

Item 9
History of County Maintenance of Effort Obligations Supporting Trial Court
Operations
(Informational Item)

Issue

At its August 5, 2015 business meeting, the subcommittee received an oral report with attachments providing an overview regarding county Maintenance of Effort obligations to the Trial Court Trust Fund (TCTF) supporting trial court operations. As a result of the presentation, members asked that a written report be provided to be available for subcommittee members' reference as necessary. This report is intended provide the information requested.

Background

With the passage of the Lockyer-Isenberg Trial Court Funding Act of 1997 (AB 233 (Stats. 1997, ch.850)), existing joint state and county trial court funding financing provisions established by the Brown-Presley Trial Court Funding Act of 1988, as amended by subsequent action of the Legislature, was repealed and the state assumed sole responsibility for the funding of court operations in 1997–1998 (as defined in Section 77003 and Rule 810 of the California Rules of Court as it read on July 1, 1996).¹ As part of granting the counties relief from any direct responsibility to fund trial court operations costs, the counties were required to make quarterly installments into the TCTF under Government Code (GC) sections 77201(b)(1) and (b)(2) capped at the amounts of (1) county general fund money provided for support of the courts in fiscal year 1994–1995 (“County Expenditure Maintenance of Effort Obligation”), and (2) specified fine and penalty revenues the county remitted to the state in fiscal year 1994–1995 (County Revenue Maintenance of Effort Obligation”).² In 1997–1998, these county obligations amounted to \$890.0 million and \$291.4 million respectively (see column A of attachments 9B and 9C).³ Also, those fine and forfeiture revenues identified under the county revenue Maintenance of Effort obligation were returned to the counties to provide them with the revenues needed to meet their obligation to the TCTF.⁴ Over time, the amounts and the number of counties obligated have changed as a result of legislative action with those changes detailed below for each county Maintenance of Effort (MOE) obligation.

¹ Council and Legal Services Division and the Office of Governmental Affairs. *Resource Manual for the Lockyer-Isenberg Trial Court Funding Act of 1997 (Assembly Bill 233)*. pp. 3, 42-47.
<http://telesource.com/communique/documentation/233.pdf>.

² *Ibid.*, p. 49.

³ Government Code sections 77201(b)(1) and (b)(2).

⁴ Fines and forfeitures pursuant to Government Code sections 27361 and 76000; Penal Code sections 1463.001, 1463.005, 1463.007, 1463.009, 1463.07, and 1464; and Vehicle Code sections 42007 and 42007.1. Council and Legal Services Division and the Office of Governmental Affairs. *Resource Manual for the Lockyer-Isenberg Trial Court Funding Act of 1997 (Assembly Bill 233)*. p.4.

County Expenditure Maintenance of Effort Obligation History

The Lockyer-Isenberg Trial Court Funding Act of 1997 (AB 233 (Stats. 1997, ch.850)) included an ongoing reduction to the counties' expenditure MOE obligation beginning in 1998–1999 under GC section 77201.1 (b)(1) that reduced the obligation amount of counties with a population of less than 70,000 to zero, \$10.7 million of relief for 20 counties, and reduced the obligation of the remaining 38 counties by \$273.8 million resulting in an obligation amount of \$605.5 million as a result (see columns B and C of attachment 9B).⁵ This reduction in MOE revenue to the TCTF was replaced by an increased General Fund transfer to the TCTF.

Counties' expenditure MOE obligation amounts were further adjusted in 1998–1999 under a provision included in AB 233 under GC section 77201(c) that allowed the court and/or county to seek an adjustment from the Department of Finance (DOF) to the expenditure MOE amount by February 15, 1998.⁶ Assembly Bill 1590 (Stats. 1998, ch.406) reflected adjustments for 35 counties under this provision with the MOE obligation reduction amount of \$33.8 million bringing the total county expenditure MOE obligation in 1998–1999 to \$571.7 million (see columns D and E of attachment 9B).⁷ This reduction in MOE revenue to the TCTF was replaced by an increased General Fund transfer to the TCTF.

Only one other adjustment to the county expenditure MOE obligation impacted multiple counties. Assembly Bill 2788 (Stats. 1998, ch. 1017) beginning in 1999–2000, increased the number of counties no longer contributing an expenditure MOE obligation amount from the 20 smallest counties to the 38 smallest counties and reduced the obligation amount for each of the remaining 20 counties by ten percent.⁸ This resulted in a \$96.6 million decrease in the county expenditure MOE obligation amount to \$475.1 million which was replaced by an increased General Fund transfer to the TCTF (see columns F and G of attachment 9B).

One final adjustment was made beginning in 2006–2007 related to Los Angeles County. As modified under Assembly Bill 227 (Stats. 2007, ch. 383), GC section 77201.3(a)(1) increased the county's obligation by \$23.5 million for the employer-paid retirement contribution the county paid for court employees in 1994–1995. This raised the total expenditure MOE obligation

⁵ Ibid., pp. 59-61.

⁶ Ibid., pp. 54-56. The county could submit a declaration to the DOF to seek adjustments to the MOE amount: 1. to correct errors in reporting of expenditures resulting in the county obligation being too high; 2. to remove extraordinary one-time costs funded in the base year which unfairly misrepresented the normal costs of operating the courts; and 3. to remove costs that were funded by grants or subventions. The court could submit a declaration to the DOF stating (1) the county failed to report certain county costs of court operations for fiscal year 1994–1995, and (2) this failure resulted in the MOE amount being too low. The exclusion of any allowable costs understates (1) the costs courts might incur in the future and (2) the amount counties contributed to court operations. The DOF had 30 to act on the declaration.

⁷ *Trial Court Funding Resource Manual: Second Edition 1998*. pp. 62-63.

<http://www.courts.ca.gov/partners/documents/TCFWG4-AdministrativeOfficeoftheCourtsResourceManualChangesMade-1997-1998.pdf>.

⁸ Ibid., pp. 64-65.

amount to \$498.6 million where it stands today in 2015–2016 (see columns H and I of attachment 9B).

County Revenue Maintenance of Effort Obligation History

The Lockyer-Isenberg Trial Court Funding Act of 1997 (AB 233 (Stats. 1997, ch.850)) included an ongoing reduction to the counties' expenditure MOE obligation beginning in 1998–1999 under GC section 77201.1 (b)(2) that reduced the obligation amount of counties and cities and replaced \$66.2 million in MOE contributions with General Fund transfer amounts to the TCTF (see columns B and C of attachment 9C). Of the \$66.2 million, \$4.3 million of the relief provided was to five counties that had historically contributed more in fine, fee, and penalty revenues to the state than they received in state funding for court operations: Placer (310,923), Riverside (3,346,334), San Joaquin (131,975), San Mateo (473,498), and Ventura (61,945). In addition, cities were given approximately \$62 million in relief and were allowed to retain 100 percent of base fines from city arrests and other city-generated traffic fine revenue.⁹ Assembly Bill 1590 (Stats. 1998, ch.406) further adjusted county revenue MOE obligation amounts in 1998–1999 for 6 counties in the amount of \$1.2 million as those counties' MOE amounts were initially based on 13 rather than 12 months' revenue data. As a result the MOE obligation amount in 1998–1999 was reduced to \$224.0 million (see columns D and E of attachment 9B). This reduction in MOE revenue to the TCTF was replaced by an increased General Fund transfer to the TCTF.¹⁰

In 1999–2000, two separate pieces of legislation, Assembly Bill 2788 (Stats. 1998, ch. 1017) and Senate Bill 815 (Stats. 2000, ch. 671), reduced the MOE obligation for one court as that county's MOE amounts were initially based on 13 rather than 12 months' revenue data, granted relief to one county, and corrected a transposition error between two counties to reduce the total MOE obligation \$1 million to \$223.0 million (see Columns F through I of attachment 9C). This reduction in MOE revenue to the TCTF was replaced by an increased General Fund transfer to the TCTF.

