

JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 21-073
For business meeting on: March 12, 2021

Title

Juvenile Law: 2020–21 Allocations for Juvenile Dependency Counsel Collections Program and Court-Appointed Counsel, Expected Unspent Funding

Rules, Forms, Standards, or Statutes AffectedNone

Recommended by

Trial Court Budget Advisory Committee Hon. Jonathan B. Conklin, Chair

Agenda Item Type

Action Required

Effective Date

March 12, 2021

Date of Report

February 18, 2021

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Executive Summary

The Trial Court Budget Advisory Committee recommends two redistributions of funding for court-appointed juvenile dependency counsel for fiscal year (FY) 2020–21. Under the Juvenile Dependency Counsel Collections Program, courts collect reimbursements from parents and other responsible persons liable for the cost of dependency-related legal services to the extent that those persons are able to pay. The committee recommends that the Judicial Council allocate the FY 2019–20 statutorily restricted funds remitted in excess of dependency counsel program administrative costs to the trial courts, calculated according to the methodology adopted by the council. The committee also recommends that the council reallocate unspent dependency counsel funding from courts that have identified funds they do not intend to spend to courts funded at below the average statewide funding level.

Recommendation

The Trial Court Budget Advisory Committee recommends that the Judicial Council, effective March 12, 2021:

- 1. Allocate FY 2019–20 Juvenile Dependency Counsel Collections Program funds of \$333,541 (Attachment A); and
- 2. Allocate FY 2020–21 trial court allocations of estimated unspent funding of \$904,751 (Attachment B).

Relevant Previous Council Action

Juvenile Dependency Counsel Collections Program

At its October 26, 2012 meeting, the Judicial Council adopted the Juvenile Dependency Counsel Collections Program (JDCCP) guidelines, ¹ which fulfilled the council's legislative mandate to establish a program to collect reimbursement from parents or minors demonstrating an ability to pay. ² Additional amendments were adopted by the council at its August 23, 2013 meeting regarding the issue of equitable allocation of funds remitted through the JDCCP. ³ The Judicial Council then allocated funds remitted through the JDCCP for the first time since the program's inception at the council's February 20, 2014 meeting. ⁴ In subsequent years, the council has allocated available funds to eligible trial courts annually.

Court-appointed counsel funding reallocation

At its April 17, 2015 business meeting, the Judicial Council approved a methodology for reallocating funds unspent by courts for court-appointed counsel in dependency cases.⁵ The approved methodology provided a four-year reallocation process to bring all courts to an equivalent percentage of workload met by available statewide funding.

¹ The guidelines took effect January 1, 2013, and are published as Appendix F of the California Rules of Court. See www.courts.ca.gov/documents/appendix_f.pdf.

² Judicial Council of Cal., Juvenile Dependency: Counsel Collections Program (Oct. 26, 2012), www.courts.ca.gov/documents/jc-20121026-itemA20.pdf.

³ Judicial Council of Cal., *Juvenile Dependency: Counsel Collections Program Guidelines* (Aug. 23, 2013), www.courts.ca.gov/documents/jc-20130823-itemF.pdf.

⁴ Judicial Council of Cal., *Trial Court Allocations: Criminal Justice Realignment, Court-Appointed Dependency Counsel, and Workers' Compensation Liabilities* (Feb. 20, 2014), www.courts.ca.gov/documents/jc-20140220-itemJ.pdf.

⁵ Judicial Council of Cal., *Juvenile Dependency: Court-Appointed Counsel Funding Reallocation* (Apr. 17, 2015), <u>www.courts.ca.gov/documents/jc-20150417-itemI.pdf</u>.

Analysis/Rationale

Recommendation 1

The estimates of courts' funding needs are computed using the dependency workload model approved by the council in April 2016 and updated in July 2016.⁶ The current base allocation for court-appointed dependency counsel is \$156.7 million—less than the estimated need.

In FY 2019–20, the trial courts remitted a total of \$333,541, excluding monies recovered to offset their cost of collections and dependency counsel program administrative costs, under the JDCCP and as directed in Welfare and Institutions Code section 903.1 to the Trial Court Trust Fund (TCTF). These monies are part of the restricted TCTF fund balance available for use in FY 2020–21 and beyond. The statute requires the Judicial Council to allocate the monies remitted to the trial courts for use to reduce court-appointed attorney caseloads to the council's approved standard.

