

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

(Action Item)

Title: 2020-21 Allocations for Juvenile Dependency Counsel Collections Program (JDCCP) and Court-Appointed Counsel (CAC) Mid-Year Funding Reallocation

Date: January 26, 2021

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Issue

Judicial Council Center for Families, Children & the Courts (CFCC) staff presents for approval two redistributions of funding for court-appointed juvenile dependency counsel for fiscal year 2020-21:

1. Under the JDCCP, and as directed in Welfare and Institutions Code section 903.1, 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. Staff requests that the Trial Court Budget Advisory Committee (TCBAC) recommends that the Judicial Council allocate \$333,541, the 2019-20 statutorily restricted funds—remitted in excess of dependency counsel program administrative costs—to the trial courts according to the methodology adopted by the council at its August 23, 2013 business meeting.
2. Staff requests that TCBAC recommends that the Judicial Council reallocate \$614,761 in 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 pursuant to council action in April 2015.

Background

Juvenile Dependency Counsel Collections Program

At its October 26, 2012 meeting, the council adopted the JDCCP guidelines¹ which fulfilled the council’s legislative mandate to establish a program to collect reimbursement from parents or

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.

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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 JDCCP.³ The council then allocated funds remitted through the JDCCP for the first time since the JDCCP's inception at its February 20, 2014 council meeting.⁴ In subsequent years, the council has allocated available funds to eligible trial courts annually.

The estimates of courts' funding needs are computed using the dependency workload model approved by the council in April 2016 and updated in July 2016.⁵ The current base allocation for court-appointed dependency counsel is \$156.7 million—less than the estimated need.

In 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 statute to the Trial Court Trust Fund (TCTF). These monies are part of the restricted TCTF fund balance available for use in 2020-21 and beyond. Statute requires the 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.⁶ 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.

Court Appointed Counsel Mid-Year Funding Reallocation

At its April 17, 2015 business meeting, the council approved a methodology for reallocating funds unspent by courts for CAC in dependency cases.⁷ The approved methodology provided a four-year reallocation process to bring all courts to an equivalent percentage of workload met by available statewide funding.

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), <http://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), <http://www.courts.ca.gov/documents/jc-20140220-itemJ.pdf>.

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

⁶ 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.

⁷ Judicial Council of Cal., *Juvenile Dependency: Court-Appointed-Counsel Funding Reallocation* (April 17, 2015), <http://www.courts.ca.gov/documents/jc-20150417-itemI.pdf>.

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Trial courts with spending patterns at midyear that indicate they may not spend their full 2020-21 allocations were identified and contacted through a survey questionnaire. Of those courts, two confirmed that they would not spend the full allocation and provided an estimate of unspent funding. Attachment B shows the total \$614,761 estimate and reallocation. Under the reallocation methodology adopted at the April 17, 2015 council meeting, funds are reallocated proportionally by workload to courts that both did not remit unspent funds and had unmet need.

Additionally, to ensure use of the reallocation funds, an additional survey to trial courts will be necessary to confirm the court's ability to completely expend during the fiscal year. Declined funds will be placed back in the pool and reallocated to those courts eligible and accepting additional funds. The final allocation will be updated and reported at a later time. Contract augmentations will be processed for dependency representation providers in Dependency Representation Administration Funding and Training courts. 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. In 2019-20, all courts that received reallocation funds fully expended the funds. On an annual basis, approximately 2 percent of court-appointed funds are unspent at the end of the fiscal year.

Recommendation

It is recommended that TCBCAC approve two separate allocations for CAC funding for consideration by the Judicial Council at its March 11-12, 2021 business meeting:

1. Allocate \$333,541, the 2020-2021 Juvenile Dependency Counsel Collections Program Funds (Attachment A); and
2. Allocate 2020-2021 Trial Court Allocations of \$614,761 Estimated Unspent Funding (Attachment B).

Attachments

Attachment A: Recommended 2020-21 Trial Court Allocations of \$333,541 in Juvenile Dependency Counsel Collections Program Funds

Attachment B: Recommended 2020-2021 Trial Court Allocations of \$614,761 Estimated Unspent Funding

Recommended FY 2019-2020 Trial Court Allocations of \$333,541 in Juvenile Dependency Counsel Collections Program Funds