Further and final adjustments to-date to the county MOE obligation did not occur until 2006–2007, first initiated by the passage of Assembly Bill (AB) 139 (Stats. 2005, ch. 74) and further impacted by the passage of Assembly Bill 145 (Stats. 2005, ch. 75). Assembly Bill 139 added GC section 68085.7 which served as a solution to a problem presented by Assembly Bill 1759 (Stats. 2003, ch. 159) after a long negotiation between the California State Association of the Counties (CSAC) and the Administrative Office of the Courts (AOC) (now the Judicial Council of California). AB 1759 (Stats. 2003, ch. 159) established GC section 68085.5 requiring the CSAC and AOC to come to an agreement on the distribution certain fees, sanctions and penalties

⁹ Council and Legal Services Division and the Office of Governmental Affairs. *Resource Manual for the Lockyer-Isenberg Trial Court Funding Act of 1997 (Assembly Bill 233)*. pp. 59-60.

¹⁰ *Ibid.*, p. 59.

listed in GC 68085.5(a), (b) and (f) with the distribution to take effect July 1, 2005. Civil assessments imposed pursuant to Penal Code section 1214.1 were included among those items. In addition, AB 1759 required that all fines and fees not currently a part of local revenue sharing agreements were to be remitted by the counties to the TCTF in an amount not to exceed \$31 million and the General Fund transfer to the TCTF was then reduced by \$31 million as an interim solution. As part of the agreement, GC section 68085.7 required that county revenue MOE obligation amounts be reduced based on the 2003–2004 county civil assessment revenues which would then be designated by AB 145 as TCTF revenues beginning January 1, 2006.¹¹ Each court and county was required to report the revenue amount, jointly if they agreed, to the CSAC and the AOC. As a result of those reported revenues, the MOE obligation amount was reduced up to \$48.3 million beginning in 2006–2007 (AB 227 (Stats. 2007, ch.383)) (see Columns J and K of attachment 9C).¹² In lieu of allocating a reduction to the trial courts based on the reduced \$48.3 million of revenue to the TCTF, the Judicial Council opted to recover the \$48.3 million TCTF revenue shortfall by retaining in the TCTF that amount of the annual civil assessment revenue remitted by the trial courts and then distributing the remainder to the courts. In addition, the agreement added GC section 68085.6 which reduced the counties’ interim \$31 million obligation payments to the TCTF incrementally beginning in 2005–2006 until their contribution was reduced to zero in 2009–2010. This revenue shortfall was then allocated as a permanent \$31 million reduction to the trial courts in 2009–2010.

Assembly Bill 145 added GC section 68085.2 which required that county revenue MOE obligation amounts be reduced based on the 2003–2004 county revenues of what were known as the “AB 233” fees which were designated by AB 139 as judicial branch revenues beginning January 1, 2006.¹³ Each court and county were required to agree on the reduction amount and report that amount jointly to the CSAC and the AOC. As a result of those agreements, the MOE obligation amount was reduced \$14.2 million beginning in 2006–2007 and half that amount in 2005–2006 (AB 227 (Stats. 2007, ch.383)) (see Columns L and M of attachment 9C). These “AB 233” revenues were retained in the TCTF to replace the revenue decrease from the MOE obligation amount reduction. As of 2015–2016, the total county revenue MOE obligation amount is \$160.5 million.

¹¹ Enhanced Civil Assessments Working Group. *Implementation of Assembly Bill 139 Provisions and Establishment of a Statewide Enhanced Civil Assessments Program (Action Required)*. Report to the Judicial Council. August 16, 2005. pp 7-9. <http://www.courtinfo.ca.gov/courtadmin/jc/documents/reports/0805item8.pdf>.

¹² Pursuant to GC 77201.3(a)(2)(B), Santa Clara County's obligation can be reduced by up to \$2.5 million based on the level of net civil assessment revenues collected by Santa Clara Superior Court and Santa Clara County each fiscal year.

¹³ Civil fees under Government Code sections 26823, 26827.4, 26830, 26832, 26832.1, 26833.1, 26835.1, 26836.1, 26837.1, 26838, 26850.1, 26851.1, 26852.1, 26853.1, 26855.4, and 72060; and Code of Civil Procedure section 116.230.

County Expenditure Maintenance of Effort Obligations

AB 233, Stats. 1997, Ch. 850 GC 77201(b)(1) FY 1997-98		AB 233, Stats. 1997, Ch. 850 GC 77201.1(b)(1) FY 1998-99		AB 1590, Stats. 1998, Ch. 406 GC 77201.1(b)(1) FY 1998-99		AB 2788, Stats. 1998, Ch. 1017 GC 77201.1(b)(1) FY 1999-00 to FY 2005-06		AB 227, Stats. 2007, Ch. 383 GC 77201.3(a)(1) FY 2006-07 & After		
Court	Amount	Adjustment	Amount	Adjustment	Amount	Adjustment	Amount	Adjustment	Amount	
	Col. A	Col. B	Col. C	Col. D	Col. E	Col. F	Col. G	Col. H	Col. I	
01	Alameda	\$ 42,045,093	\$ (12,490,817)	\$ 29,554,276	\$ (4,543,270)	\$ 25,011,006	\$ (2,501,101)	\$ 22,509,905	\$ -	\$ 22,509,905
02	Alpine	46,044	(46,044)	-	-	-	-	-	-	-
03	Amador	900,196	(900,196)	-	-	-	-	-	-	-
04	Butte	2,604,611	(416,050)	2,188,561	(2,939)	2,185,622	(2,185,622)	-	-	-
05	Calaveras	420,893	(420,893)	-	-	-	-	-	-	-
06	Colusa	309,009	(309,009)	-	-	-	-	-	-	-
07	Contra Costa	21,634,450	(7,080,622)	14,553,828	(1,248,789)	13,305,039	(1,330,504)	11,974,535	-	11,974,535
08	Del Norte	780,786	(780,786)	-	-	-	-	-	-	-
09	El Dorado	3,888,927	(1,246,099)	2,642,828	(183,443)	2,459,385	(2,459,385)	-	-	-
10	Fresno	13,355,025	(2,134,703)	11,220,322	1,249,433	12,469,755	(1,246,975)	11,222,780	-	11,222,780
11	Glenn	371,607	(371,607)	-	-	-	-	-	-	-
12	Humboldt	2,437,196	(414,061)	2,023,135	(221,356)	1,801,779	(1,801,779)	-	-	-
13	Imperial	2,055,173	(200,000)	1,855,173	(13,302)	1,841,871	(1,841,871)	-	-	-
14	Inyo	546,508	(546,508)	-	-	-	-	-	-	-
15	Kern	16,669,917	(4,432,559)	12,237,358	(1,976,790)	10,260,568	(1,026,057)	9,234,511	-	9,234,511
16	Kings	2,594,901	(613,575)	1,981,326	(342,025)	1,639,301	(1,639,301)	-	-	-
17	Lake	975,311	(975,311)	-	-	-	-	-	-	-
18	Lassen	517,921	(517,921)	-	-	-	-	-	-	-
19	Los Angeles	291,872,379	(91,275,971)	200,596,408	(5,784,578)	194,811,830	(19,481,183)	175,330,647	23,527,949	198,858,596
20	Madera	1,242,968	(200,001)	1,042,967	93,475	1,136,442	(1,136,442)	-	-	-
21	Marin	6,837,518	(2,109,663)	4,727,855	116,393	4,844,248	(4,844,248)	-	-	-
22	Mariposa	177,880	(177,880)	-	-	-	-	-	-	-
23	Mendocino	1,739,605	(200,000)	1,539,605	20,582	1,560,187	(1,560,187)	-	-	-
24	Merced	1,363,409	(200,000)	1,163,409	1,306,467	2,469,876	(2,469,876)	-	-	-
25	Modoc	114,249	(114,249)	-	-	-	-	-	-	-
26	Mono	271,021	(271,021)	-	-	-	-	-	-	-
27	Monterey	5,739,655	(199,999)	5,539,656	(516,422)	5,023,234	(502,323)	4,520,911	-	4,520,911
28	Napa	2,866,986	(735,941)	2,131,045	253,317	2,384,362	(2,384,362)	-	-	-
29	Nevada	815,130	(200,000)	615,130	-	615,130	(615,130)	-	-	-
30	Orange	76,567,372	(24,225,977)	52,341,395	(9,179,170)	43,162,225	(4,316,222)	38,846,003	-	38,846,003
31	Placer	6,450,175	(2,521,781)	3,928,394	(2,117,868)	1,810,526	(1,810,526)	-	-	-
32	Plumas	413,368	(413,368)	-	-	-	-	-	-	-
33	Riverside	32,524,412	(11,298,249)	21,226,163	(1,384,784)	19,841,379	(1,984,138)	17,857,241	-	17,857,241
34	Sacramento	40,692,954	(14,894,890)	25,798,064	(2,761,104)	23,036,960	(2,303,696)	20,733,264	-	20,733,264
35	San Benito	460,552	(460,552)	-	-	-	-	-	-	-
36	San Bernardino	31,516,134	(8,979,580)	22,536,554	(61,996)	22,474,558	(2,247,456)	20,227,102	-	20,227,102
37	San Diego	77,637,904	(26,873,030)	50,764,874	(2,436,061)	48,328,813	(4,832,881)	43,495,932	-	43,495,932
38	San Francisco	31,142,353	(10,410,920)	20,731,433	707,792	21,439,225	(2,143,922)	19,295,303	-	19,295,303
39	San Joaquin	9,102,834	(1,972,882)	7,129,952	140,124	7,270,076	(727,008)	6,543,068	-	6,543,068
40	San Luis Obispo	6,840,067	(2,392,517)	4,447,550	61,635	4,509,185	(4,509,185)	-	-	-
41	San Mateo	20,383,643	(7,204,162)	13,179,481	355,051	13,534,532	(1,353,453)	12,181,079	-	12,181,079
42	Santa Barbara	10,604,431	(3,087,996)	7,516,435	-	7,516,435	(751,643)	6,764,792	-	6,764,792
43	Santa Clara	49,876,177	(16,965,560)	32,910,617	(1,033,450)	31,877,167	(3,187,717)	28,689,450	-	28,689,450

