



JUDICIAL COUNCIL OF CALIFORNIA

TRIAL COURT BUDGET
ADVISORY COMMITTEE

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TRIAL COURT BUDGET ADVISORY COMMITTEE

MINUTES OF OPEN MEETING

July 7, 2016

10:00 a.m. - 2:00 p.m.

JCC Boardroom, 455 Golden Gate Avenue, San Francisco, CA 94102

Advisory Body Members Present: Judges: Jonathan B. Conklin (Chair), Hon. Jeffrey B. Barton, Hon. Mark Ashton Cope, Hon. Laurie M. Earl, Hon. James E. Herman, Hon. Joyce D. Hinrichs (telephone), Hon. Lesley D. Holland, Hon. Ira R. Kaufman, Hon. Carolyn B. Kuhl, Hon. Cynthia Ming-mei Lee, Hon. Paul M. Marigonda, Hon. Brian L. McCabe, Hon. Glenda Sanders, and Hon. Winifred Younge Smith.

Executive Officers: Ms. Sherri R. Carter, Mr. Richard D. Feldstein, Ms. Rebecca Fleming, Ms. Tammy L. Grimm, Mr. Jose Octavio Guillen, Mr. W. Samuel Hamrick, Jr., Mr. Kevin Harrigan, Mr. Jeffrey E. Lewis, Mr. Michael M. Roddy, Ms. Linda Romero-Soles, Mr. Brian Taylor, Ms. Tania Ugrin-Capobianco, and Mr. David Yamasaki.

Judicial Council staff advisory members: Ms. Millicent Tidwell, Zlatko Theodorovic.

Advisory Body Members Absent: Judges: Hon. Barry P. Goode.
Executive Officers: Mr. Michael D. Planet, Ms. Christina M. Volkers,

Others Present: Ms. Lucy Fogarty, Mr. Steven Chang, Mr. Patrick Ballard, Mr. Colin Simpson, and Mr. Don Will (telephone), Ms. Leah Rose-Goodwin, Mr. Cory Jasperson, Ms. Christine Padilla, Mr. Bob Fleshman,

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 10:03 a.m. Roll was called.

Approval of Minutes

The advisory body reviewed and approved the minutes of the May 19, 2016 Trial Court Budget Advisory Committee (TCBAC) meeting.

DISCUSSION AND ACTION ITEMS (ITEMS 1 – 6)

Item 1 – Budget Act of 2016 (Discussion Item)

Mr. Zlatko Theodorovic discussed the funding provided for trial courts in the Budget Act of 2016.

Action: This was a discussion item with no action taken.

Item 2 – Allocation for Court- Appointed Dependency Counsel (Action Item)

Judge Conklin, Judge Cope and Mr. Don Will presented information to be provided to the Judicial Council at its July 2016 meeting.

Action: The Trial Court Budget Advisory Committee unanimously voted to approve the following options:

1. Joint Subcommittee Recommendation on Small Court Pilot Projects.
3. New Allocation Approach: One-Time Suspension of the Reallocation of \$406,000 and Set Aside \$200,000 for Eligible Courts

The Trial Court Budget Advisory Committee did not vote on option 2.

2. Joint Subcommittee Option and TCBAC Recommendation to Set Aside \$150,000 for Small Courts.

Item 3 – Allocation of 2016-2017 Proposition 47 Funding (Action Item)

Judge Kuhl and Mr. Yamasaki presented information on the Criminal Justice Realignment Subcommittee's recommendation.

Action: The Trial Court Budget Advisory Committee unanimously voted to approve the following option:

Option 2: Two distributions based on each court's proportion of most recent Proposition 47 petitions for relief.

First Distribution July 2016: \$10.7 million

- Allocate \$10.7 million based on each court's share of statewide petitions for resentencing and classification from October 1, 2015- March 31, 2016.

Second Distribution January 2017: \$10.7 million

- Allocate \$10.7 million based on each court's share of statewide petitions for resentencing and reclassification from most recent 6 months of data available in January 2017 (April 1, 2016- September 30, 2016).

