



JUDICIAL COUNCIL
OF CALIFORNIA

TRIAL COURT BUDGET
ADVISORY COMMITTEE

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TRIAL COURT BUDGET ADVISORY COMMITTEE
FUNDING METHODOLOGY SUBCOMMITTEE

MINUTES OF OPEN MEETING

October 26, 2017

8:00 a.m. – 6:30p.m.

JCC Veranda Room, 2860 Gateway Oaks Drive, Sacramento CA, 95833

Advisory Body Members Present: Judges: Hon. Jonathan B. Conklin (Co-Chair), Hon. Mark Ashton Cope, Hon. Joyce D. Hinrichs, and Hon. Paul M. Marigonda.

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

Advisory Body Members Absent: None

Others Present: Hon. Wynne S. Carvill, Ms. Rodina Catalano, Ms. Nancy Eberhardt, Mr. Chad Finke, Ms. Lucy Fogarty, Ms. Kristin Greenaway, Mr. Kevin Harrigan, Ms. Rosa Junqueiro, Ms. Jody Patel, Ms. Linda Romero-Soles, Ms. Leah Rose-Goodwin, Ms. Rose Livingston, Ms. Brandy Sanborn, Mr. Zlatko Theodorovic, Mr. John Wordlaw, and Mr. David Yamasaki.

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 8:09 a.m. and roll was called.

Approval of Minutes

The advisory body reviewed the minutes of the October 2, 2017 Funding Methodology Subcommittee (FMS) meeting. The minutes were approved as submitted.

ACTION ITEMS (ITEMS 1-2)

Item 1 – Adjustment Request Process Submissions Received (Action Required)

The submissions were summarized and presented to the subcommittee, no formal action was taken.

Presenter(s)/Facilitator(s): Hon. Jonathan B. Conklin, Co-Chair, Funding Methodology Subcommittee; Ms. Rebecca Fleming, Co-Chair, Funding Methodology Subcommittee; and Ms. Leah Rose-Goodwin, Manager, Judicial Council Budget Services

Item 2 – Workload-based Allocation and Funding Methodology (WAFM) (Action Required)

The group reviewed the following materials:

- Whiteboard Notes from October 2, 2017 Meeting (Attachment A)
 - No changes made to objectives or principles. Motion made and passed unanimously.
 - Regarding measures, retained “parity of funding” and added a new measure: “implement a data driven funding methodology that supports branchwide advocacy efforts for trial court funding.”
 - Outcomes were dropped, as they were determined to be outside of the control of the branch.
 - Motion regarding updated measures and outcomes made and passed unanimously.
- WAFM Letters Received by Trial Courts (Attachments C1 through C10)
 - Adjustment request process was summarized.
 - Submissions and letters were discussed in the context of the WAFM Decision Points (Attachment D).
- WAFM Decision Points (Attachment D)
 - The decision points were used to guide the discussion.
 - Motion made to adopt a workload based funding model, passed unanimously.
- Bureau of Labor Statistics (BLS), Small Court Adjustments, and Funding Floor Review (Attachments E1 through E11)
 - Discussion of nine small court adjustments made in Resource Assessment Study and WAFM
 - Discussion of variation in impact to cluster 2 courts and the need to better understand the variety. To be added to FMS workplan.
 - Discussion of fiscal impact of the various small court adjustments.
 - Review of memo and supporting materials regarding inflationary adjustment to funding floor.
 - Motion made to eliminate the historical base, passed unanimously.
- Review of Civil Assessment and Local Revenue (Attachments F1 through F3)
 - Discussion of uncertainty of drivers’ license suspension issue.
 - Motion made to review the impact of civil assessments on the model will be deferred to 2018-19. Passed with one abstention.
- General Discussion of Structure of Allocation Methodology for 2018-19 and Beyond
 - Motion made that an allocation reduction to the Trial Court Trust Fund (TCTF) will be considered and recommended in the fiscal year it occurred with special consideration for those courts below the statewide average funding level. Passed unanimously.
 - Discussion of allocation methodology to be used when no new funding received versus years in which funding is received.

- Consideration of the BLS adjustment to use ongoing.
- Discussion of timing of funding adjustments to give courts time to adjust.
- Affirmed that a workload adjustment occurs every year.
- Confirmed that reallocations occur every other flat year regardless of what happens in between.
- Discussion of the size of the allocation adjustment, width of the band to be used.
- A series of motions were made regarding the structure of WAFM going forward:
 - New money defined as any new ongoing allocation of general discretionary dollars to support cost of trial court workload, excluding funding for benefits and retirement increases (passed unanimously).
 - No changes to be made to the current policies regarding application of BLS data, the funding floor structure, and the computation for benefits and retirement funding (passed unanimously).
 - A workload adjustment will be reported every fiscal year, based on a three-year average, consistent with current policy (passed unanimously).
 - In fiscal years for which no new money is provided:
 - A band will be established that is 2% above and below the statewide average.
 - No allocation adjustment will occur for those courts within the band.
 - Funds will be reallocated from courts above the band to courts below the band every other fiscal year for which no new money is provided regardless of years of increase or decrease in between.
 - Up to 1% of allocations for courts above the band will be reallocated to courts below the band to provide an increased allocation of 1% with the courts under the band being able to penetrate into the band.
 - The size of the band identified in 8(a) will be subject to re-evaluation (passed unanimously).
 - In fiscal years for which new money is provided:
 - All cluster one courts will be brought up to at least 100% funding need including small court adjustments (passed, with one 'no' vote).
 - Up to 50% of remaining funding will be allocated to courts under new statewide average as established by new funding. Allocated funds will bring courts up to but not over the statewide average (passed unanimously).
 - Remaining funding will be allocated to all courts via WAFM (passed unanimously).
 - No court's allocation will exceed 100% of its need unless it is the result of a funding floor calculation (passed unanimously).
 - An allocation reduction to the TCTF will be considered and recommended in the fiscal year it occurred with special consideration for those courts below the statewide average funding level (passed unanimously).
 - Ongoing and one-time funds designated for non-discretionary purposes will be addressed as needed (passed unanimously).

- 2017-18 Funding Methodology Subcommittee Work Plan (Attachment B)
 - The following updates were made:
 - Amend the language of item 2 to read “Address new judgeship staffing complement funding when necessary.”
 - Create an “Annual Updates” section.
 - Move items 3 and 4 to the Annual Updates section.
 - Mark item 8 as completed and remove.
 - Amend the language of item 9 to read “Evaluate special circumstances cases funding.
 - Mark item 12 as completed and remove.
 - New item for 2018-19 to read “Evaluate the cluster 2 Bureau of Labor Statistics and small court adjustment contributions.”
 - Defer items 2, 5, 6, 7, 9, and 10 to 2018-19.
 - Defer item 11 to 2019-20.
 - A motion was made to approve the updated work plan. Passed unanimously.

Presenter(s)/Facilitator(s): Hon. Jonathan B. Conklin, Co-Chair, Funding Methodology Subcommittee; Ms. Rebecca Fleming, Co-Chair, Funding Methodology Subcommittee; Ms. Leah Rose-Goodwin, Manager, Judicial Council Budget Services; and Ms. Kristin Greenaway, Supervising Analyst, Judicial Council Budget Services

A D J O U R N M E N T

There being no further business, the meeting was adjourned at 3:47 p.m.

Approved by the advisory body on enter date.