County Expenditure Maintenance of Effort Obligations

AB 233, Stats. 1997, Ch. 850 GC 77201(b)(1) FY 1997-98		AB 233, Stats. 1997, Ch. 850 GC 77201.1(b)(1) FY 1998-99		AB 1590, Stats. 1998, Ch. 406 GC 77201.1(b)(1) FY 1998-99		AB 2788, Stats. 1998, Ch. 1017 GC 77201.1(b)(1) FY 1999-00 to FY 2005-06		AB 227, Stats. 2007, Ch. 383 GC 77201.3(a)(1) FY 2006-07 & After		
Court	Amount	Adjustment	Amount	Adjustment	Amount	Adjustment	Amount	Adjustment	Amount	
44	Santa Cruz	6,449,104	(1,814,368)	4,634,736	(241,856)	4,392,880	(4,392,880)	-	-	
45	Shasta	3,369,017	(618,453)	2,750,564	(495,671)	2,254,893	(2,254,893)	-	-	
46	Sierra	40,477	(40,477)	-	-	-	-	-	-	
47	Siskiyou	478,144	(478,144)	-	-	-	-	-	-	
48	Solano	10,780,179	(3,804,670)	6,975,509	(39,219)	6,936,290	(693,629)	6,242,661	-	
49	Sonoma	9,273,174	(2,548,885)	6,724,289	122,895	6,847,184	(684,718)	6,162,466	-	
50	Stanislaus	8,320,727	(2,448,543)	5,872,184	(1,976,299)	3,895,885	(389,588)	3,506,297	-	
51	Sutter	1,718,287	(329,479)	1,388,808	(971,943)	416,865	(416,865)	-	-	
52	Tehama	1,352,370	(1,352,370)	-	-	-	-	-	-	
53	Trinity	620,990	(620,990)	-	-	-	-	-	-	
54	Tulare	6,981,681	(1,729,293)	5,252,388	(139,623)	5,112,765	(5,112,765)	-	-	
55	Tuolumne	1,080,723	(1,080,723)	-	-	-	-	-	-	
56	Ventura	16,721,157	(5,328,703)	11,392,454	(576,687)	10,815,767	(1,081,577)	9,734,190	-	
57	Yolo	2,564,985	(200,001)	2,364,984	-	2,364,984	(2,364,984)	-	-	
58	Yuba	842,240	(842,240)	-	-	-	-	-	-	
	Total	\$ 889,999,999	\$ (284,520,289)	\$ 605,479,710	\$ (33,821,481)	\$ 571,658,229	\$ (96,586,092)	\$ 475,072,137	\$ 23,527,949	\$ 498,600,086
	Counties	58	58	38	35	38	38	20	1	20