Item 4 – 2016-2017 Trial Court Allocations for General Court Operations and Specific Costs (Action Item)

Mr. Colin Simpson and Mr. Patrick Ballard presented information on 2016-2017 base and base-related allocations from the General Fund and Trial Court Trust Fund.

Action: The Trial Court Budget Advisory Committee unanimously voted to approve the following recommendations:

1. Approve the 2016–2017 beginning base allocation for court operations of \$1.773 billion, which carries forward the ending 2015–2016 Trial Court Trust Fund base allocation, and adds the General Fund benefits base allocation and adjustments to annualize partial-year allocations made in 2015–2016.
2. Allocate each court's share of \$28.7 million in new and FY 2015–2016 funding for non-interpreter employee benefits cost changes from the Trial Court Trust Fund (The remaining \$603,000 provided for 2015–2016 court interpreter benefits cost changes in the Budget Act of 2016 was added to the TCTF Program 0150037 – Court Interpreters appropriation (formerly Program 45.45)) as follows:
 - a. \$8.4 million for each court's share 2015–2016 cost changes;
 - b. \$7.0 million for courts unfunded 2012–2013 and 2013–2014 benefits cost increases in addition to the \$13.3 million provided in the 2015 Budget Act totaling \$20.3 million.
3. Allocate a total of \$754,000 for court-provided security costs from the TCTF as follows:
 - a. Allocate the amount of \$412,000 based on the Judicial Council-approved methodology that beginning in 2016-2017 and beyond, if any new General Fund (GF) augmentation is received, courts with court-provided (non-sheriff) security since 2010–2011 would be provided funding based on either the same growth funding percentage that the county sheriff receives or the percentage of the GF increase to the trial courts—whichever is lower;
 - b. Allocate the amount of \$343,000 included in the 2016 Budget Act to address the increased costs for marshals in two courts.
4. Allocate each court's share of a net allocation increase of \$19.6 million from the Trial Court Trust Fund using the 2016–2017 Workload-Based Allocation and Funding Methodology (WAFM) consisting of a reallocation of 40 percent (\$576.2 million) and an additional \$233.8 million of courts' historical WAFM-related base allocation of \$1.44 billion, reallocation of \$214.2 million in new funding provided from 2013–2014 through 2015–2016 for general court operations, and allocation of \$19.6 million in new funding provided in 2016–2017 for general court operations.
5. Allocate each court's share of the 2016–2017 Workload-Based Allocation and Funding Methodology funding-floor allocation adjustment, which includes funding-floor allocations for six courts receive a total of \$400,562 in floor adjustments and all other courts are allocated a reduction totaling \$400,562, for a net zero total allocation.
6. Approve a one-time allocation of \$9.2 million for criminal justice realignment costs from the Trial Court Trust Fund based on the most current available post release community supervision (PRCS) and parole workload data submitted to the Judicial Council's Criminal Justice Services office pursuant to Penal Code section 13155 (each court's percentage of the statewide number of petitions filed and court motions made to revoke/modify PRCS and parole).

Item 5 – Proposed Calculation and Allocation of Additional Funding for Staffing Complement of New Judgeships (Action Item)

Ms. Rebecca Fleming and Mr. Colin Simpson presented information on the Funding Methodology Subcommittee's recommendation

Action: The Trial Court Budget Advisory Committee unanimously voted to approve the following recommendations:

1. Direct that any new funding appropriated to the judicial branch related to the staffing complement for new judgeships will be allocated to the trial courts based on WAFM with an equal amount of the courts' FY 2013–2014 historical WAFM base allocation being reallocated, if the historical base allocation has not already been fully reallocated.
2. Direct that for any funding requests related to the staffing complement for new judgeship positions, Judicial Council staff should estimate costs for the staffing complement as follows:
 - a. Staffing Ratio: Utilize the staff to judgeship ratio currently calculated by dividing the most recent total Resources Assessment Study (RAS) full time equivalent (FTE) need by the most recent total Judicial Needs Assessment as approved by WAAC;
 - b. Cost per Staff: Calculate the cost per staff using the most recent WAFM funding need divided by the RAS FTE need;
 - c. Total Staff Cost per Judgeship: Multiply the Staffing Ratio by the Cost per Staff;
 - d. Total Staffing Cost: Multiply the Total Staff Cost per Judgeship by the number of new judgeships; and
 - e. This would exclude any estimates, if needed, for facilities costs.

