



**BOARD OF SUPERVISORS  
AGENDA LETTER**

**Agenda Number:**

**Clerk of the Board of Supervisors**  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

**Department Name:** County Executive Office  
**Department No.:** 012  
**For Agenda Of:** June 27, 2023  
**Placement:** Administrative  
**Estimated Time:**  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** Majority

**TO:** Board of Supervisors

**FROM:** Department Director(s) Contact Info: Mona Miyasato, County Executive Officer  
Paul Clementi, Budget Director  
Reese Ellestad, Fiscal & Policy Analyst

DocuSigned by:  
*Mona Miyasato*  
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**SUBJECT:** Adoption of Resolution Superseding Resolutions 91-682 and 91-737 Establishing Reduced Additional Penalty Amounts for the Courthouse Construction Fund and Criminal Justice Facility Construction Fund for Criminal and Parking Offenses Pursuant to Government Code Section 76000

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence: N/A

Recommended Actions:

- a) Approve and adopt a Resolution establishing reduced additional penalty amounts authorized under Government Code Section 76000 for all criminal and parking offenses, distributed to the Courthouse Construction Fund and Criminal Justice Facility Construction Fund; and
- b) Find that the proposed action is an administrative activity of the County to reduce existing monetary penalty amounts, which will not result in direct or indirect physical changes in the environment and is therefore not a "project" as defined for purposes of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15273(a)(1) and 15378(b)(4),(5) (Attachment C).

Summary Text:

This resolution will update Resolutions 91-682 and 91-737 by lowering certain penalties imposed and collected by the Superior Court to support improvements at the Santa Barbara Courthouse and other criminal justice facilities. These moneys are distributed to both the Courthouse Construction Fund and Criminal Justice Facility Construction

Fund to be used for those purposes set forth in statute, including to pay debt service on previously completed courthouse and criminal justice facilities projects. This action is required at this time, per Government Code Section 76000, because the final debt payments have been made and the County is in the process of transferring the majority of the accumulated balance remaining in the Courthouse Construction Fund to the State.

Pursuant to Government Code section 70402(a) any amount in a county's Courthouse Construction Fund (CCF) established per Government Code Section 76100 shall be transferred to the State Court Facilities Construction Fund at the later of the following: (1) the date of the last transfer of responsibility for court facilities from the county to the Judicial Council, or December 31, 2009, whichever is earlier, or (2) the date of the final payment of bonded indebtedness for any court facility that is paid from that fund. The County's bond indebtedness on the Santa Maria Court Clerk's Building concluded on June 30, 2022, thereby triggering a request from the State to remit a share of the fund.

Currently, Resolutions 91-682 and 91-737 allow fees to be collected by the Superior Court on every fine, penalty, or forfeiture imposed and collected by the Courts for offenses pursuant to Government Code Section 76000. Government Code Section 76000(e) requires that the fees be reduced once the local Courthouse Construction Fund is transferred to the State under Section 70402. The balance in the fund is anticipated to be around \$5.4 million as of June 2023. The State will be transferred 80.12% of the balance at the time fee reductions go into effect, to be used in the State Court Facilities Construction Fund, while the County will retain the difference. The amount retained by the County will be used for future improvements related to the Santa Barbara County Courthouse (Historic) building that was retained by the County. All other facilities were already transferred to the State and costs for maintenance and improvements on those facilities are addressed in the Courts Maintenance of Effort agreement. Maintenance and capital needs for the Santa Barbara County Courthouse will continue to be funded through County maintenance and capital project funding, with larger projects assisted by the Courthouse Construction Fund balance retained by the County.

This Resolution supersedes Resolutions 91-682 and 91-737, and reduces the fee from \$7 to \$4.20 per \$10 imposed and collected upon every fine, penalty, or forfeiture by the courts for all criminal offenses, including all offenses involving a violation of the Vehicle Code or any local Resolution adopted pursuant to the Vehicle Code previously put in place in Resolution 91-682. It also reduces the additional penalty from \$2.50 to \$1 for each parking offense previously deposited into the County Courthouse Construction Fund pursuant to Resolution No. 91-737. The amendment to Resolution No. 91-737 leaves the penalty deposited into the Criminal Justice Facilities Construction Fund unchanged, at \$2.50.

### **Background:**

In the past, California's counties were responsible for funding, constructing, and maintaining trial court facilities. However, this changed with the Lockyer-Isenberg Trial Court Funding Act of 1997 and subsequent statutory revisions that aimed to create a more uniform and efficient trial court system by shifting these responsibilities to the State. The Trial Court Facilities Act of 2002 built upon this by outlining a framework for transferring ownership of court facilities from counties to the State through negotiated transfers, which would assume full maintenance and operational responsibility.