County Revenue Maintenance of Effort Obligations

AB 233, Stats. 1997, Ch. 850 GC 77201(b)(2) FY 1997-98		AB 233, Stats. 1997, Ch. 850 GC 77201.1(b)(2) FY 1998-99		AB 1590, Stats. 1998, Ch. 406 GC 77201.1(b)(2) FY 1998-99		AB 2788, Stats. 1998, Ch. 1017 GC 77201.1(b)(2) FY 1999-00		SB 815, Stats. 2000, Ch. 671 GC 77201.1(b)(2) FY 1999-00 to FY 2005-06		AB 227, Stats. 2007, Ch. 383 GC 77201.3(a)(2) FY 2006-07 & After ¹		AB 227, Stats. 2007, Ch. 383 GC 77201.3(a)(2) FY 2006-07 & After ²	
Court	Amount	Adjustment	Amount	Adjustment	Amount	Adjustment	Amount	Adjustment	Amount	Adjustment	Amount	Adjustment	Amount
	Col. A	Col. B	Col. C	Col. D	Col. E	Col. F	Col. G	Col. H	Col. I	Col. J	Col. K	Col. L	Col. M
01 Alameda	\$ 12,769,882	\$ (2,857,726)	\$ 9,912,156	\$ -	\$ 9,912,156	\$ -	\$ 9,912,156	\$ -	\$ 9,912,156	\$ (1,796,656)	\$ 8,115,500	\$ (585,686)	\$ 7,529,814
02 Alpine	58,757	-	58,757	-	58,757	-	58,757	-	58,757	-	58,757	(298)	58,459
03 Amador	377,005	(111,298)	265,707	-	265,707	-	265,707	-	265,707	-	265,707	(4,089)	261,618
04 Butte	1,437,671	(220,619)	1,217,052	-	1,217,052	-	1,217,052	-	1,217,052	(365,845)	851,207	(53,695)	797,512
05 Calaveras	418,558	(108,227)	310,331	-	310,331	-	310,331	-	310,331	-	310,331	(12,084)	298,247
06 Colusa	485,040	(87,572)	397,468	-	397,468	-	397,468	-	397,468	-	397,468	(3,466)	394,002
07 Contra Costa	5,646,329	(1,478,135)	4,168,194	-	4,168,194	-	4,168,194	318,292	4,486,486	(1,045,423)	3,441,063	(304,656)	3,136,407
08 Del Norte	727,852	(174,122)	553,730	-	553,730	-	553,730	(429,645)	124,085	-	124,085	(3,487)	120,598
09 El Dorado	1,217,093	(188,744)	1,028,349	-	1,028,349	-	1,028,349	-	1,028,349	(251,264)	777,085	(44,479)	732,606
10 Fresno	4,505,786	(810,153)	3,695,633	-	3,695,633	-	3,695,633	-	3,695,633	-	3,695,633	(159,469)	3,536,164
11 Glenn	455,389	(94,415)	360,974	-	360,974	-	360,974	-	360,974	(67,848)	293,126	(112)	293,014
12 Humboldt	1,161,745	(136,162)	1,025,583	-	1,025,583	-	1,025,583	-	1,025,583	(57,562)	968,021	(34,420)	933,601
13 Imperial	1,350,760	(206,099)	1,144,661	-	1,144,661	-	1,144,661	-	1,144,661	-	1,144,661	(69,386)	1,075,275
14 Inyo	878,321	(263,401)	614,920	-	614,920	-	614,920	-	614,920	-	614,920	(4,482)	610,438
15 Kern	6,688,247	(1,157,275)	5,530,972	-	5,530,972	-	5,530,972	-	5,530,972	(161,109)	5,369,863	(122,812)	5,247,051
16 Kings	1,115,601	(133,393)	982,208	-	982,208	-	982,208	-	982,208	(201,707)	780,501	(20,784)	759,717
17 Lake	424,070	(48,500)	375,570	-	375,570	-	375,570	-	375,570	(231,464)	144,106	(11,103)	133,003
18 Lassen	513,445	(83,282)	430,163	-	430,163	-	430,163	-	430,163	(41,842)	388,321	(8,760)	379,561
19 Los Angeles	89,771,310	(18,769,181)	71,002,129	-	71,002,129	-	71,002,129	-	71,002,129	(19,046,032)	51,956,097	(4,932,531)	47,023,566
20 Madera	1,207,998	(165,201)	1,042,797	-	1,042,797	-	1,042,797	-	1,042,797	-	1,042,797	(17,113)	1,025,684
21 Marin	2,700,045	(588,333)	2,111,712	-	2,111,712	-	2,111,712	-	2,111,712	-	2,111,712	(101,684)	2,010,028
22 Mariposa	135,457	-	135,457	-	135,457	-	135,457	-	135,457	-	135,457	(3,846)	131,611
23 Mendocino	948,837	(193,157)	755,680	(38,605)	717,075	-	717,075	-	717,075	(246,643)	470,432	(29,395)	441,037
24 Merced	2,093,355	(360,199)	1,733,156	-	1,733,156	-	1,733,156	-	1,733,156	(83,772)	1,649,384	(49,157)	1,600,227
25 Modoc	122,156	(17,427)	104,729	-	104,729	-	104,729	-	104,729	-	104,729	(931)	103,798
26 Mono	415,136	-	415,136	-	415,136	-	415,136	-	415,136	-	415,136	(5,389)	409,747
27 Monterey	3,855,457	(525,332)	3,330,125	-	3,330,125	-	3,330,125	-	3,330,125	(563,067)	2,767,058	(104,060)	2,662,998
28 Napa	874,219	(152,782)	721,437	(2,269)	719,168	-	719,168	-	719,168	-	719,168	(8,336)	710,832
29 Nevada	1,378,796	(158,110)	1,220,686	-	1,220,686	-	1,220,686	-	1,220,686	-	1,220,686	(22,739)	1,197,947
30 Orange	24,830,542	(5,257,732)	19,572,810	-	19,572,810	-	19,572,810	-	19,572,810	(2,797,167)	16,775,643	(1,172,159)	15,603,484
31 Placer	2,182,230	(938,476)	1,243,754	-	1,243,754	-	1,243,754	-	1,243,754	(333,386)	910,368	(74,901)	835,467
32 Plumas	225,080	(31,308)	193,772	-	193,772	-	193,772	-	193,772	(34,162)	159,610	(5,226)	154,384
33 Riverside	13,328,445	(5,646,701)	7,681,744	-	7,681,744	-	7,681,744	-	7,681,744	-	7,681,744	(573,196)	7,108,548
34 Sacramento	7,548,829	(1,108,556)	6,440,273	(503,069)	5,937,204	-	5,937,204	-	5,937,204	(3,651,494)	2,285,710	(456,018)	1,829,692
35 San Benito	346,451	(44,127)	302,324	-	302,324	-	302,324	-	302,324	(10,088)	292,236	(21,296)	270,940
36 San Bernardino	11,694,120	(2,601,740)	9,092,380	-	9,092,380	(581,187)	8,511,193	(348,000)	8,163,193	(4,202,181)	3,961,012	(635,308)	3,325,704
37 San Diego	21,410,586	(5,243,851)	16,166,735	-	16,166,735	-	16,166,735	-	16,166,735	(1,503,534)	14,663,201	(1,162,069)	13,501,132
38 San Francisco	5,925,950	(1,879,843)	4,046,107	-	4,046,107	-	4,046,107	-	4,046,107	-	4,046,107	(922,293)	3,123,814
39 San Joaquin	4,753,688	(1,190,853)	3,562,835	-	3,562,835	-	3,562,835	-	3,562,835	(1,239,420)	2,323,415	(164,612)	2,158,803
40 San Luis Obispo	2,573,968	(537,453)	2,036,515	-	2,036,515	-	2,036,515	-	2,036,515	(212,950)	1,823,565	(69,434)	1,754,131
41 Santa Mateo	7,124,638	(2,293,141)	4,831,497	-	4,831,497	-	4,831,497	-	4,831,497	(2,106,535)	2,724,962	(197,607)	2,527,355
42 Santa Barbara	4,094,288	(816,678)	3,277,610	-	3,277,610	-	3,277,610	-	3,277,610	(34,950)	3,242,660	(124,983)	3,117,677
43 Santa Clara	15,561,983	(3,964,400)	11,597,583	-	11,597,583	-	11,597,583	-	11,597,583	(2,500,000)	9,097,583	(636,290)	8,461,293
44 Santa Cruz	2,267,327	(365,231)	1,902,096	-	1,902,096	-	1,902,096	-	1,902,096	(331,940)	1,570,156	(74,465)	1,495,691
45 Shasta	1,198,773	(154,073)	1,044,700	-	1,044,700	-	1,044,700	-	1,044,700	(401,580)	643,120	(68,737)	574,383
46 Sierra	46,778	(4,245)	42,533	-	42,533	-	42,533	-	42,533	-	42,533	(723)	41,810
47 Siskiyou	801,329	(185,748)	615,581	-	615,581	-	615,581	-	615,581	(125,243)	490,338	(8,256)	482,082
48 Solano	3,757,059	(745,226)	3,011,833	(303,075)	2,708,758	-	2,708,758	-	2,708,758	(549,745)	2,159,013	(227,248)	1,931,765
49 Sonoma	2,851,883	(534,884)	2,316,999	-	2,316,999	-	2,316,999	-	2,316,999	(734,695)	1,582,304	(143,117)	1,439,187
50 Stanislaus	2,669,045	(813,876)	1,855,169	-	1,855,169	-	1,855,169	-	1,855,169	(600,860)	1,254,309	(174,382)	1,079,927
51 Sutter	802,574	(123,893)	678,681	-	678,681	-	678,681	-	678,681	-	678,681	(34,507)	644,174
52 Tehama	761,188	(120,885)	640,303	-	640,303	-	640,303	-	640,303	(4,941)	635,362	(7,404)	627,958
53 Trinity	137,087	-	137,087	-	137,087	-	137,087	-	137,087	(32,126)	104,961	(2,728)	102,233
54 Tulare	2,299,167	(458,745)	1,840,422	-	1,840,422	-	1,840,422	-	1,840,422	(405,601)	1,434,821	(89,135)	1,345,686
55 Tuolumne	440,496	(78,831)	361,665	-	361,665	-	361,665	-	361,665	(65,664)	296,001	(18,428)	277,573
56 Ventura	6,129,411	(1,554,062)	4,575,349	-	4,575,349	-	4,575,349	-	4,575,349	(1,898,388)	2,676,961	(393,467)	2,283,494

