.1%	109.3%
2	Siskiyou	3,062,819	2,947,529	103.9%	-	3,062,819	103.9%	18.1%
3	Solano	21,791,661	26,312,624	82.8%	-	21,791,661	82.8%	-3.0%
3	Sonoma	23,630,198	26,972,981	87.6%	-	23,630,198	87.6%	1.8%
3	Stanislaus	25,761,883	31,117,525	82.8%	-	25,761,883	82.8%	-3.0%
2	Sutter	5,489,922	6,637,467	82.7%	-	5,489,922	82.7%	-3.1%
2	Tehama	4,519,940	5,482,422	82.4%	-	4,519,940	82.4%	-3.4%
1	Trinity	1,583,879	1,577,430	100.4%	-	1,583,879	100.4%	14.6%
3	Tulare	22,050,825	26,630,469	82.8%	-	22,050,825	82.8%	-3.0%
2	Tuolumne	3,600,391	4,353,053	82.7%	-	3,600,391	82.7%	-3.1%
3	Ventura	37,038,277	44,625,264	83.0%	-	37,038,277	83.0%	-2.8%
2	Yolo	11,192,364	13,505,143	82.9%	-	11,192,364	82.9%	-2.9%
2	Yuba	4,921,014	5,960,394	82.6%	-	4,921,014	82.6%	-3.3%
Total		1,898,780,971	2,214,738,616	85.7%	-	1,898,780,971	85.7%	