For a court to be eligible to receive an allocation of these funds, it must meet the participation and funding need requirements described in section 14 of the JDCCP guidelines. Every court that has satisfied those requirements receives an allocation. Each eligible court's allocated share of the JDCCP funds is equivalent to its share of the aggregate funding need of all the eligible courts. Attachment A displays the recommended allocation amount for each court.

Recommendation 2

Trial courts whose spending patterns at midyear indicated they may not expend their full FY 2020–21 allocations were identified and contacted through a survey questionnaire. Of those courts, four confirmed that they would not spend the full allocation and provided an estimate of unspent funding. Attachment B shows the total \$904,751estimate and reallocation. Under the reallocation methodology adopted at the April 17, 2015 Judicial Council meeting, funds are reallocated proportionally by workload to courts that (1) did not remit unspent funds, and (2) had unmet need.

To ensure use of the reallocation funds, an additional survey to trial courts was necessary to confirm the court's ability to completely expend funds during the fiscal year. Four courts declined reallocation funds. Declined funds were placed back in the pool and reallocated to those courts eligible and accepting additional funds. In previous years, many courts declined reallocation funds because they would be unable to amend contracts with dependency attorneys so late in the fiscal year. Contract augmentations will be processed for dependency

⁶ Judicial Council of Cal., *Juvenile Dependency: Court-Appointed Dependency Counsel Workload and Funding Methodology* (Apr. 15, 2016), https://jcc.legistar.com/View.ashx?M=F&ID=4382676&GUID=E8BCCA8A-5DED-48C3-B946-6E21EBB0BEAF.

⁷ As described in section 14 of the JDCCP guidelines, a court demonstrates its participation in the program by submitting an annual report required by section 13 of the program guidelines and adopting a rule or policy to inquire regarding a responsible person's ability to reimburse the cost of appointed counsel at each dispositional hearing.

representation providers in Dependency, Representation, Administration, Funding, and Training (DRAFT) courts.

On an annual basis, approximately 2 percent of court-appointed counsel funds are unspent at the end of the fiscal year.

Policy implications

The reallocation process was established to support courts in need of additional dependency counsel funds, when available. Failure to reallocate funds designated as surplus would result in an inappropriate use of funds.

Comments

The Trial Court Budget Advisory Committee's recommendations to apply existing methodologies to allocate these funds were not circulated through the invitation-to-comment process.

Alternatives considered

Recommendation 1

Because the recommended allocation outlined in Attachment A was determined using the methodology approved by the council at its August 23, 2013 meeting, no alternatives to this proposal were considered.

Recommendation 2

Because the recommended allocation outlined in Attachment B was determined using the methodology approved by the council at its April 17, 2015 meeting, no alternatives to this proposal were considered.

Fiscal and Operational Impacts

This proposal is for the allocation of funds that have already been collected or included in the FY 2020–21 budget. Hence, no additional costs or impacts are anticipated.

Attachments and Links

- 1. Attachment A: Recommended FY 2019–20 Trial Court Allocations of \$333,541 in Juvenile Dependency Counsel Collections Program Funds
- 2. Attachment B: Recommended FY 2020–21 Trial Court Allocations of \$904,751 in Unspent Funding