In addition, Judicial Council staff propose a recommendation to add to Recommendation 2 to clarify what other ratios and cost estimates are not included in the staffing complement estimate and that, if needed, would be provided in addition to this estimate.

2. f. This estimate only contemplates Program 0150010 – Support for Operation of Trial Courts funding. Estimates, as needed, for any additional costs including, but not limited to, judges' compensation, sheriff's security, and court interpreters will need to be calculated separately

Item 6 – Proposed Schedule for WAFM- based Reallocation of Remaining Historical-based Allocation beginning 2018-2019 (Action Item)

Judge Kuhl, Ms. Rebecca Fleming, and Mr. Colin Simpson presented information in the Funding Methodology Subcommittee's recommendation.

Action: After lengthy discussion, the Trial Court Budget Advisory Committee adopted the following recommendation in a vote as follows:

- Yes = 15
 - No = 12
 - Absent = 3
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1. The Funding Methodology Subcommittee recommends that beginning in FY 2018–2019, until fully reallocated, each fiscal year reallocate an additional 10 percent, or the remaining amount if less than 10 percent, of the courts' FY 2013–2014 historical Workload-Based Allocation and Funding Methodology (WAFM) base allocation pursuant to the WAFM. The Judicial Council would continue to allocate any new money appropriated for general trial court operations entirely pursuant to the WAFM; and reallocate applicable base funding pursuant to the WAFM on a dollar-for-dollar basis for any new money appropriated for general trial court operations. Assuming no new money is appropriated for general trial court operations after FY 2016–2017, under this recommendation the courts' FY 2013–2014 historical WAFM base allocation would see additional reallocations beginning in FY 2018–2019 as follows:
 - FY 2018–2019: an additional 10% reallocation, or scheduled 60% reallocation, of the historical base;
 - FY 2019–2020: an additional 10% reallocation, or scheduled 70% reallocation, of the historical base;
 - FY 2020–2021: an additional 10% reallocation, or scheduled 80% reallocation, of the historical base;
 - FY 2021–2022: an additional 3.8% reallocation, or scheduled 83.8% reallocation, of the historical base; and
 - The other 16.2% of the historical base will have been reallocated based on the new funding received through FY 2016–2017.

Item 7 – Prioritization of Trial Court BCPs for 2017-2018 (Action Item)

Ms. Lucy Fogarty presented information on trial court funding priorities for 2017- 2018 Budget Change Proposals.

Action: After discussion, the Trial Court Budget Advisory Committee moved to combine options 1 and 2 into one BCP and have the consolidated BCP remain as the number one priority:

- Yes = 18
 - No = 9
 - Absent = 3
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1. Trial Court Operations Discretionary Funding and Trial Court Employee Compensation.

After discussion, the Trial Court Budget Committee moved to add an additional BCP priority to seek backfill of \$48 million in civil assessment revenues. In addition, the Trial Court Budget Advisory Committee unanimously voted to approve the following BCPs in priority order:

2. Court Appointed Dependency Counsel
3. New Judgeships (AB 159)

4. Civil Assessment Backfill
5. Self- Help Services
6. Language Access Plan Implementation
7. Increases Cost for New Court Facilities

The Trial Court Budget Advisory Committee unanimously voted to recommend:

The Judicial Council Finance department will prepare proposed BCP concepts consistent with the prior practice of estimating the costs necessary to support the BCP. That information will be brought back to the members for an email vote within 5 business days of the information being provided.

A D J O U R N M E N T

There being no further business, the meeting was adjourned at 1:35 p.m.

Approved by the advisory body on November 10, 2016.