DEPARTMENT: Administration

BY: Rich Inman

PHONE: 966-3222

RECOMMENDED ACTION AND JUSTIFICATION:

Approve budget action reducing General Contingency and appropriating funds for payment of undesignated fees as required by Assembly Bill 1759 Section 68085.5(e) of the Government Code ($15,813). In an effort to offset substantial reductions in the judiciary’s 03-04 Budget, the Governor proposed transferring revenue from the counties to the state for fees and fines connected to court functions whose disposition was not specifically provided for in the Trial Court Funding Act of 1997. The agreed-upon approach to carry out the undesignated fee transfer was codified in budget trailer bill AB 1759, which includes these main elements (1) limit county exposure for loss of fee revenue to $31 million through budget year 2004-05; (2) protect local fee sharing agreements through fiscal year 2004-05; and (3) establish a process for gathering data necessary to develop a permanent and equitable allocation of these fees by the end of fiscal year 2004-05.

The California State Association of Counties (CSAC) and the Judicial Council of California have met several times to jointly determine how to pro-rate the $31 million. As a result of these meetings, it was decided that the fairest and most equitable manner of calculating the pro-ration was to utilize the revenue maintenance of effort (MOE) amounts of each county. Mariposa County’s MOE amount is $135,457, and results in a payment of $15,813.

Staff did not budget funds for the undesignated fee revenue transfer as no amount or methodology for determining the amount was known during budget hearings.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

<table>
<thead>
<tr>
<th>Financial Impact?</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current FY Cost</td>
<td>15,813</td>
<td></td>
</tr>
<tr>
<td>Budgeted In Current FY?</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Partially Funded</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amount in Budget</td>
<td>$0</td>
<td></td>
</tr>
<tr>
<td>Additional Funding Needed</td>
<td>$15,813</td>
<td></td>
</tr>
<tr>
<td>Source:</td>
<td>Internal Transfer</td>
<td></td>
</tr>
<tr>
<td>Unanticipated Revenue</td>
<td>4/5's vote</td>
<td></td>
</tr>
<tr>
<td>Transfer Between Funds</td>
<td>4/5's vote</td>
<td></td>
</tr>
<tr>
<td>Contingency</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>General</td>
<td>4/5's vote</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

CLERK’S USE ONLY:

Res. No.: Ord. No.: Absent:    Requested Action Recommended
Vote – Ayes: Noes:    No Opinion
Approved
( ) Minute Order Attached    ( ) No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.

Date:

Attest: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California

By: Deputy

CAO: [Signature]

Revised Dec. 2002
## BUDGET ACTION FORM

<table>
<thead>
<tr>
<th>FUND</th>
<th>DEPT/DIV</th>
<th>ACCOUNT</th>
<th>DESCRIPTION</th>
<th>PROJECT</th>
<th>INCREASE</th>
<th>DECREASE</th>
</tr>
</thead>
<tbody>
<tr>
<td>001</td>
<td>0161-427</td>
<td>0453</td>
<td>State Trial Court</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>001</td>
<td>0104</td>
<td>414-1090</td>
<td>GENERAL CONTINGENCY</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**TOTAL** $15,813  $15,813

## TRANSFER BETWEEN FUNDS

| TOTALS | $0 | $0 |

**ACTION REQUESTED:** (Check all that apply)

- (X) Budget appropriation by Board of Supervisors (4/5ths Vote Required): Amending the total amount available in the county budget, or in any one fund of the budget, or appropriating Reserve for Contingencies;

- ( ) Transfer by Board of Supervisors (3/5ths Vote Required): Moving existing appropriations from one budget to another, or between categories within a budget unit;

**JUSTIFICATION:** To fund the undesignated fee revenue transfer from counties to the state (AB 1759).

**DEPT HEAD SIGNATURE**

**DATE** 2-4-04

**APPROVED BY RES NO.** 54-67

**CLERK**

**DATE** 2-17-04

**INTERFUND TRANSFERS**

**AUDITOR’S USE ONLY**

**BA #**

Budget Revision Form Revised 11/95
January 14, 2004

Richard Inman
County Administrative Officer
Mariposa County
P O Box 784
Mariposa, CA  95338

Dear Mr. Inman:

The California State Association of Counties (CSAC) and the Judicial Council of California have met several times to jointly determine how to pro-rate the $31,000,000 of undesignated fees as required by Assembly Bill 1759 (Stats. 2003, ch. 157) Section 68085.5 (e) of the Government Code.

As a result of these meetings, it was decided that the fairest and most equitable manner of calculating the pro-ration was to utilize the revenue maintenance of effort (MOE) amounts of each county. In doing so, the percentage of the total statewide MOE was applied to the $31,000,000 to determine the amount due from each county for both this fiscal year and next.

As required by the code section, the two payments due have been reduced by the annualized revenues deposited into the Trial Court Trust Fund pursuant to subdivision (a) and (b). It is important to also note that subdivision (e) specifies that:

- Any payment to correct for an over-payment or under-payment made for the 2003-04 fiscal year, shall be paid to the appropriate party on or before September 15, 2004.
- Any payment to correct for an over-payment or under-payment made for the 2004-05 fiscal year, shall be paid to the appropriate party on or before September 15, 2005.

Based on the following, please remit the amount identified for your county no later than February 15, 2004 and May 15, 2004. (Refer to “Amount Due” below.) The remittance should be sent on a TC-31 to the State Controller’s Office.
Undesignated Fee Survey
Page 2

Payment Dates

<table>
<thead>
<tr>
<th>Amount Due</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st Payment - February 15, 2004</td>
</tr>
<tr>
<td>2nd Payment - May 15, 2004</td>
</tr>
</tbody>
</table>

Allocation of Undesignated Fee Legislative Amount (AB 1759) To Counties

<table>
<thead>
<tr>
<th>COURT</th>
<th>MOE GC77201.1 (b)</th>
<th>MOE %</th>
<th>Allocated Payment</th>
<th>GC 68085.5 (a)</th>
<th>GC 68085.5 (b)</th>
<th>Total Adjusted Payment</th>
<th>Amount Due in February and May</th>
<th>Est. Amount to be Repaid in Sept.</th>
</tr>
</thead>
<tbody>
<tr>
<td>MARIPSOA</td>
<td>135,457</td>
<td>0.06%</td>
<td>18,831</td>
<td>2,073</td>
<td>944</td>
<td>15,813</td>
<td>7,907</td>
<td></td>
</tr>
</tbody>
</table>

(1) Annualization based on amount submitted to State Controller through December 31.

If you have any questions, please contact Ruben Gomez by phone at, 415.865.7686, or via e-mail, ruben.gomez@jud.ca.gov.

Sincerely,

 Rubin R. Lopez
 Legislative Representative
 Administration of Justice
 California State Association of Counties

Christine M. Hansen
Director and Chief Finance Officer
Finance Division
Administrative Office of the Courts

cc: Court Executive Officers
Steven Szalay, Exec. Director, California State Association of Counties
Court Fiscal Contacts
Ray LeBov, Director, Office of Governmental Affairs
Stephen Nash, Asst. Director, Office of Business Management
John Judnick, Manager, Internal Audit Services
Ruben Gomez, Supervisor, Budget, Data & Technical Support
Bob Stonehouse, Fiscal Analyst, State Controller's Office
Eraina Ortega, Legislative Advocate, Office of Governmental Affairs