	Estimated Funding Need (JC Report - July 2020)	Estimated Funding Need as Percentage of Statewide Need	Allocation of Court Appointed Counsel (CAC) Base Funding in 2020-21		Eligible for JDCCP Funding ¹	Funding Need of Eligible Courts	Need as a % of Total Need of Eligible Courts	Recommended Allocation of 2019-2020 JDCCP Collections	Trial Court Allocations Through 2019-20	Trial Court Distributions Through December 2020	Undistributed Trial Court Allocations Through December 2020
		(Col. A Total)		(Col. C Total)		(Col. A when Col. E equals "Y")	(Col. F Total)	(Col. G x \$591,786)			
Court	Col. A	Col. B	Col. C	Col. D	Col. E	Col. F	Col. G	Col. H	Col. I	Col. J	Col. K
Alameda	\$4,350,836.05	2.19%	\$3,422,591.41	2.18%	N	-	0.00%	-	-	-	-
Alpine*	10,203.98	0.01%	11,439.37	0.01%	N	-	0.00%	-	-	-	-
Amador	157,353.68	0.08%	126,205.45	0.08%	N	-	0.00%	-	-	-	-
Butte	1,133,088.79	0.57%	891,345.92	0.57%	Y	1,133,088.79	0.90%	2,988.63	39,994.46	-	39,994.46
Calaveras	214,466.04	0.11%	202,088.17	0.13%	N	-	0.00%	-	13,816.45	-	13,816.45
Colusa†	110,941.81	0.06%	117,870.68	0.08%	N	-	0.00%	-	293.14	-	293.14
Contra Costa	3,268,377.00	1.64%	2,571,073.45	1.64%	N	-	0.00%	-	-	-	-
Del Norte	154,517.72	0.08%	203,096.47	0.13%	N	-	0.00%	-	-	-	-
El Dorado	712,975.51	0.36%	560,863.20	0.36%	N	-	0.00%	-	-	-	-
Fresno	4,235,518.40	2.13%	3,302,906.57	2.11%	N	-	0.00%	-	-	-	-
Glenn	130,323.14	0.07%	154,824.77	0.10%	N	-	0.00%	-	5,261.47	5,261.00	0.47
Humboldt	853,912.51	0.43%	665,890.92	0.42%	N	-	0.00%	-		-	-
Imperial	889,610.53	0.45%	693,728.65	0.44%	N	-	0.00%	-	-	-	-
Inyo	32,070.50	0.02%	39,570.32	0.03%	N	-	0.00%	-	- 142.702.22	-	- 21 700 22
Kern	3,458,599.82	1.74%	2,720,712.50	1.74%	N	- 020 506 66	0.00%	- 2 211 74	142,792.33	111,084.00	31,708.33
Kings	838,506.66	0.42%	659,612.47	0.42%	Y	838,506.66	0.66%	2,211.64	50,477.75	47,114.00	3,363.75
Lake	220,512.51 130,789.23	0.11% 0.07%	288,934.29	0.18%	N	-	0.00%	-	-	-	-
Lassen	97,215,159.03	48.83%	130,683.42 75,809,513.11	0.08% 48.38%	N Y	97,215,159.03	0.00% 76.88%	257 414 10	4,322,721.36	4,322,721.36	-
Los Angeles	762,978.25	0.38%	631,797.47	48.38% 0.40%	N N	, . ,	0.00%	256,414.10	16.068.83	16.069.00	
Madera Marin	287,842.30	0.38%	287,842.30	0.40%	N N	-	0.00%	-	10,008.83	16,069.00	-
Mariposa	54,999.06	0.14%	48,793.07	0.18%	N N	-	0.00%	-	1,817.86	-	1,817.86
Mendocino	521,711.68	0.03%	510,211.78	0.33%	N	_	0.00%	-	1,017.00		1,617.60
Merced	1,077,780.28	0.54%	840,465.62	0.54%	N	<u>-</u>	0.00%		32,783.77		32,783.77
Modoc	42,601.32	0.02%	59,313.19	0.04%	N	<u>-</u>	0.00%		- 32,763.77	-	
Mono	20,958.25	0.01%	18,113.69	0.01%	N	_	0.00%	-	103.62	104.00	_
Monterey	1,013,414.21	0.51%	797,203.74	0.51%	N	_	0.00%	_	19,795.72	19,796.00	_
Napa	530,231.69	0.27%	417,107.52	0.27%	N	-	0.00%	-	9,391.29	-	9,391.29
Nevada	178,805.08	0.09%	178,805.08	0.11%	N	_	0.00%	_	-	_	-
Orange	8,868,303.89	4.45%	6,915,606.65	4.41%	N	_	0.00%	_	_	_	-
Placer	763,480.23	0.38%	600,592.82	0.38%	Y	763,480.23	0.60%	2,013.75	56,129.57	38,816.00	17,313.57
Plumas	114,569.02	0.06%	154,059.11	0.10%	N	-	0.00%	-	-	-	-
Riverside	8,742,616.86	4.39%	6,877,392.08	4.39%	Y	8,742,616.86	6.91%	23,059.47	697,956.28	2,445.00	695,511.28
Sacramento	6,377,921.58	3.20%	5,017,201.15	3.20%	Y	6,377,921.58	5.04%	16,822.37	-	-	-
San Benito	138,965.00	0.07%	109,317.02	0.07%	Y	138,965.00	0.11%	366.53	10,297.56	4,345.00	5,952.56
San Bernardino	15,961,183.84	8.02%	12,446,717.03	7.94%	N	-	0.00%	-	242,055.83	2,641.00	239,414.83
San Diego	6,535,685.84	3.28%	5,141,306.63	3.28%	Y	6,535,685.84	5.17%	17,238.48	26,882.98	26,882.98	-
San Francisco	3,430,050.95	1.72%	2,698,254.49	1.72%	N	-	0.00%	-	-	-	-
San Joaquin	3,469,677.20	1.74%	2,729,426.54	1.74%	N	-	0.00%	-	-	-	-
San Luis Obispo	1,030,388.38	0.52%	803,508.85	0.51%	N	-	0.00%	-	-	-	-
San Mateo	1,065,036.57	0.54%	837,812.54	0.53%	N	-	0.00%	-	71,463.30	29,275.00	42,188.30
Santa Barbara	1,140,239.39	0.57%	889,171.95	0.57%	N	-	0.00%	-	-	-	-
Santa Clara	4,183,438.78	2.10%	3,262,294.28	2.08%	N	-	0.00%	-	-	-	-