NEW FUNDING ALLOCATION TABLE

Cluster	Court	APPLY 50% TO COURTS BELOW STATEWIDE AVERAGE						APPLY 50% TO ALL COURTS BELOW 100%					
		Courts Below the Average	Percentage as Compared to the Whole of Below Average Courts	Additional Funding	Total Funding for Below Average Courts	Allocation after Cluster 1 and Below New Average	% of Need	Courts Below 100%	Percentage as Compared to the Whole of Under 100% Courts	Additional Funding	Total Funding for Courts Below 100%	Total after Allocating 50% Below and 50% to All	New % of Need
4	Alameda	0	0.0%	0	0	72,941,207	90.0%	72,941,207	4.0%	38,140	72,979,346	72,979,346	90.1%
1	Alpine	0	0.0%	0	0	750,000	177.1%	0	0.0%	0	0	750,000	177.1%
1	Amador	0	0.0%	0	0	2,893,614	100.6%	0	0.0%	0	0	2,893,614	100.6%
2	Butte	11,088,380	0.8%	7,848	11,096,228	11,096,228	83.0%	11,096,228	0.6%	5,802	11,102,030	11,102,030	83.0%
1	Calaveras	0	0.0%	0	0	2,632,792	100.8%	0	0.0%	0	0	2,632,792	100.8%
1	Colusa	0	0.0%	0	0	2,005,351	100.5%	0	0.0%	0	0	2,005,351	100.5%
3	Contra Costa	41,166,818	3.1%	29,135	41,195,953	41,195,953	83.1%	41,195,953	2.3%	21,541	41,217,494	41,217,494	83.2%
1	Del Norte	0	0.0%	0	0	2,834,516	100.5%	0	0.0%	0	0	2,834,516	100.5%
2	El Dorado	7,224,936	0.5%	5,113	7,230,050	7,230,050	83.0%	7,230,050	0.4%	3,780	7,233,830	7,233,830	83.1%
3	Fresno	50,884,994	3.8%	36,013	50,921,007	50,921,007	82.8%	50,921,007	2.8%	26,626	50,947,632	50,947,632	82.8%
1	Glenn	0	0.0%	0	0	2,145,089	100.6%	0	0.0%	0	0	2,145,089	100.6%
2	Humboldt	6,513,164	0.5%	4,610	6,517,774	6,517,774	82.9%	6,517,774	0.4%	3,408	6,521,182	6,521,182	83.0%
2	Imperial	8,827,767	0.7%	6,248	8,834,015	8,834,015	83.0%	8,834,015	0.5%	4,619	8,838,634	8,838,634	83.0%
1	Inyo	0	0.0%	0	0	2,013,981	100.4%	0	0.0%	0	0	2,013,981	100.4%
3	Kern	53,648,654	4.0%	37,969	53,686,623	53,686,623	82.7%	53,686,623	3.0%	28,072	53,714,695	53,714,695	82.7%
2	Kings	7,413,767	0.6%	5,247	7,419,014	7,419,014	83.0%	7,419,014	0.4%	3,879	7,422,893	7,422,893	83.1%
2	Lake	3,777,222	0.3%	2,673	3,779,896	3,779,896	82.8%	3,779,896	0.2%	1,976	3,781,872	3,781,872	82.9%
1	Lassen	0	0.0%	0	0	2,166,511	100.9%	0	0.0%	0	0	2,166,511	100.9%
4	Los Angeles	532,772,970	39.8%	377,061	533,150,030	533,150,030	83.5%	533,150,030	29.4%	278,774	533,428,804	533,428,804	83.5%
2	Madera	8,107,053	0.6%	5,738	8,112,791	8,112,791	82.8%	8,112,791	0.4%	4,242	8,117,033	8,117,033	82.9%
2	Marin	0	0.0%	0	0	12,325,803	98.1%	12,325,803	0.7%	6,445	12,332,248	12,332,248	98.1%
1	Mariposa	0	0.0%	0	0	1,422,350	105.7%	0	0.0%	0	0	1,422,350	105.7%
2	Mendocino	5,943,681	0.4%	4,207	5,947,888	5,947,888	82.7%	5,947,888	0.3%	3,110	5,950,998	5,950,998	82.7%
2	Merced	13,118,565	1.0%	9,284	13,127,849	13,127,849	82.9%	13,127,849	0.7%	6,864	13,134,714	13,134,714	82.9%
1	Modoc	0	0.0%	0	0	1,032,981	100.4%	0	0.0%	0	0	1,032,981	100.4%
1	Mono	0	0.0%	0	0	2,024,584	105.3%	0	0.0%	0	0	2,024,584	105.3%
3	Monterey	19,195,834	1.4%	13,586	19,209,420	19,209,420	83.0%	19,209,420	1.1%	10,044	19,219,464	19,219,464	83.1%
2	Napa	0	0.0%	0	0	7,210,564	85.8%	7,210,564	0.4%	3,770	7,214,335	7,214,335	85.9%
2	Nevada	4,856,201	0.4%	3,437	4,859,638	4,859,638	83.2%	4,859,638	0.3%	2,541	4,862,179	4,862,179	83.2%
4	Orange	0	0.0%	0	0	137,487,005	86.8%	137,487,005	7.6%	71,889	137,558,894	137,558,894	86.8%
2	Placer	16,819,465	1.3%	11,904	16,831,368	16,831,368	83.0%	16,831,368	0.9%	8,801	16,840,169	16,840,169	83.1%
1	Plumas	0	0.0%	0	0	1,257,602	100.8%	0	0.0%	0	0	1,257,602	100.8%
4	Riverside	96,189,715	7.2%	68,077	96,257,791	96,257,791	83.1%	96,257,791	5.3%	50,331	96,308,123	96,308,123	83.1%
4	Sacramento	78,142,814	5.8%	55,304	78,198,118	78,198,118	82.8%	78,198,118	4.3%	40,888	78,239,007	78,239,007	82.9%
1	San Benito	0	0.0%	0	0	3,323,461	100.8%	0	0.0%	0	0	3,323,461	100.8%
4	San Bernardino	101,782,503	7.6%	72,035	101,854,537	101,854,537	83.0%	101,854,537	5.6%	53,258	101,907,795	101,907,795	83.0%
4	San Diego	0	0.0%	0	0	140,914,266	94.0%	140,914,266	7.8%	73,681	140,987,948	140,987,948	94.0%
4	San Francisco	0	0.0%	0	0	54,797,877	109.1%	0	0.0%	0	0	54,797,877	109.1%
3	San Joaquin	37,028,884	2.8%	26,207	37,055,091	37,055,091	82.8%	37,055,091	2.0%	19,375	37,074,466	37,074,466	82.9%

