



Judicial Council of California
Trial Court Budget Advisory Committee

TRIAL COURT BUDGET ADVISORY COMMITTEE
FUNDING METHODOLOGY SUBCOMMITTEE

MATERIALS FOR JUNE 28, 2023
VIRTUAL MEETING

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Judicial Council of California

Trial Court Budget Advisory Committee

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

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TRIAL COURT BUDGET ADVISORY COMMITTEE FUNDING METHODOLOGY SUBCOMMITTEE

NOTICE AND AGENDA OF OPEN MEETING

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

THIS MEETING IS BEING CONDUCTED BY ELECTRONIC MEANS

THIS MEETING IS BEING RECORDED

Date: Wednesday, June 28, 2023
Time: 4:30 p.m. to 5:00 p.m.
Public Call-in Number: <https://jcc.granicus.com/player/event/2863>

Meeting materials will be posted on the advisory body web page on the California Courts website at least three business days before the meeting.

Members of the public seeking to make an audio recording of the meeting must submit a written request at least two business days before the meeting. Requests can be emailed to tcbac@jud.ca.gov.

Agenda items are numbered for identification purposes only and will not necessarily be considered in the indicated order.

I. OPEN MEETING (CAL. RULES OF COURT, RULE 10.75(C)(1))

Call to Order and Roll Call

Approval of Minutes

Approve minutes of the May 18, 2023 Funding Methodology Subcommittee (FMS) meeting.

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

This meeting will be conducted by electronic means with a listen-only conference line available for the public. As such, the public may submit comments for this meeting only in writing. In accordance with California Rules of Court, rule 10.75(k)(1), written comments pertaining to any agenda item of a regularly noticed open meeting can be submitted up to one complete business day before the meeting. For this specific meeting, comments should be e-mailed to tcbac@jud.ca.gov. Only written comments received by 4:30pm on June 27, 2023, will be provided to advisory body members prior to the start of the meeting.

III. DISCUSSION AND POSSIBLE ACTION ITEMS (ITEM 1)

Item 1

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

Deliberate allocation methodologies for backfill funding related to fee waivers and fee elimination.

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

IV. INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

None

V. ADJOURNMENT

Adjourn



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TRIAL COURT BUDGET ADVISORY COMMITTEE
FUNDING METHODOLOGY SUBCOMMITTEE

MINUTES OF OPEN MEETING

May 18, 2023
12:00 p.m. – 1:30 p.m.

<https://jcc.granicus.com/player/event/2791>

Advisory Body Members Present: Judges: Hon. Jonathan B. Conklin (Cochair), Hon. Kimberly Merrifield, Hon. Patricia L. Kelly, and Hon. Kevin M. Seibert.

Executive Officers: Mr. Chad Finke (Cochair), Ms. Krista LeVier, Mr. Neal Taniguchi, Mr. Brandon E. Riley, and Mr. David Yamasaki.

Advisory Body Members Absent: Mr. James Kim and Hon. Wendy G. Getty.

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

OPEN MEETING

Call to Order and Roll Call

The chair welcomed the members, called the meeting to order at 12:00 p.m., and took roll call.

Approval of Minutes

The subcommittee reviewed and approved minutes from the April 20, 2023 Funding Methodology Subcommittee (FMS) meeting.

DISCUSSION AND ACTION ITEMS (ITEM 1)

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

Deliberate allocation methodologies for the civil assessment backfill funding for 2023-24.

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

Action: The FMS voted to approve (with five members voting yes and four voting no) Scenario 4 below, for consideration by the Trial Court Budget Advisory Committee, the Judicial Branch Budget Committee, and the Judicial Council at its July 20-21, 2023 business meeting:

Scenario 4 – 2023-24 Civil Assessment Backfill Allocation of the \$12.5 Million Reduction Only based on a Proportional Adjustment of the Reduction Only:

This scenario treats 2023-24 as a reduction in base funding from 2022-23 and allocates the \$12.5 million reduction in civil assessment backfill funding proportionally based on courts' percentage of 2022-23 civil assessment funding. This method would only apply to those courts that received civil assessment backfill funding in 2022-23. The lowest funded court would be at 86.8 percent of workload need. With this scenario, all courts that received civil assessment backfill funding would receive the same percentage decrease of 21.1 percent.

A D J O U R N M E N T

There being no further business, the meeting was adjourned at 1:19 p.m.

Approved by the advisory body on enter date.

JUDICIAL COUNCIL OF CALIFORNIA
BUDGET SERVICES
Report to the Trial Court Budget Advisory Committee
Funding Methodology Subcommittee

(Action Item)

Title: Allocation Methodologies for SB 154 and SB 101 Backfill Funding

Date: 6/20/2023

Contact: Oksana Tuk, Senior Analyst, Judicial Council Budget Services
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Issue

Development of new allocation methodologies is required for trial court backfill funding for: 1) fee waiver changes included in the 2022 Budget Act (Senate Bill (SB) 154, Ch. 43, Stats. 2022) for 2022-23 and ongoing and 2) elimination of certain criminal fees included in the 2023-24 budget bill (SB 101) for 2023-24 and ongoing. The approved allocations will be considered by the Trial Court Budget Advisory Committee (TCBAC), the Judicial Branch Budget Committee (Budget Committee), and then the Judicial Council at its September 18-19, 2023 business meeting.

Background

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

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

The 2023-24 budget bill (SB 101) includes up to \$826,000 to backfill trial courts for revenue loss resulting from elimination of post-conviction fees related to a change of plea or set aside verdict and record sealing. A new backfill allocation methodology also needs to be established to distribute this funding for 2023-24 and ongoing.

Methodology for Allocation of the SB 154 Backfill Funding

Judicial Council Budget Services staff, in consultation with the Department of Finance, developed

¹ Assembly Bill 199 (Ch. 57, Stats. 2022),
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB199

² Senate Bill 154 (Ch. 43, Stats 2022),
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB154

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 Report to the Trial Court Budget Advisory Committee
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a methodology to determine the amount of trial court revenue backfill needed, which uses revenue collection data comprised of all affected filing fees under AB 199 over the five-year period from 2017-18 through 2021-22, as outlined in Table 1 below.

Table 1 – Trial Court Revenue Collections associated with AB 199

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

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

Methodology for Allocation of the SB 101 Backfill Funding

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

Table 2 – Trial Court Revenue Collections associated with SB 101

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

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

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Recommendation

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

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

Attachments

Attachment A: Trial Court SB 154 Backfill Allocation for 2022-23 and Ongoing
Attachment B: Trial Court SB 101 Backfill Allocation for 2023-24 and Ongoing

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

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

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