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		(Col. A Total)		(Col. C Total)		(Col. A when Col. E equals "Y")	(Col. F Total)	(Col. G x \$591,786)			
Court	Col. A	Col. B	Col. C	Col. D	Col. E	Col. F	Col. G	Col. H	Col. I	Col. J	Col. K
Santa Cruz	708,207.14	0.36%	557,112.16	0.36%	N	-	0.00%	•	-	-	-
Shasta	842,627.99	0.42%	662,854.52	0.42%	Y	842,627.99	0.67%	2,222.51	38,437.50	38,437.00	0.50
Sierra	-	0.00%	10,828.60	0.01%	N	-	0.00%	•	ı	-	-
Siskiyou	176,681.06	0.09%	245,373.43	0.16%	N	-	0.00%	-	-	-	-
Solano	1,103,744.22	0.55%	868,261.97	0.55%	Y	1,103,744.22	0.87%	2,911.23	4,282.71	4,282.71	-
Sonoma	1,802,733.64	0.91%	1,405,792.68	0.90%	N	-	0.00%	•	1	-	-
Stanislaus	1,857,984.09	0.93%	1,448,877.63	0.92%	N	-	0.00%	-	-	-	-
Sutter	471,054.16	0.24%		0.24%	N	-	0.00%	-	15,457.03	-	15,457.03
Tehama	342,189.13	0.17%		0.22%	N	-	0.00%	-	16,222.19	-	16,222.19
Trinity	73,898.96	0.04%	93,829.12	0.06%	N	-	0.00%	ı	1,996.54	-	1,996.54
Tulare	2,764,748.77	1.39%	2,155,983.29	1.38%	Y	2,764,748.77	2.19%	7,292.28	118,575.77	65,870.00	52,705.77
Tuolumne	269,381.48	0.14%	257,399.26	0.16%	N	-	0.00%	-	7,054.13	-	7,054.13
Ventura	2,291,317.04	1.15%	1,802,467.83	1.15%	N	-	0.00%	•	110,204.12	110,204.00	0.12
Yolo	1,496,552.74	0.75%	1,167,029.25	0.74%	N	-	0.00%	•	17,813.12	17,813.00	0.12
Yuba	439,888.81	0.22%	363,819.82	0.23%	N	-	0.00%	•	16,197.74	-	16,197.74
Unallocated	\$0.00		100,000.00			-		-			
Total	\$199,071,651.77		\$156,700,000.00			\$126,456,544.97	100.00%	\$333,541.00	\$ 6,106,344.43	\$4,863,161.05	\$1,243,184.20
Reserved for admin.								258,245.00			
Distribution amount	available to courts							333,541.00			
Total collected								591,786.00			
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^{1.} A court is eligible for an allocation if the court has met both the Funding Need and Participation requirements described in section 14 of the JDCCP Guidelines. This table indicates a court's eligibility to receive an allocation based on the Funding Need criteria. Courts that meet the Funding Need criteria must also meet the Participation requirements in order to receive an allocation.