County Revenue Maintenance of Effort Obligations

AB 233, Stats. 1997, Ch. 850 GC 77201(b)(2) FY 1997-98		AB 233, Stats. 1997, Ch. 850 GC 77201.1(b)(2) FY 1998-99		AB 1590, Stats. 1998, Ch. 406 GC 77201.1(b)(2) FY 1998-99		AB 2788, Stats. 1998, Ch. 1017 GC 77201.1(b)(2) FY 1999-00		SB 815, Stats. 2000, Ch. 671 GC 77201.1(b)(2) FY 1999-00 to FY 2005-06		AB 227, Stats. 2007, Ch. 383 GC 77201.3(a)(2) FY 2006-07 & After ¹		AB 227, Stats. 2007, Ch. 383 GC 77201.3(a)(2) FY 2006-07 & After ²		
Court	Amount	Adjustment	Amount	Adjustment	Amount	Adjustment	Amount	Adjustment	Amount	Adjustment	Amount	Adjustment	Amount	
57	Yolo	1,516,065	(357,436)	1,158,629	(277,831)	880,798	-	880,798	-	880,798	(365,844)	514,954	(50,924)	464,030
58	Yuba	402,077	(83,835)	318,242	(28,917)	289,325	-	289,325	-	289,325	-	289,325	(15,888)	273,437
	Total	\$ 291,415,374	\$ (66,224,674)	\$ 225,190,700	\$ (1,153,766)	\$ 224,036,934	\$ (581,187)	\$ 223,455,747	\$ (459,353)	\$ 222,996,394	\$ (48,302,728)	\$ 174,693,666	\$ (14,243,250)	\$ 160,450,416
	Counties	58	54	58	6	58	1	58	3	58	38	58	58	58

1. Adjustments for county buyouts pursuant to GC section 68085.7 (civil assessment). Pursuant to GC 77201.3(a)(2)(B), Santa Clara County's obligation can be reduced by up to \$2.5 million based on the level of net civil assessment revenues collected by Santa Clara Superior Court and Santa Clara County each fiscal year.

2. Adjustments for county buyouts pursuant to GC section 68085.2 (AB 233 civil fees). Half of the adjustment amount was applied in FY 2005-06.

AB 1759 (Stats. 2003, ch. 159) mandated that the AOC and the California State Association of Counties (CSAC) develop by January 1, 2005, an equitable long-term distribution of specified filing and miscellaneous fees, sanctions and penalties heretofore known as undesignated fees and listed in GC 68085.5(a), (b) and (f) to take effect July 1, 2005. Included in these undesignated fees was the civil assessment imposed pursuant to PC 1214.1. In addition, AB 1759 required that all fines and fees not currently a part of local revenue sharing agreements were to be remitted by the counties to the TCTF in an amount not to exceed \$31 million. The General Fund appropriation for the trial courts was then reduced by \$31 million, with the intention that there would be no change in revenues to the courts statewide.

Maintenance of Effort-Related Statutes

Government Code section 77201.

(a) Commencing on July 1, 1997, no county shall be responsible for funding court operations, as defined in Section 77003 and Rule 10.810 of the California Rules of Court as it read on January 1, 2007.

(b) In the 1997–98 fiscal year, each county shall remit to the state in installments due on January 1, April 1, and June 30, the amounts specified in paragraphs (1) and (2), as follows:

(1) Except as otherwise specifically provided in this section, each county shall remit to the state the amount listed below which is based on an amount expended by the respective county for court operations during the 1994–95 fiscal year:

(2) Except as otherwise specifically provided in this section, each county shall also remit to the state the amount listed below which is based on an amount of fine and forfeiture revenue remitted to the state pursuant to Sections 27361 and 76000 of this code, Sections 1463.001 and 1464 of the Penal Code, and Sections 42007, 42007.1, and 42008 of the Vehicle Code during the 1994–95 fiscal year:

(3) The installment due on January 1 shall be for 25 percent of the amounts specified in paragraphs (1) and (2). The installments due on April 1 and June 30 shall be prorated uniformly to reflect any adjustments made by the Department of Finance, as provided in this section. If no adjustment is made by April 1, 1998, the April 1, 1998, installment shall be for 15 percent of the amounts specified in paragraphs (1) and (2). If no adjustment is made by June 30, 1998, the June 30, 1998, installment shall be for the balance of the amounts specified in paragraphs (1) and (2).

(4) Except as otherwise specifically provided in this section, county remittances specified in paragraphs (1) and (2) shall not be increased in subsequent years.

(5) Any change in statute or rule of court that either reduces the bail schedule or redirects or reduces a county's portion of fee, fine, and forfeiture revenue to an amount that is less than (A) the fees, fines, and forfeitures retained by that county and (B) the county's portion of fines and forfeitures transmitted to the state in the 1994–95 fiscal year, shall reduce that county's remittance specified in paragraph (2) by an equal amount. Nothing in this paragraph is intended to limit judicial sentencing discretion.

(c) The Department of Finance shall adjust the amount specified in paragraph (1) of subdivision (b) that a county is required to submit to the state, pursuant to the following:

(1) A county shall submit a declaration to the Department of Finance, no later than February 15, 1998, that the amount it is required to submit to the state pursuant to paragraph (1) of subdivision (b) either includes or does not include the costs for local judicial benefits which are court operation costs as defined in Section 77003 and Rule 10.810 of the California Rules of Court. The trial courts in a county that submits such a declaration shall be given a copy of the declaration and the opportunity to comment on the validity of the statements in the declaration. The Department of Finance shall verify the facts in the county's declaration and comments, if any. Upon verification that the amount the county is required to submit to the state includes the costs of local judicial benefits, the department shall reduce on or before June 30, 1998, the amount the county is required to submit to the state pursuant to paragraph (1) of subdivision (b) by an amount equal to the cost of those judicial benefits, in which case the county shall continue to be responsible for the cost of those benefits. If a county disagrees with the Department of Finance's failure to verify the facts in the county's declaration and reduce the amount the county is required to submit to the state pursuant to paragraph (1) of subdivision (b), the county may request that the Controller conduct an audit to verify the facts in the county's declaration. The Controller shall conduct the requested audit which shall be at the requesting county's expense. If the Controller's audit verifies the facts in the county's declaration, the department shall reduce the amount the county is required to submit to the state pursuant to paragraph (1) of subdivision (b) by an amount equal to the amount verified by the Controller's audit and the state shall reimburse the requesting county for the cost of the audit.