NEW FUNDING ALLOCATION TABLE

Cluster	Court	APPLY 50% TO COURTS BELOW STATEWIDE AVERAGE						APPLY 50% TO ALL COURTS BELOW 100%					
		Courts Below the Average	Percentage as Compared to the Whole of Below Average Courts	Additional Funding	Total Funding for Below Average Courts	Allocation after Cluster 1 and Below New Average	% of Need	Courts Below 100%	Percentage as Compared to the Whole of Under 100% Courts	Additional Funding	Total Funding for Courts Below 100%	Total after Allocating 50% Below and 50% to All	New % of Need
2	San Luis Obispo	14,041,371	1.0%	9,938	14,051,308	14,051,308	82.9%	14,051,308	0.8%	7,347	14,058,656	14,058,656	82.9%
3	San Mateo	37,011,300	2.8%	26,194	37,037,494	37,037,494	82.9%	37,037,494	2.0%	19,366	37,056,861	37,056,861	83.0%
3	Santa Barbara	22,396,298	1.7%	15,851	22,412,148	22,412,148	82.9%	22,412,148	1.2%	11,719	22,423,867	22,423,867	83.0%
4	Santa Clara	0	0.0%	0	0	78,084,893	92.9%	78,084,893	4.3%	40,829	78,125,722	78,125,722	92.9%
2	Santa Cruz	12,985,742	1.0%	9,190	12,994,932	12,994,932	82.8%	12,994,932	0.7%	6,795	13,001,727	13,001,727	82.9%
2	Shasta	12,185,253	0.9%	8,624	12,193,877	12,193,877	83.2%	12,193,877	0.7%	6,376	12,200,253	12,200,253	83.2%
1	Sierra	0	0.0%	0	0	750,000	195.1%	0	0.0%	0	0	750,000	195.1%
2	Siskiyou	0	0.0%	0	0	3,062,819	103.9%	0	0.0%	0	0	3,062,819	103.9%
3	Solano	21,791,661	1.6%	15,423	21,807,083	21,807,083	82.9%	21,807,083	1.2%	11,403	21,818,486	21,818,486	82.9%
3	Sonoma	0	0.0%	0	0	23,630,198	87.6%	23,630,198	1.3%	12,356	23,642,554	23,642,554	87.7%
3	Stanislaus	25,761,883	1.9%	18,233	25,780,115	25,780,115	82.8%	25,780,115	1.4%	13,480	25,793,595	25,793,595	82.9%
2	Sutter	5,489,922	0.4%	3,885	5,493,807	5,493,807	82.8%	5,493,807	0.3%	2,873	5,496,680	5,496,680	82.8%
2	Tehama	4,519,940	0.3%	3,199	4,523,139	4,523,139	82.5%	4,523,139	0.2%	2,365	4,525,504	4,525,504	82.5%
1	Trinity	0	0.0%	0	0	1,583,879	100.4%	0	0.0%	0	0	1,583,879	100.4%
3	Tulare	22,050,825	1.6%	15,606	22,066,431	22,066,431	82.9%	22,066,431	1.2%	11,538	22,077,969	22,077,969	82.9%
2	Tuolumne	3,600,391	0.3%	2,548	3,602,939	3,602,939	82.8%	3,602,939	0.2%	1,884	3,604,823	3,604,823	82.8%
3	Ventura	37,038,277	2.8%	26,213	37,064,490	37,064,490	83.1%	37,064,490	2.0%	19,380	37,083,870	37,083,870	83.1%
2	Yolo	11,192,364	0.8%	7,921	11,200,285	11,200,285	82.9%	11,200,285	0.6%	5,856	11,206,142	11,206,142	83.0%
2	Yuba	4,921,014	0.4%	3,483	4,924,497	4,924,497	82.6%	4,924,497	0.3%	2,575	4,927,072	4,927,072	82.7%
Total		1,339,489,627	100.0%	948,000	1,340,437,627	1,899,728,971	85.8%	1,813,031,563		948,000	1,813,979,563	1,900,676,971	85.8%