	Estimated Funding Need (JC Report - July 2020)	Estimated Funding Need as Percentage of Statewide Need	Allocation of Court Appointed Counsel (CAC) Base Funding in 2020-21	Allocation as a Percentage of Total CAC Base Funding in 2020-21	Est. Unspent Funding 2020-21	Eligible for Reallocated Funding ¹	Funding Need of Eligible Courts	Need as a % of Total Need of Eligible Courts	Recommended 2020-21 Reallocation
		(Col. A Total)		(Col. C Total)			(Col. A when Col. F equals "Y")	(Col. G Total)	(Col. H x \$0.00)
Court	Col. A	Col. B	Col. C	Col. D	Col. E	Col. F	Col. G	Col. H	Col. I
Alameda	\$4,350,836	2.19%	\$3,422,591	2.18%	0	Y	4,350,836.05	2.35%	21,296.94
Alpine	\$10,204	0.01%	\$11,439	0.01%	0	N	-	0.00%	-
Amador	\$157,354	0.08%	\$126,205	0.08%	0	N	-	0.00%	-
Butte	\$1,133,089	0.57%	\$891,346	0.57%		Y	1,133,088.79	0.61%	5,546.36
Calaveras	\$214,466	0.11%	\$202,088	0.13%	0	N	-	0.00%	-
Colusa	\$110,942	0.06%	\$117,871	0.08%	50,000	N	-	0.00%	-
Contra Costa	\$3,268,377	1.64%	\$2,571,073	1.64%	0	N	-	0.00%	-
Del Norte	\$154,518	0.08%	\$203,096	0.13%	0	N	-	0.00%	-
El Dorado	\$712,976	0.36%	\$560,863	0.36%	0	Y	712,975.51	0.39%	3,489.95
Fresno	\$4,235,518	2.13%	\$3,302,907	2.11%	0	Y	4,235,518.40	2.29%	20,732.47
Glenn	\$130,323	0.07%	\$154,825	0.10%	0	N		0.00%	-
Humboldt	\$853,913	0.43%	\$665,891	0.42%		Y	853,912.51	0.46%	4,179.82
Imperial	\$889,611	0.45%	\$693,729	0.44%	0	Y	889,610.53	0.48%	4,354.56
Inyo	\$32,070	0.02%	\$39,570	0.03%	0	N Y	2 450 500 02	0.00%	16,020,52
Kern	\$3,458,600	1.74% 0.42%	\$2,720,713	1.74% 0.42%	0	N Y	3,458,599.82	1.87% 0.00%	16,929.52
Kings	\$838,507	0.42%	\$659,612	0.42%	0	N N	-	0.00%	-
Lake Lassen	\$220,513	0.11%	\$288,934	0.18%	0	N N	-	0.00%	-
Lassen Los Angeles	\$130,789 \$97,215,159	48.83%	\$130,683 \$75,809,513	48.38%	0	Y	97.215.159.03	52.60%	475,859.13
Madera	\$97,213,139	0.38%	\$631,797	0.40%	0	N N	97,213,139.03	0.00%	4/5,059.15
Marin	\$287.842	0.14%	\$287,842	0.40%	0	N	-	0.00%	-
Mariposa	\$54,999	0.03%	\$48,793	0.13%	0	N	-	0.00%	-
Mendocino	\$521,712	0.26%	\$510,212	0.33%	0	N	_	0.00%	
Merced	\$1,077,780	0.54%	\$840,466	0.54%	0	Y	1.077.780.28	0.58%	5,275.63
Modoc	\$42,601	0.02%	\$59,313	0.04%	0	N	1,077,700.20	0.00%	5,275.05
Mono	\$20,958	0.01%	\$18,114	0.01%	0	N	-	0.00%	-
Monterey	\$1,013,414	0.51%	\$797,204	0.51%	200,000	N	_	0.00%	_
Napa	\$530,232	0.27%	\$417,108	0.27%	90,000	N	_	0.00%	_
Nevada	\$178,805	0.09%	\$178,805	0.11%	0	N	-	0.00%	_
Orange	\$8,868,304	4.45%	\$6,915,607	4.41%	0	Y	8,868,303.89	4.80%	43,409.52
Placer	\$763,480	0.38%	\$600,593	0.38%	0	N	-	0.00%	-
Plumas	\$114,569	0.06%	\$154,059	0.10%	0	N	-	0.00%	-
Riverside	\$8,742,617	4.39%	\$6,877,392	4.39%	0	Y	8,742,616.86	4.73%	42,794.29
Sacramento	\$6,377,922	3.20%	\$5,017,201	3.20%	0	Y	6,377,921.58	3.45%	31,219.33
San Benito	\$138,965	0.07%	\$109,317	0.07%	0	N	-	0.00%	-
San Bernardino	\$15,961,184	8.02%	\$12,446,717	7.94%	0	Y	15,961,183.84	8.64%	78,128.50
San Diego	\$6,535,686	3.28%	\$5,141,307	3.28%	0	Y	6,535,685.84	3.54%	31,991.57
San Francisco	\$3,430,051	1.72%	\$2,698,254	1.72%	0	Y	3,430,050.95	1.86%	16,789.78
San Joaquin	\$3,469,677	1.74%	\$2,729,427	1.74%	0	Y	3,469,677.20	1.88%	16,983.75
San Luis Obispo	\$1,030,388	0.52%	\$803,509	0.51%	0	Y	1,030,388.38	0.56%	5,043.65
San Mateo	\$1,065,037	0.54%	\$837,813	0.53%	0	Y	1,065,036.57	0.58%	5,213.25
Santa Barbara	\$1,140,239	0.57%	\$889,172	0.57%	0	Y	1,140,239.39	0.62%	5,581.37
Santa Clara	\$4,183,439	2.10%	\$3,262,294	2.08%	0	Y	4,183,438.78	2.26%	20,477.54