(d) The Department of Finance shall adjust the amount specified in paragraph (1) of subdivision (b) of Section 77201.1 that a county is required to submit to the state, pursuant to the following procedures:

(1) A county may submit a declaration to the Department of Finance, no later than February 15, 1998, that declares that (A) the county incorrectly reported county costs as court operations costs as defined in Section 77003 in the 1994–95 fiscal year, and that incorrect report resulted in the amount the county is required to submit to the state pursuant to paragraph (1) of subdivision (b) being too high, (B) the

amount the county is required to submit to the state pursuant to paragraph (1) of subdivision (b) includes amounts that were specifically appropriated, funded, and expended by a county or city and county during the 1994–95 fiscal year to fund extraordinary one-time expenditures for court operation costs, or (C) the amount the county is required to submit to the state pursuant to paragraph (1) of subdivision (b) includes expenses that were funded from grants or subventions from any source, for court operation costs that could not have been funded without those grants or subventions being available. A county submitting that declaration shall concurrently transmit a copy of the declaration to the trial courts of that county. The trial courts in a county that submits that declaration shall have the opportunity to comment to the Department of Finance on the validity of the statements in the declaration. Upon receipt of the declaration and comments, if any, the Department of Finance shall determine and certify which costs identified in the county's declaration were incorrectly reported as court operation costs or were expended for extraordinary one-time expenditures or funded from grants or subventions in the 1994–95 fiscal year. The Department of Finance shall reduce the amount a county must submit to the state pursuant to paragraph (1) of subdivision (b) of Section 77201.1 by an amount equal to the amount the department certifies was incorrectly reported as court operations costs or were expended for extraordinary one-time expense or funded from grants or subventions in the 1994–95 fiscal year. If a county disagrees with the Department of Finance's failure to verify the facts in the county's declaration and reduce the amount the county is required to submit to the state pursuant to paragraph (1) of subdivision (b) of Section 77201.1, the county may request that the Controller conduct an audit to verify the facts in the county's declaration. The Controller shall conduct the requested audit, which shall be at the requesting county's expense. If the Controller's audit verifies the facts in the county's declaration, the department shall reduce the amount the county is required to submit to the state pursuant to paragraph (1) of subdivision (b) of Section 77201.1 by an amount equal to the amount verified by the Controller's audit and the state shall reimburse the requesting county for the cost of the audit. A county shall provide, at no charge to the court, any service for which the amount in paragraph (1) of subdivision (b) of Section 77201.1 was

adjusted downward, if the county is required to provide that service at no cost to the court by any other provision of law.

(2) A court may submit a declaration to the Department of Finance, no later than February 15, 1998, that the county failed to report county costs as court operations costs as defined in Section 77003 in the 1994–95 fiscal year, and that this failure resulted in the amount the county is required to submit to the state pursuant to paragraph (1) of subdivision (b) being too low. A court submitting that declaration shall concurrently transmit a copy of the declaration to the county. A county shall have the opportunity to comment to the Department of Finance on the validity of statements in the declaration and comments, if any. Upon receipt of the declaration, the Department of Finance shall determine and certify which costs identified in the court’s declaration should have been reported by the county as court operation costs in the 1994–95 fiscal year and whether this failure resulted in the amount the county is required to submit to the state pursuant to paragraph (1) of subdivision (b) being too low. The Department of Finance shall notify the county, the trial courts in the county, and the Judicial Council of its certification and decision. Within 30 days, the county shall either notify the Department of Finance, trial courts in the county, and the Judicial Council that the county shall assume responsibility for the costs the county has failed to report, or that the department shall increase the amount the county is required to submit to the state pursuant to paragraph (1) of subdivision (b) of Section 77201.1 by an amount equal to the amount certified by the department. A county shall not be required to continue to provide services for which the amount in paragraph (1) of subdivision (b) of Section 77201.1 was adjusted upward.

(e) The Legislature hereby finds and declares that to ensure an orderly transition to state trial court funding, it is necessary to delay the adjustments to county obligation payments provided for by Article 3 (commencing with Section 77200) of Chapter 13 of Title 8, as added by Chapter 850 of the Statutes of 1997, until the 1998–99 fiscal year. The Legislature also finds and declares that since increase adjustments to the county obligation amounts will not take effect in the 1997–98 fiscal year, county charges for those services related to the increase adjustments shall not occur in the 1997–98 fiscal year. It is recognized that the counties have an obligation to provide, and the trial courts have an obligation to pay, for services provided by the county pursuant

to Section 77212. In the 1997–98 fiscal year, the counties shall charge for, and the courts shall pay, these obligations consistent with paragraphs (1) and (2).

(1) For the 1997–98 fiscal year, a county shall reduce the charges to a court for those services for which the amount in paragraph (1) of subdivision (b) of Section 77201.1 is adjusted upward, by an amount equal to the lesser of the following:

(A) The amount of the increase adjustment certified by the department pursuant to paragraph (2) of subdivision (d).

(B) The difference between the actual amount charged and paid for from the trial court operations fund, and the amount charged in the 1994–95 fiscal year.

(2) For the 1997–98 fiscal year, any funds paid out of the trial court operations fund established pursuant to Section 77009 during the 1997–98 fiscal year to pay for those services for which there was an upward adjustment, shall be returned to the trial court operations fund in the amount equal to the lesser of the following:

(A) The amount of the increase adjustment certified by the department pursuant to paragraph (2) of subdivision (d).

(B) The difference between the actual amount charged and paid for from the trial court operations fund, and the amount charged in the 1994–95 fiscal year.

(3) The Judicial Council shall reduce the allocation to the courts by an amount equal to the amount of any increase adjustment certified by the Department of Finance, if the cost of those services was used in determining the Judicial Council’s allocation of funding for the 1997–98 fiscal year.

(4) In the event the charges are not reduced as provided in paragraph (1) or the funds are not returned to the trial court operations fund as provided in paragraph (2), the trial court operations fund shall be refunded for the 1998–99 fiscal year. Funds provided to the trial court operations fund pursuant to this paragraph shall be available to the trial courts to meet financial obligations incurred during the 1997–98 fiscal year. To the extent that a trial court receives total resources for trial court funding from the county and the state for the 1997–98 fiscal year that exceeded the amount of the allocation approved by the Judicial Council by November 30, 1997, these amounts shall be available for expenditure in the 1998–99 fiscal year and the Judicial

Council shall reduce the 1998–99 fiscal year allocation of the court by an equal amount.

(f) Nothing in this section is intended to relieve a county of the responsibility to provide necessary and suitable court facilities pursuant to Section 68073.

(g) Nothing in this section is intended to relieve a county of the responsibility for justice-related expenses not included in Section 77003 which are otherwise required of the county by law, including, but not limited to, indigent defense representation and investigation, and payment of Division of Juvenile Justice charges.

(h) The Department of Finance shall notify the county, trial courts in the county, and Judicial Council of the final decision and resulting adjustment.

(i) On or before February 15, 1998, each county shall submit to the Department of Finance a report of the amount it expended for trial court operations as defined in Section 77003 and Rule 10.810 of the California Rules of Court as it read on January 1, 2007, between the start of the 1997–98 fiscal year and the effective date of this section. The department shall reduce the amount a county is required to remit to the state pursuant to paragraph (1) of subdivision (b) in the 1997–98 fiscal year by an amount equal to the amount a county expended for court operation costs between the start of the 1997–98 fiscal year and the effective date of this section. The department shall also reduce the amount a county is required to remit to the state pursuant to paragraph (2) of subdivision (b) in the 1997–98 fiscal year by an amount equal to the amount of fine and forfeiture revenue that a county remitted to the state between the start of the 1997–98 fiscal year and the effective date of this section. The department shall notify the county, the trial courts of the county, and the Judicial Council of the amount it has reduced a county’s obligation to remit to the state pursuant to this subdivision.

Government Code section 77201.1.

(a) Commencing on July 1, 1997, no county shall be responsible for funding court operations, as defined in Section 77003 and Rule 10.810 of the California Rules of Court as it read on January 1, 2007.