NEW FUNDING ALLOCATION TABLE

Cluster	Court	ADJUST FOR ANY COURT OVER 100% (w/ New Money) (NOT INCLUDING FLOOR COURTS)					FINAL ALLOCATION		
		Counties Above 100% (Not Including Floor Courts)	Cluster 2,3,4 Courts Below 100%	Percentage as Compared to the Whole of Under 100% Courts	Additional Funding from Over 100% to Under 100%	Total Allocations for Under 100% Courts	2018-19 Total Allocation	% Need	% Increase
4	Alameda	0	72,979,346	3.9%	0	72,979,346	72,979,346	90.1%	0.1%
1	Alpine	0	0	0.0%	0	0	750,000	177.1%	0.0%
1	Amador	0	0	0.0%	0	0	2,893,614	100.6%	0.0%
2	Butte	0	11,102,030	0.6%	0	11,102,030	11,102,030	83.0%	0.1%
1	Calaveras	0	0	0.0%	0	0	2,632,792	100.8%	0.0%
1	Colusa	0	0	0.0%	0	0	2,005,351	100.5%	0.0%
3	Contra Costa	0	41,217,494	2.2%	0	41,217,494	41,217,494	83.2%	0.1%
1	Del Norte	0	0	0.0%	0	0	2,834,516	100.5%	0.0%
2	El Dorado	0	7,233,830	0.4%	0	7,233,830	7,233,830	83.1%	0.1%
3	Fresno	0	50,947,632	2.7%	0	50,947,632	50,947,632	82.8%	0.1%
1	Glenn	0	0	0.0%	0	0	2,145,089	100.6%	0.0%
2	Humboldt	0	6,521,182	0.3%	0	6,521,182	6,521,182	83.0%	0.1%
2	Imperial	0	8,838,634	0.5%	0	8,838,634	8,838,634	83.0%	0.1%
1	Inyo	0	0	0.0%	0	0	2,013,981	100.4%	0.0%
3	Kern	0	53,714,695	2.9%	0	53,714,695	53,714,695	82.7%	0.1%
2	Kings	0	7,422,893	0.4%	0	7,422,893	7,422,893	83.1%	0.1%
2	Lake	0	3,781,872	0.2%	0	3,781,872	3,781,872	82.9%	0.1%
1	Lassen	0	0	0.0%	0	0	2,166,511	100.9%	0.0%
4	Los Angeles	0	533,428,804	28.5%	0	533,428,804	533,428,804	83.5%	0.1%
2	Madera	0	8,117,033	0.4%	0	8,117,033	8,117,033	82.9%	0.1%
2	Marin	0	12,332,248	0.7%	0	12,332,248	12,332,248	98.1%	0.1%
1	Mariposa	0	0	0.0%	0	0	1,422,350	105.7%	0.0%
2	Mendocino	0	5,950,998	0.3%	0	5,950,998	5,950,998	82.7%	0.1%
2	Merced	0	13,134,714	0.7%	0	13,134,714	13,134,714	82.9%	0.1%
1	Modoc	0	0	0.0%	0	0	1,032,981	100.4%	0.0%
1	Mono	0	0	0.0%	0	0	2,024,584	105.3%	0.0%
3	Monterey	0	19,219,464	1.0%	0	19,219,464	19,219,464	83.1%	0.1%
2	Napa	0	7,214,335	0.4%	0	7,214,335	7,214,335	85.9%	0.1%
2	Nevada	0	4,862,179	0.3%	0	4,862,179	4,862,179	83.2%	0.1%
4	Orange	0	137,558,894	7.3%	0	137,558,894	137,558,894	86.8%	0.1%
2	Placer	0	16,840,169	0.9%	0	16,840,169	16,840,169	83.1%	0.1%
1	Plumas	0	0	0.0%	0	0	1,257,602	100.8%	0.0%
4	Riverside	0	96,308,123	5.1%	0	96,308,123	96,308,123	83.1%	0.1%
4	Sacramento	0	78,239,007	4.2%	0	78,239,007	78,239,007	82.9%	0.1%
1	San Benito	0	0	0.0%	0	0	3,323,461	100.8%	0.0%
4	San Bernardino	0	101,907,795	5.4%	0	101,907,795	101,907,795	83.0%	0.1%
4	San Diego	0	140,987,948	7.5%	0	140,987,948	140,987,948	94.0%	0.1%
4	San Francisco	0	54,797,877	2.9%	0	54,797,877	54,797,877	109.1%	0.0%
3	San Joaquin	0	37,074,466	2.0%	0	37,074,466	37,074,466	82.9%	0.1%