	Estimated Funding Need (JC Report - July 2020)	Percentage of	Allocation of Court Appointed Counsel (CAC) Base Funding in 2020-21	Percentage of Total CAC Base	Funding 2020-21	Eligible for Reallocated Funding ¹	Funding Need of Eligible Courts (Col. A when Col. F equals "Y")	Need as a % of Total Need of Eligible Courts	Recommended 2020-21 Reallocation (Col. H x \$0.00)
Court	Col. A	Col. B	Col. C	Col. D	Col. E	Col. F	Col. G	Col. H	Col. I
Santa Cruz	\$708,207	0.36%	\$557,112	0.36%	0	Y	708,207.14	0.38%	3,466.61
Shasta	\$842,628	0.42%	\$662,855	0.42%	0	Y	842,627.99	0.46%	4,124.59
Sierra	\$0	0.00%	\$10,829	0.01%	0	N	-	0.00%	-
Siskiyou	\$176,681	0.09%	\$245,373	0.16%	0	N	-	0.00%	-
Solano	\$1,103,744	0.55%	\$868,262	0.55%	0	Y	1,103,744.22	0.60%	5,402.72
Sonoma	\$1,802,734	0.91%	\$1,405,793	0.90%	0	Y	1,802,733.64	0.98%	8,824.21
Stanislaus	\$1,857,984	0.93%	\$1,448,878	0.92%	0	Y	1,857,984.09	1.01%	9,094.66
Sutter	\$471,054	0.24%	\$374,781	0.24%	0	N	-	0.00%	-
Tehama	\$342,189	0.17%	\$340,323	0.22%	0	N	-	0.00%	-
Trinity	\$73,899	0.04%	\$93,829	0.06%	0	N	-	0.00%	-
Tulare	\$2,764,749	1.39%	\$2,155,983	1.38%	564,751	N	-	0.00%	-
Tuolumne	\$269,381	0.14%	\$257,399	0.16%	0	N	-	0.00%	-
Ventura	\$2,291,317	1.15%	\$1,802,468	1.15%	0	Y	2,291,317.04	1.24%	11,215.78
Yolo	\$1,496,553	0.75%	\$1,167,029	0.74%	0	Y	1,496,552.74	0.81%	7,325.49
Yuba	\$439,889	0.22%	\$363,820	0.23%	0	N	-	0.00%	-
Unallocated	\$0		\$100,000				-		-
Total	\$199,071,652		\$156,700,000		\$904,751.00		\$184,835,191.04	100.00%	\$904,751.00