



JUDICIAL COUNCIL OF CALIFORNIA

TRIAL COURT BUDGET
ADVISORY COMMITTEE

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TRIAL COURT BUDGET ADVISORY COMMITTEE

MINUTES OF OPEN MEETING

December 04, 2017

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

JCC Sequoia Room, 455 Golden Gate Avenue, San Francisco CA, 94102

Advisory Body Members Present: Judges: Hon. Jonathan B. Conklin (Chair), Hon. Jeffrey B. Barton, Hon. Andrew S. Blum, Hon. Daniel J. Buckley, Hon. Mark Ashton Cope (phone), Hon. James E. Herman, Hon. Joyce D. Hinrichs, Hon. Patricia M. Lucas, Hon. Charles Margines, Hon. Paul M. Marigonda, and Hon. Brian L. McCabe (phone).

Executive Officers: Ms. Sherri R. Carter, Ms. Nancy Eberhardt, Mr. Chad Finke, Ms. Rebecca Fleming, Ms. Kimberly Flener, Mr. Kevin Harrigan, Mr. Jeffrey E. Lewis, Mr. Michael D. Planet, Mr. Michael M. Roddy, Ms. Linda Romero-Soles (phone), Mr. Brian Taylor, Ms. Tania Ugrin-Capobianco, and Mr. David Yamasaki.

Judicial Council staff advisory members: Mr. John Wordlaw and Mr. Zlatko Theodorovic.

Advisory Body Members Absent: Judges: Hon. Elizabeth W. Johnson

Judicial Council staff advisory members: Ms. Millicent Tidwell and Mr. Robert Oyung.

Others Present: Ms. Lucy Fogarty, Ms. Leah Rose-Goodwin, Ms. Brandy Sanborn, Ms. Kristin Greenaway, Ms. Suzanne Blihovde, and Mr. James Baird.

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 10:02 a.m. and roll was called.

Approval of Minutes

The advisory body reviewed and approved the minutes of the June 8, 2017 Trial Court Budget Advisory Committee (TCBAC) meeting, and the June 29, 2017 and the October 12, 2017 Action by E-mail Between Meetings minutes in a vote as follows:

Yes: 18

No: 0

Absent: 1

Abstain: 6

DISCUSSION AND POSSIBLE ACTION ITEMS (ITEMS 1-3)

Item 1 – Historical Review of the Workload-based Allocation and Funding Methodology (WAFM) (Action Required)

Consideration of adoption of a report from the Funding Methodology Subcommittee (FMS) providing a historical review of WAFM since its implementation in 2013-14.

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

Action: The Trial Court Budget Advisory Committee voted to approve the Historical Review of Workload-based Allocation and Funding Model Report as presented.

Item 2 – WAFM 2018-19 and Beyond (Action Required)

Consideration of recommendations of the FMS regarding the structure of WAFM in 2018-19 and beyond.

Presenter(s)/Facilitator(s): Hon. Jonathan B. Conklin, Co-Chair, Funding Methodology Subcommittee; Ms. Rebecca Fleming, Co-Chair, Funding Methodology Subcommittee; and Ms. Lucy Fogarty, Deputy Director, Judicial Council Budget Services

Action: The Trial Court Budget Advisory Committee unanimously approved the following recommendations:

A. Determining Need	
	Reaffirm the workload model, the Resource Assessment Study, as the basis for establishing funding need for the trial courts.
	Report a workload need adjustment every fiscal year based on a three-year average of filings data, consistent with existing policy.
	Establish a new statewide average funding ratio based on the workload need adjustment and new funding, if applicable.
	Defer the review of the impact of civil assessments on the model to 2018-19.
	Retain all existing small court adjustments.
	Make no changes to the current policies regarding application of Bureau of Labor Statistics data, the Base Funding Floor, and the computation for benefits and retirement funding.

The Trial Court Budget Advisory Committee unanimously approved the following recommendations:

B. Building Trial Court Allocations	
1	Eliminate the historical base as established by the Judicial Council on April 26, 2013.
2	Define new money as any new ongoing allocation of general discretionary dollars to support cost of trial court workload, excluding funding for benefits and retirement increases.
3	Beginning in 2018-19 and annually thereafter, trial court beginning base allocations will be established using applicable prior year ending base allocations.

4	Retain the graduated funding floors until such time as cluster one courts reach 100% of funding need.
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The Trial Court Budget Advisory Committee voted to approve the following recommendation in a vote as follows (with a correction identified in (e) to change the “B3(a)” reference to “B5(a)”):

Yes: 23

No: 1

Absent: 1

No New Money	
5	<p>In fiscal years for which no new money is provided:</p> <ul style="list-style-type: none"> a. A band will be established that is 2% above and 2% below the statewide average. b. No allocation adjustment will occur for those courts within the band or cluster one courts. c. 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. The first year of no new money will provide time to adjust for a second year of no new money in which an allocation change will occur. d. Up to 1% of allocations for courts above the band will be reallocated to courts below the band to provide an increased allocation of up to 1% with the courts under the band being able to penetrate into the band if adequate funds are available. e. The size of the band identified in B3(a) will be subject to re-evaluation.

The Trial Court Budget Advisory Committee unanimously approved the following recommendations:

New Money	
6	<p>In fiscal years for which new money is provided:</p> <ul style="list-style-type: none"> a. Bring all cluster one courts up to at least 100% of funding need. b. Allocate up to 50% of remaining funding to courts under the statewide average based on WAFM. Allocated funds will bring courts up to but not over the statewide average. c. Allocate remaining funding to all courts based on WAFM. d. No court’s allocation can exceed 100% of its need unless it is the result of a funding floor calculation.
Trial Court Trust Fund Reduction & Non-Discretionary Funds	
7	An allocation reduction to the Trial Court Trust Fund will be considered and recommended in the fiscal year it occurred with special consideration for those courts below the statewide average funding ratio.
8	Ongoing and one-time funds designated for non-discretionary purposes will be addressed as needed.
C. Adjustments	
1	The committee reserves the right to return to the Judicial Council to propose changes to the model as needed.
2	Delegate authority to Judicial Council staff to make technical adjustments to the recommendations as necessary.

Item 3 – FMS Work Plan (Action Required)

Consideration of recommendations of the FMS regarding changes to the Work Plan related to WAFM.

Presenter(s)/Facilitator(s): Hon. Jonathan B. Conklin, Co-Chair, Funding Methodology Subcommittee; and Ms. Rebecca Fleming, Co-Chair, Funding Methodology Subcommittee

Action: The Trial Court Budget Advisory Committee unanimously approved the FMS proposed 2017–18 Work Plan for WAFM as presented.

A D J O U R N M E N T

There being no further business, the meeting was adjourned at 12:42 p.m.

Approved by the advisory body on January 17, 2018.