NEW FUNDING ALLOCATION TABLE

Cluster	Court	ADJUST FOR ANY COURT OVER 100% (w/ New Money) (NOT INCLUDING FLOOR COURTS)					FINAL ALLOCATION		
		Counties Above 100% (Not Including Floor Courts)	Cluster 2,3,4 Courts Below 100%	Percentage as Compared to the Whole of Under 100% Courts	Additional Funding from Over 100% to Under 100%	Total Allocations for Under 100% Courts	2018-19 Total Allocation	% Need	% Increase
2	San Luis Obispo	0	14,058,656	0.8%	0	14,058,656	14,058,656	82.9%	0.1%
3	San Mateo	0	37,056,861	2.0%	0	37,056,861	37,056,861	83.0%	0.1%
3	Santa Barbara	0	22,423,867	1.2%	0	22,423,867	22,423,867	83.0%	0.1%
4	Santa Clara	0	78,125,722	4.2%	0	78,125,722	78,125,722	92.9%	0.1%
2	Santa Cruz	0	13,001,727	0.7%	0	13,001,727	13,001,727	82.9%	0.1%
2	Shasta	0	12,200,253	0.7%	0	12,200,253	12,200,253	83.2%	0.1%
1	Sierra	0	0	0.0%	0	0	750,000	195.1%	0.0%
2	Siskiyou	0	3,062,819	0.2%	0	3,062,819	3,062,819	103.9%	0.0%
3	Solano	0	21,818,486	1.2%	0	21,818,486	21,818,486	82.9%	0.1%
3	Sonoma	0	23,642,554	1.3%	0	23,642,554	23,642,554	87.7%	0.1%
3	Stanislaus	0	25,793,595	1.4%	0	25,793,595	25,793,595	82.9%	0.1%
2	Sutter	0	5,496,680	0.3%	0	5,496,680	5,496,680	82.8%	0.1%
2	Tehama	0	4,525,504	0.2%	0	4,525,504	4,525,504	82.5%	0.1%
1	Trinity	0	0	0.0%	0	0	1,583,879	100.4%	0.0%
3	Tulare	0	22,077,969	1.2%	0	22,077,969	22,077,969	82.9%	0.1%
2	Tuolumne	0	3,604,823	0.2%	0	3,604,823	3,604,823	82.8%	0.1%
3	Ventura	0	37,083,870	2.0%	0	37,083,870	37,083,870	83.1%	0.1%
2	Yolo	0	11,206,142	0.6%	0	11,206,142	11,206,142	83.0%	0.1%
2	Yuba	0	4,927,072	0.3%	0	4,927,072	4,927,072	82.7%	0.1%
Total		0	1,871,840,259		0	1,871,840,259	1,900,676,971	85.8%	0.1%

WAFM New Money	1,896,000
After Cluster 1 to 100%	1,896,000
50% for below new average	948,000
50% for All	948,000
Add \$1.896m	1,900,676,971
New Avg. Need	85.8%

(Action Item)

Title: Interpreter Shortfall and Allocation Funding Methodology
Date: 10/9/2018
Contact: Catrayel Wood, Senior Budget Analyst, Judicial Council Budget Services
916-643-7008 | Catrayel.Wood@jud.ca.gov

Issues

Consideration of a Shortfall Methodology

Insufficient funding is available for continued civil expansion and salary increases for the CIP, which is currently experiencing a structural deficit in the event additional funding is not secured through the Budget Change Proposal process. For the 2018-19 anticipated shortfall, the Judicial Council approved a one-time backfill of up to \$3.4 million from the Trial Court Trust Fund. As this is not a sustainable option, a methodology is requested in anticipation of future shortfalls.

Consideration of an Allocation Methodology

Trial courts are currently distributed reimbursement dollars in advance for 1/12th of 95 percent of their staff interpreter salaries and benefits as reported in the current year Schedule 7A. An annual true-up process takes place the following fiscal year based on actual costs, and typically results in large swings (over and underpayments) to courts and a need to submit a current year Budget Revision (BR) to the Department of Finance to request an increase in authority and use of fund balance. In addition, the current process lacks a mid-year true-up process at minimum to provide a status on current year funding needs based on actual expenditures.

An allocation methodology is requested to more accurately distribute dollars and possibly avoid the true up and BR processes. Not only will this provide predictability for the funds, but also will established certainty and better assist courts in managing interpreter programs locally.

Background

In 1998, the Judicial Council approved the establishment of the Court Interpreters Program. The Court Interpreters Program (CIP) oversees program development and is responsible for the recruitment, orientation, testing, and certification of individuals seeking to become court interpreters. CIP also oversees mandatory ethics training for newly certified or registered interpreters and monitors annual renewal requirements that include compliance with the continuing education and professional assignment requirements of certified and registered interpreters in California's courts.