The Trial Court Facilities Act also established the State Court Facility Construction Fund to support the improvement and construction of court facilities, previously funded at the local level by the County's Courthouse Construction Fund (CCF). The act requires that remaining funds in the CCF be remitted to the State, and penalty amounts supporting the fund be reduced once bonded indebtedness for court facilities was paid. The CCF is supported by additional criminal court penalty assessments.

When the additional criminal court penalty assessments took effect, the following designation for the use of the penalty assessments was decided by the Board of Supervisors in Resolution 91-682:

- \$3.50 to the Courthouse Construction Fund
- \$3.50 to the Criminal Justice Facilities Construction Fund

The following designation for the use of the penalty assessments was decided by the Board of Supervisors in Resolution 91-737:

- \$2.50 to the Courthouse Construction Fund
- \$2.50 to the Criminal Justice Facilities Construction Fund
- With one dollar (\$1) of each penalty assessed being transferred to the State Courthouse Construction Fund, per the terms of Section 76000 at that time.

As stated above, in June 2022, the County's last remaining bonded indebtedness for a court facility, the Santa Maria Court Clerk's Building, was paid. Pursuant to Government Code Section 76000, the County must now remit 80.12% of the balance in the CCF to the State, to be used in the State Court Facilities Construction Fund, and reduce its additional penalty assessments. The County will not be remitting the entirety of the CCF, as other counties have done, as the Santa Barbara County Courthouse (Historic) building has been retained by the County. The County is no longer responsible for funding, constructing, or maintaining local court facilities, aside from what has been addressed in the Courts Maintenance of Effort agreement.

To comply with Government Code Section 76000, the proposed resolution reduces the additional penalty on fines, penalties, and forfeitures set in Resolution 91-682 from \$7 to \$4.20, with the following designation for the use of the penalty assessments:

- \$2.10 to the Courthouse Construction Fund
- \$2.10 to the Criminal Justice Facilities Construction Fund

In addition, the proposed resolution reduces the additional penalty on fines, penalties, and forfeitures set in Resolution 91-737 from two \$2.50 fines (\$5.00 total) to one \$1 and one \$2.50 fine (\$3.50 total), with the following designation for the use of the penalty assessments:

- \$2.00 to the County Court Activities Fund
- \$1.50 to the Criminal Justice Facilities Construction Fund

Subsequent to the Board's adoption of Resolution 91-737, Government Code Section 76000 was amended to require that one dollar (\$1) of every two dollars and fifty cents (\$2.50) collected under Resolution 91-737 be deposited into the general fund of the county. The Board has previously directed that these moneys be allocated directly into the County Court Activities Fund. This Resolution reaffirms that the additional penalty of \$2.50 for each parking offense previously deposited into the County Criminal Justice Facility Construction shall remain unchanged, with one dollar of each \$2.50 penalty being designated for the County Court Activities Fund. The \$1 fine authorized for the Courthouse Construction Fund will also be designated for the County Court Activities Fund. No monies collected per Resolution 91-737 shall be deposited in the Courthouse Construction Fund.

This designation was recommended by the State Judicial Council.

**Fiscal Impacts:**

There will be no additional cost for administering these reduced surcharges. Over the last five years, receipts in the Courthouse Construction Fund and Criminal Justice Facilities Fund have ranged from \$431,000 to \$887,000, with swings in collections being driven by impacts related to the COVID-19 pandemic that began in the second half of FY 2019-20. When the fees discussed above are lowered, receipts in the funds will also decline but will continue to fluctuate based on the many factors that affect collections for the Courts. The revenue in both funds will be able to be used for future improvements on properties retained by the County. The revenue that goes to the County Court Activities Fund helps fund activities such as collections, the work of the grand jury, and the County's Maintenance of Effort with the Courts.

**Special Instructions:**

Following approval, a copy of the resolution will be sent to the Judicial Council, the Santa Barbara County Superior Court and the County departments affected by the assessments. The Auditor-Controller will remit 80.12% of the balance of the CCF to the State Court Facilities Construction Fund. The balance will be assessed the day the Resolution is passed, June 27, 2023 and remitted to the State at the close of the fiscal year.

**Attachments:**

Attachment A - Resolution

**Authored by:**

Reese Ellestad, Fiscal & Policy Analyst