(b) Commencing in the 1999–2000 fiscal year, and each fiscal year thereafter until the 2006–07 fiscal year, each county shall remit to the state in four equal installments due on October 1, January 1, April 1, and May 1, the amounts specified in paragraphs (1) and (2). For the purpose of determining the counties' payments commencing in the 2006–07 fiscal year, and each fiscal year thereafter, the amounts listed in subdivision (a) of Section 77201.3 shall be used in lieu of the amounts listed in this subdivision.

(1) Except as otherwise specifically provided in this section, each county shall remit to the state the amount listed below, which is based on an amount expended by the respective county for court operations during the 1994–95 fiscal year:

(2) Except as otherwise specifically provided in this section, each county shall also remit to the state the amount listed below, which is based on an amount of fee, fine, and forfeiture revenue remitted to the state pursuant to Sections 27361 and 76000 of this code, Sections 1463.001, 1463.07, and 1464 of the Penal Code, and Sections 42007, 42007.1, and 42008 of the Vehicle Code during the 1994–95 fiscal year:

(3) Except as otherwise specifically provided in this section, county remittances specified in paragraphs (1) and (2) shall not be increased in subsequent years.

(4) Except for those counties with a population of 70,000 or fewer on January 1, 1996, the amount a county is required to remit pursuant to paragraph (1) shall be adjusted by the amount equal to any adjustment resulting from the procedures in subdivisions (c) and (d) of Section 77201 as that section read on June 30, 1998, to the extent a county filed an appeal with the Controller with respect to the findings made by the Department of Finance. This paragraph shall not be construed to establish a new appeal process beyond what was provided by Section 77201, as that section read on June 30, 1998.

(5) A change in statute or rule of court that either reduces the bail schedule or redirects or reduces a county's portion of fee, fine, and forfeiture revenue to an amount that is less than (A) the fees, fines, and forfeitures retained by that county, and (B) the county's portion of

finances and forfeitures transmitted to the state in the 1994–95 fiscal year, shall reduce that county’s remittance specified in paragraph (2) of this subdivision by an equal amount. This paragraph is not intended to limit judicial sentencing discretion.

(6) In the 2005–06 fiscal year, the amount that the County of Santa Clara is required to remit to the state under paragraph (2) shall be reduced as described in this paragraph, rather than as described in subdivision (b) of Section 68085.7. It is the intent of the Legislature that this paragraph have retroactive effect.

(A) For the County of Santa Clara, the remittance under this subdivision for the 2005–06 fiscal year shall be reduced by an amount equal to one-half of the amount calculated by subtracting the budget reduction for the Superior Court of Santa Clara County for that fiscal year attributable to the reduction of the counties’ payment obligation from thirty-one million dollars (\$31,000,000) pursuant to subdivision (a) of Section 68085.6 from the net civil assessments received in that county in that fiscal year. “Net civil assessments” as used in this paragraph means the amount of civil assessments collected minus the costs of collecting those civil assessments, under the guidelines of the Controller.

(B) The reduction under this paragraph of the amount that the County of Santa Clara is required to remit to the state for the 2005–06 fiscal year shall not exceed two million five hundred thousand dollars (\$2,500,000). If the reduction reaches two million five hundred thousand dollars (\$2,500,000), the amount the county is required to remit to the state under paragraph (2) of subdivision (a) of Section 77201.3 in each subsequent fiscal year shall be eight million four hundred sixty-one thousand two hundred ninety-three dollars (\$8,461,293).

(C) This paragraph does not affect the reduction of the annual remittance for the County of Santa Clara as provided in Section 68085.2.

(7) Notwithstanding the changes to the amounts in paragraph (2) made by Section 68085.7 or any other section, the amounts in paragraph (2) shall not be changed for purposes of the calculation required by subdivision (a) of Section 77205.

(c) This section is not intended to relieve a county of the responsibility to provide necessary and suitable court facilities pursuant to Section 70311.

(d) This section is not intended to relieve a county of the responsibility for justice-related expenses not included in Section 77003 which are otherwise required of the county by law, including, but not limited to, indigent defense representation and investigation, and payment of juvenile justice charges.

(e) County base year remittance requirements specified in paragraph (2) of subdivision (b) incorporate specific reductions to reflect those instances where the Department of Finance has determined that a county's remittance to both the General Fund and the Trial Court Trust Fund during the 1994–95 fiscal year exceeded the aggregate amount of state funding from the General Fund and the Trial Court Trust Fund. The amount of the reduction was determined by calculating the difference between the amount the county remitted to the General Fund and the Trial Court Trust Fund and the aggregate amount of state support from the General Fund and the Trial Court Trust Fund allocated to the county's trial courts. In making its determination of whether a county is entitled to a reduction pursuant to paragraph (2) of subdivision (b), the Department of Finance subtracted from county revenues remitted to the state, all moneys derived from the fee required by Section 42007.1 of the Vehicle Code and the parking surcharge required by subdivision (c) of Section 76000 of this code.

(f) Notwithstanding subdivision (e), the Department of Finance shall not reduce a county's base year remittance requirement, as specified in paragraph (2) of subdivision (b), if the county's trial court funding allocation was modified pursuant to the amendments to the allocation formula set forth in paragraph (4) of subdivision (d) of Section 77200, as amended by Chapter 2 of the Statutes of 1993, to provide a stable level of funding for small county courts in response to reductions in the General Fund support for the trial courts.

(g) In any fiscal year in which a county of the first class pays the employer-paid retirement contribution for court employees, or other employees of the county who provide a service to the court, and the amounts of those payments are charged to the budget of the courts, the sum the county is required to pay to the state pursuant to paragraph (1) of subdivision (b) shall be increased by the actual amount charged to the trial court up to twenty-three million five hundred twenty-seven thousand nine hundred forty-nine dollars (\$23,527,949) in that fiscal year. The county and the trial court shall

report to the Controller and the Department of Finance the actual amount charged in that fiscal year.

Government Code section 77201.3.

(a) Commencing with the 2006–07 fiscal year, and each fiscal year thereafter, except as otherwise specifically provided in this section, each county shall remit to the state the amounts described in this subdivision in four equal installments due on October 1, January 1, April 1, and May 1. The amounts listed in this subdivision are in lieu of the amounts listed in subdivision (b) of Section 77201.1. However, for purposes of the calculation required by subdivision (a) of Section 77205, the amounts in paragraph (2) of subdivision (b) of Section 77201.1 shall be used.

(1) Each county shall remit to the state the amount listed below, which is based on an amount expended by the respective county for court operations during the 1994–95 fiscal year. The amount listed for Los Angeles County includes the twenty-three million five hundred twenty-seven thousand nine hundred forty-nine dollars (\$23,527,949) increase required by subdivision (g) of Section 77201.1.

(2) (A) This paragraph sets forth the amount of the revenue maintenance of effort payment as modified by the reductions in Sections 68085.2 and 68085.7, including, if applicable, any adjustment made pursuant to paragraph (1) of subdivision (b) of Section 68085.8.

(B) The amount remitted by the County of Santa Clara shall be ten million nine hundred sixty-one thousand two hundred ninety-three dollars (\$10,961,293) reduced as described in clauses (i) and (ii).

(i) The amount remitted by the County of Santa Clara pursuant to this paragraph for each fiscal year shall be reduced by an amount equal to one-half of the amount calculated by subtracting the budget reduction for the Superior Court of Santa Clara County for that fiscal year attributable to the reduction of the counties' payment obligation from thirty-one million dollars (\$31,000,000) pursuant to subdivision (a) of Section 68085.6 from the net civil assessments received in that county in that fiscal year. "Net civil assessments" as used in this paragraph means the amount of civil assessments collected minus the costs of collecting those civil assessments, under the guidelines of the Controller.