Mandates to Provide Court Interpreting Services

Article I, section 14 of the California Constitution was amended in 1974 to provide that "[a] person unable to understand English who is charged with a crime has a right to an interpreter throughout the proceedings." This provision established a mandate for courts to provide interpreters in criminal matters to all defendants who have a limited ability to understand or speak English. The constitutional mandate and subsequent case law has been interpreted to include proceedings related to criminal, misdemeanor, and delinquency matters, as well as certain civil matters such as divorce or separation involving a protective order, and child custody and visitation proceedings.

Effective January 1, 2015, the enactment of Assembly Bill (AB)1657 (Stats. 2014, ch.721, expanded California's constitutional mandate and authorized courts to provide interpreters to all parties in civil matters, regardless of income, and set forth a priority and preference order when courts do not have sufficient resources to provide interpreters for all persons.

Court Reimbursements

Reimbursements to courts for interpreter expenditures are made monthly. Funds are advanced to the courts for staff interpreter costs based on the salary and benefit information for filled positions reported by the courts in their most current Schedule 7A; and contract interpreter costs are reimbursed based on the actual expenditures reported by courts in the Trial Court Financial System (Phoenix), as are cross-assignment costs.

At the end of the fiscal year, a year-end adjustment template is completed by each court in which they report their eligible reimbursable interpreter costs for the year. This amount is then compared with the amount reimbursed to the court for that fiscal year. Courts receive additional funds either if they were under-reimbursed, or have their current reimbursements reduced if they were over-reimbursed.

Allowable Expenditures

The following expenditures qualify for reimbursement under TCTF Program 150037:

- Contract court interpreters, including per diems and travel;
- Certified and registered court interpreters employed by the courts, including salaries, benefits, and travel;
- Court interpreter coordinators including salaries and benefits; and,
- Four court interpreter supervisor positions: two in Los Angeles County, one in Orange County, and one in San Diego County.

Recommendation

Establish an ad hoc subcommittee to explore shortfall and allocation methodologies.

FUNDING METHODOLOGY SUBCOMMITTEE (FMS) WORK PLAN

Updated by FMS on ~~March 26, May 21, and July 12~~October 18, 2018

Charge of the Funding Methodology Subcommittee

Focus on the ongoing review and refinement of the Workload-based Allocation and Funding Methodology, 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.

2018-19

1. Evaluate the impact of civil assessments as it relates to the Workload-based Allocation and Funding Methodology (WAFM).
- ~~2. Review TCTF and IMF self-help funding allocations and determine allocation methodology for all self-help funding beginning in 2019-20.~~
- ~~3.2.~~Identify all funding sources and determine allocation models.
- ~~4.3.~~Evaluate the cluster 2 Bureau of Labor Statistics and small court adjustment contributions including a review of the WAFM adjustment request from Del Norte Superior Court, submitted on January 8, 2018.
- ~~5.4.~~Develop policy parameters regarding an allocation methodology for trial courts that exceed 100% of their need after completion of items 2 and 6.
- ~~6.5.~~Review court-appointed dependency allocations for the 30 small courts with the lowest child welfare caseloads and determine allocation methodology for 2019-20.
- ~~7.6.~~Evaluate how to include unfunded costs for facilities – courthouse construction, maintenance and modifications, including a review of the WAFM adjustment request from Stanislaus Superior Court, submitted on January 16, 2018.

2019-20

- ~~8.7.~~Address new judgeship staffing complement funding when necessary.
- ~~9.8.~~Evaluate impact of JCC and other provided services.

Annual Updates

~~10.9.~~ Review the base ~~and graduated~~ funding floor amounts annually, if requested by the applicable courts, for presentation to the TCBAC in December, to determine whether an inflationary adjustment is needed.

~~11.10.~~ Track technology funding streams to identify any potential impacts on trial court workload (updates from JCTC and ITAC in June and December).

~~12.~~ Track joint working group with the Family and Juvenile Law Advisory Committee and the Workload Assessment Advisory Committee to evaluate the allocation methodology for Child Support Commissioner and Family Law Facilitator Program funding. Subsequent to receiving information from working group, FMS will continue to review AB 1058 revenue as an offset to WAFM funding need.