Court	Estimated Funding Need (JC Report - July 2020) Col. A	Estimated Funding Need as Percentage of Statewide Need (Col. A Total) Col. B	Allocation of Court Appointed Counsel (CAC) Base Funding in 2020-21 Col. C	Allocation as a Percentage of Total CAC Base Funding in 2020-21 (Col. C Total) Col. D	Eligible for JDCCP Funding ¹ Col. E	Funding Need of Eligible Courts (Col. A when Col. E equals "Y") Col. F	Need as a % of Total Need of Eligible Courts (Col. F Total) Col. G	Recommended Allocation of 2019-2020 JDCCP Collections (Col. G x \$591,786) Col. H	Trial Court Allocations Through 2019-20 Col. I	Trial Court Distributions Through December 2020 Col. J	Undistributed Trial Court Allocations Through December 2020 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%	-	-	-	-
Kern	3,458,599.82	1.74%	2,720,712.50	1.74%	N	-	0.00%	-	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	0.11%	288,934.29	0.18%	N	-	0.00%	-	-	-	-
Lassen	130,789.23	0.07%	130,683.42	0.08%	N	-	0.00%	-	-	-	-
Los Angeles	97,215,159.03	48.83%	75,809,513.11	48.38%	Y	97,215,159.03	76.88%	256,414.10	4,322,721.36	4,322,721.36	-
Madera	762,978.25	0.38%	631,797.47	0.40%	N	-	0.00%	-	16,068.83	16,069.00	-
Marin	287,842.30	0.14%	287,842.30	0.18%	N	-	0.00%	-	-	-	-
Mariposa	54,999.06	0.03%	48,793.07	0.03%	N	-	0.00%	-	1,817.86	-	1,817.86
Mendocino	521,711.68	0.26%	510,211.78	0.33%	N	-	0.00%	-	-	-	-
Merced	1,077,780.28	0.54%	840,465.62	0.54%	N	-	0.00%	-	32,783.77	-	32,783.77
Modoc	42,601.32	0.02%	59,313.19	0.04%	N	-	0.00%	-	-	-	-
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%	-	-	-	-

Recommended FY 2019-2020 Trial Court Allocations of \$333,541 in Juvenile Dependency Counsel Collections Program Funds

Court	Estimated Funding Need (JC Report - July 2020) Col. A	Estimated Funding Need as Percentage of Statewide Need (Col. A Total) Col. B	Allocation of Court Appointed Counsel (CAC) Base Funding in 2020-21 Col. C	Allocation as a Percentage of Total CAC Base Funding in 2020-21 (Col. C Total) Col. D	Eligible for JDCCP Funding ¹ Col. E	Funding Need of Eligible Courts (Col. A when Col. E equals "Y") Col. F	Need as a % of Total Need of Eligible Courts (Col. F Total) Col. G	Recommended Allocation of 2019-2020 JDCCP Collections (Col. G x \$591,786) Col. H	Trial Court Allocations Through 2019-20 Col. I	Trial Court Distributions Through December 2020 Col. J	Undistributed Trial Court Allocations Through December 2020 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%	-	-	-	-
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%	-	-	-	-
Stanislaus	1,857,984.09	0.93%	1,448,877.63	0.92%	N	-	0.00%	-	-	-	-
Sutter	471,054.16	0.24%	374,781.31	0.24%	N	-	0.00%	-	15,457.03	-	15,457.03
Tehama	342,189.13	0.17%	340,323.40	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%	-	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			

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.