(ii) The reduction calculated pursuant to paragraph (i) shall not exceed two million five hundred thousand dollars (\$2,500,000) in any fiscal year. If the reduction for a fiscal year reaches two million five hundred thousand dollars (\$2,500,000), the amount that the county is required to remit to the state under this paragraph in that fiscal year and in

each subsequent fiscal year shall be eight million four hundred sixty-one thousand two hundred ninety-three dollars (\$8,461,293).

(b) Except as otherwise specifically provided in this section, county remittances specified in subdivision (a) shall not be increased in subsequent years.

(c) Except for those counties with a population of 70,000, or less, on January 1, 1996, the amount a county is required to remit pursuant to paragraph (1) of subdivision (a) shall be adjusted by the amount equal to any adjustment resulting from the procedures in subdivisions (c) and (d) of Section 77201 as that section read on June 30, 1998, to the extent a county filed an appeal with the Controller with respect to the findings made by the Department of Finance. This subdivision shall not be construed to establish a new appeal process beyond what was provided by Section 77201, as that section read on June 30, 1998.

(d) Any change in statute or rule of court that either reduces the bail schedule or redirects or reduces a county's portion of fee, fine, and forfeiture revenue to an amount that is less than (1) the fees, fines, and forfeitures retained by that county, and (2) the county's portion of fines and forfeitures transmitted to the state in the 1994–95 fiscal year, shall reduce that county's remittance specified in paragraph (2) of subdivision (a) by an equal amount. Nothing in this subdivision is intended to limit judicial sentencing discretion.

(e) Nothing in this section is intended to relieve a county of the responsibility to provide necessary and suitable court facilities pursuant to Section 68073.

(f) Nothing in this section is intended to relieve a county of the responsibility for justice-related expenses not included in Section 77003 which are otherwise required of the county by law, including, but not limited to, indigent defense representation and investigation, and payment of juvenile justice charges.

Government Code section 68085.2.

(a) Notwithstanding Section 77201.1, commencing with the 2005-06 fiscal year, the amount of each county's annual remittance to the Trial Court Trust Fund under paragraph (2) of subdivision (b) of Section 77201.1 shall be reduced by the amount determined under this section. In the 2005–06 fiscal year, the remittance shall be reduced by one-half the amount determined in subdivision (b). In the 2006–07 fiscal year and thereafter, the remittance shall be reduced in each fiscal year by the full amount determined in subdivision (b).

(b) The amount of the reduction under this section for each county shall be the actual receipts into the county general fund for retention by the county for civil fees under Sections 26823, 26827.4, 26830, 26832, 26832.1, 26833.1, 26835.1, 26836.1, 26837.1, 26838, 26850.1, 26851.1, 26852.1, 26853.1, 26855.4, and 72060 of this code and Section 116.230 of the Code of Civil Procedure for the fiscal year ending June 30, 2004. This reduction is intended to compensate the counties for the loss of the revenue, as measured by receipts for the 2003–04 fiscal year, that was allocated to them from these fees by statute before January 1, 2006.

(c) In each county, the superior court and the county shall exchange relevant information to determine the amount of reduction they believe is correct under subdivision (b) and jointly report it to the California State Association of Counties (CSAC) and the Administrative Office of the Courts (AOC) on or before January 1, 2006. If the superior court and the county do not agree on the amount, the superior court and the county shall each report the amount it believes is correct to the CSAC and the AOC on or before January 1, 2006.

(d) The AOC and the CSAC shall agree on the amount of the reduction for each county on or before January 1, 2006. If a court or county disagrees with the amount agreed to by the AOC and the CSAC for that county, the court or county may appeal to the AOC and the CSAC for an adjustment. The CSAC and the AOC shall determine whether to make any requested adjustment.

(e) If the CSAC and the AOC do not agree on the amount of the reduction for a county, they may request a mutually agreed-upon third party to arbitrate and determine the amount. The amount shall be determined by March 1, 2006.

Government Code section 68085.7.

(a) (1) Notwithstanding any other provision of law, Section 68085.5 does not apply to the following fees and fines collected on or after July 1, 2005: any fees and fines specified in subdivision (a) or (b) of Section 68085.5, Section 177.5 or 1218 of the Code of Civil Procedure, or Section 166 or 1214.1 of the Penal Code. Commencing July 1, 2005, these fees and fines shall be distributed as provided by Section 68085, except that the fees listed in subdivision (b) of Section 68085.5 and the fee in Section 1835 of the Probate Code shall be distributed to the court or the county, whichever provided the services for which the fee is charged or incurred the costs reimbursed by the fee.

(2) Notwithstanding any other provision of law, until January 1, 2006, upon direction of the Administrative Office of the Courts, the court and the county shall deposit the money each collects under the sections listed in paragraph (2) of subdivision (c) of Section 68085 as soon as practicable after collection and on a regular basis into a bank account established for this purpose and specified by the Administrative Office of the Courts. The deposits shall be made as required by rules adopted by and financial policies and procedures authorized by the Judicial Council under subdivision (a) of Section 77206 of the Government Code. Within 15 days after the end of the month in which the money is collected, the court and the county each shall provide the Administrative Office of the Courts with a report of the money it collects, as specified by the Administrative Office of the Courts. The money shall be transmitted to the State Controller for deposit in the Trial Court Trust Fund by the Administrative Office of the Courts.

(3) Commencing January 1, 2006, the fees and fines listed in Section 68085.5 shall be distributed as provided by Section 68085.1, or if no provision is made in Section 68085.1, as specified in the section that provides for the fee or fine. The fees in Sections 26840.1, 26847, 26854, 26855.1, 26855.2, and 27293 shall be distributed to the county.

(b) Commencing July 1, 2005, in each fiscal year, the amount of each county's annual remittance to the state Trial Court Trust Fund under paragraph (2) of subdivision (b) of Section 77201.1 shall be reduced by the amount that the county received from civil assessments under Section 1214.1 of the Penal Code, after deducting the cost of collecting those civil assessments as defined in subdivision (f), in the 2003-04 fiscal year. The reduction provided by this subdivision for the 2005-06

fiscal year shall apply only to a county that transmits to the Trial Court Trust Fund any money received by the county between July 1, 2005, and the effective date of this section that would have been transmitted to the Trial Court Trust Fund pursuant to subdivision (a), and the amendments to Section 68085 of this code and Section 1214.1 of the Penal Code, if this section had been effective on July 1, 2005.

(c) The amount of the reduction under this section for each county shall be determined by agreement between the Administrative Office of the Courts (AOC) and the California State Association of Counties (CSAC). Each county and each superior court shall exchange relevant factual information to determine and jointly report to the AOC and the CSAC the total amount the county received from civil assessments for the 2003-04 fiscal year, both gross and net after costs, on or before August 31, 2005. If the court and the county do not agree on the amount, the court and the county shall each report the amount each believes is correct to the AOC and the CSAC on or before August 31, 2005.

(d) The AOC and the CSAC shall agree on the amount of the reduction for each county under this section on or before October 31, 2005. If a court or county disagrees with the amount agreed to by the AOC and the CSAC for that county, the court or county may appeal to the AOC and the CSAC for an adjustment. The AOC and the CSAC shall determine whether to make any requested adjustment.

(e) If the AOC and the CSAC do not agree on the amount of the reduction for a county, they may request a mutually agreed-upon third party to arbitrate and determine the amount. The amount shall be determined on or before December 31, 2005.

(f) Guidelines of the Controller shall apply to the determination of revenues from civil assessments under Section 1214.1 of the Penal Code. The costs of collecting civil assessments applied in determining net civil assessments are only those costs used to collect those civil assessments.