Court	Estimated Funding Need (JC Report - July 2020) Col. A	Estimated Funding Need as Percentage of Statewide Need (Col. A Total) Col. B	Allocation of Court Appointed Counsel (CAC) Base Funding in 2020-21 Col. C	Allocation as a Percentage of Total CAC Base Funding in 2020-21 (Col. C Total) Col. D	Est. Unspent Funding 2020-21 Col. E	Eligible for Reallocated Funding ¹ Col. F	Funding Need of Eligible Courts (Col. A when Col. F equals "Y") Col. G	Need as a % of Total Need of Eligible Courts (Col. G Total) Col. H	Recommended 2020-21 Reallocation (Col. H x \$0.00) Col. I
Alameda	\$4,350,836	2.19%	\$3,422,591	2.18%	0	Y	4,350,836.05	2.27%	13,975.39
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%	0	Y	1,133,088.79	0.59%	3,639.61
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	Y	3,268,377.00	1.71%	10,498.41
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	0.37%	2,290.16
Fresno	\$4,235,518	2.13%	\$3,302,907	2.11%	0	Y	4,235,518.40	2.21%	13,604.98
Glenn	\$130,323	0.07%	\$154,825	0.10%	0	N	-	0.00%	-
Humboldt	\$853,913	0.43%	\$665,891	0.42%	0	Y	853,912.51	0.45%	2,742.87
Imperial	\$889,611	0.45%	\$693,729	0.44%	0	Y	889,610.53	0.46%	2,857.53
Inyo	\$32,070	0.02%	\$39,570	0.03%	0	N	-	0.00%	-
Kern	\$3,458,600	1.74%	\$2,720,713	1.74%	0	Y	3,458,599.82	1.81%	11,109.42
Kings	\$838,507	0.42%	\$659,612	0.42%	0	Y	838,506.66	0.44%	2,693.38
Lake	\$220,513	0.11%	\$288,934	0.18%	0	N	-	0.00%	-
Lassen	\$130,789	0.07%	\$130,683	0.08%	0	N	-	0.00%	-
Los Angeles	\$97,215,159	48.83%	\$75,809,513	48.38%	0	Y	97,215,159.03	50.79%	312,266.37
Madera	\$762,978	0.38%	\$631,797	0.40%	0	N	-	0.00%	-
Marin	\$287,842	0.14%	\$287,842	0.18%	0	N	-	0.00%	-
Mariposa	\$54,999	0.03%	\$48,793	0.03%	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	0.56%	3,461.96
Modoc	\$42,601	0.02%	\$59,313	0.04%	0	N	-	0.00%	-
Mono	\$20,958	0.01%	\$18,114	0.01%	0	N	-	0.00%	-
Monterey	\$1,013,414	0.51%	\$797,204	0.51%	0	Y	1,013,414.21	0.53%	3,255.20
Napa	\$530,232	0.27%	\$417,108	0.27%	0	Y	530,231.69	0.28%	1,703.17
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	4.63%	28,486.02
Placer	\$763,480	0.38%	\$600,593	0.38%	0	Y	763,480.23	0.40%	2,452.39
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	4.57%	28,082.30
Sacramento	\$6,377,922	3.20%	\$5,017,201	3.20%	0	Y	6,377,921.58	3.33%	20,486.62
San Benito	\$138,965	0.07%	\$109,317	0.07%	0	Y	138,965.00	0.07%	446.37
San Bernardino	\$15,961,184	8.02%	\$12,446,717	7.94%	0	Y	15,961,183.84	8.34%	51,269.17
San Diego	\$6,535,686	3.28%	\$5,141,307	3.28%	0	Y	6,535,685.84	3.41%	20,993.38
San Francisco	\$3,430,051	1.72%	\$2,698,254	1.72%	0	Y	3,430,050.95	1.79%	11,017.72
San Joaquin	\$3,469,677	1.74%	\$2,729,427	1.74%	0	Y	3,469,677.20	1.81%	11,145.01
San Luis Obispo	\$1,030,388	0.52%	\$803,509	0.51%	0	Y	1,030,388.38	0.54%	3,309.73
San Mateo	\$1,065,037	0.54%	\$837,813	0.53%	0	Y	1,065,036.57	0.56%	3,421.02
Santa Barbara	\$1,140,239	0.57%	\$889,172	0.57%	0	Y	1,140,239.39	0.60%	3,662.58
Santa Clara	\$4,183,439	2.10%	\$3,262,294	2.08%	0	Y	4,183,438.78	2.19%	13,437.69

Court	Estimated Funding Need (JC Report - July 2020) Col. A	Estimated Funding Need as Percentage of Statewide Need (Col. A Total) Col. B	Allocation of Court Appointed Counsel (CAC) Base Funding in 2020-21 Col. C	Allocation as a Percentage of Total CAC Base Funding in 2020-21 (Col. C Total) Col. D	Est. Unspent Funding 2020-21 Col. E	Eligible for Reallocated Funding ¹ Col. F	Funding Need of Eligible Courts (Col. A when Col. F equals "Y") Col. G	Need as a % of Total Need of Eligible Courts (Col. G Total) Col. H	Recommended 2020-21 Reallocation (Col. H x \$0.00) Col. I
Santa Cruz	\$708,207	0.36%	\$557,112	0.36%	0	Y	708,207.14	0.37%	2,274.84
Shasta	\$842,628	0.42%	\$662,855	0.42%	0	Y	842,627.99	0.44%	2,706.62
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	0.58%	3,545.35
Sonoma	\$1,802,734	0.91%	\$1,405,793	0.90%	0	Y	1,802,733.64	0.94%	5,790.59
Stanislaus	\$1,857,984	0.93%	\$1,448,878	0.92%	0	Y	1,857,984.09	0.97%	5,968.06
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%	564,761	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	1.20%	7,359.98
Yolo	\$1,496,553	0.75%	\$1,167,029	0.74%	0	Y	1,496,552.74	0.78%	4,807.10
Yuba	\$439,889	0.22%	\$363,820	0.23%	0	N	-	0.00%	-
Unallocated	\$0		\$100,000				-		-
Total	\$199,071,652		\$156,700,000		\$614,761.00		\$191,388,165.83	100.00%	\$614,761.00
Total Returned									\$614,761.00