



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

Submitted on:
(COB Stamp)

Department Name: Probation
Department No.: 022
Agenda Date: December 17, 2024
Placement: Administrative
Estimated Time:
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors *[Signature]*
FROM: Department Director: Holly L. Benton, Chief Probation Officer, (805) 882-3652
Contact Info: Damon Fletcher, Chief Financial and Administrative Officer, (805) 882-3654
SUBJECT: Assembly Bill (AB) 199 Backfill Allocation Spending Report for Fiscal Year 2023-24 for Criminal Justice Fees Eliminated by AB 177

County Counsel Concurrence

As to form: Yes

Other Concurrence:

As to form: N/A

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

That the Board of Supervisors:

- a) Consider and adopt the report in Attachment A as the Board of Supervisors’ annual report for Fiscal Year (FY) 2023-24 as required by Government Code section 29554 subsection (f), documenting the County’s spending of State backfill allocations which provides fiscal relief due to the repeal of the fees specified in Chapter 257, Statutes of 2021 (AB 177);
- b) Authorize the Chair to sign the letter included in Attachment A, regarding submission of the above referenced report, and direct Probation staff to submit the letter and report to the Director of Finance, the Legislative Analyst’s Office, and the Joint Legislative Budget Committee; and
- c) Determine pursuant to CEQA Guidelines 15378(b)(5) that the above actions are not a project subject to CEQA review, because they are government administrative activities that do not result in direct or indirect physical changes to the environment.

Summary Text:

This item is before your Board to fulfill State reporting requirements of AB 199 by submitting to the State a report detailing the County’s spending of the State backfill allocation due to revenues lost from fees repealed by AB 177. Effective January 1, 2021, AB 177 repealed the authority of counties to charge individuals for various criminal justice fees and cost of administering the criminal justice system, including lab fees, drug testing, and incarceration, among other costs contingent upon a criminal arrest, prosecution, or conviction. AB 177 includes a backfill provision that provides some relief to counties to mitigate revenues lost as a result of the repeal. Backfill funds are provided to counties through AB 199, for which each county’s board of supervisors is required to submit a report no later than January 10 of every year beginning in 2024, to the Joint Legislative Budget Committee, Legislative Analyst’s Office, and the Director of Finance, detailing the county’s

spending of the State backfill allocated for revenues lost from fees repealed by AB 177, which modified Chapter 257 of the Statutes of 2021.

The County received a backfill allocation of \$651,457.95 for FY 2023-24. Of the backfill allocation, the Probation Department was allocated \$224,900 for FY 2023-24 to fund two Pretrial Support Specialist Senior positions. The Probation Department worked with the Human Resources Department to create the Pretrial Support Specialist Senior positions and recruit for the positions. The positions were filled in September 2024 following the end of the current reporting period, and the Probation Department's allocation began to be spent at that time.

Background:

Chapter 257, Statutes of 2021 (AB 177) eliminated 17 different criminal administrative fees charged by local governments to individuals arrested, prosecuted, or convicted of a crime. These include fees for victim restitution collection, processing installment accounts, and dismissal of charges. AB 177 set aside \$25 million for FY 2021-22 and \$50 million annually thereafter to backfill counties for estimated lost revenue. The provision of the bill took effect on January 1, 2022.

The Department of Finance established an allocation schedule based on the methodology provided by Chapter 57, Statutes of 2022 (AB 199). The backfill for each county is based on its percentage for the statewide average of the following three variables for the calendar years 2017, 2018, and 2019: 1) adult population (50 percent of the allocation); 2) felony and misdemeanor arrests (25 percent of the allocation); and 3) traffic and non-traffic felony and misdemeanor filings (25 percent of the allocation).

The annual allocation from AB 199 of \$651,457.95 exceeds the actual collections of the specified fees in the three fiscal years prior to the repeal, which averaged \$278,757 per fiscal year. However, this positive fiscal impact only partially offsets the revenue lost on the prior repeal of criminal justice fees related to AB 1869. AB 1869 resulted in over \$1.8 million in annual ongoing fee revenue loss in the Probation Department and only provided \$846,777 in backfill for 5 years; the backfill provision under that legislation will sunset after FY 2025-26, creating an ongoing fiscal impact.

AB 199 requires that beginning January 10, 2024 and repeating annually, a county receiving funding report on how the backfill allocation was spent, and, at a minimum, report the total annual budget of the county department or departments that receive the allocation, the share of this allocation received, and an accounting of the expenditures of the allocation by county department that received a share of this allocation. The attached report indicates there was an allocation made in FY 2023-24 to the Probation Department but no expenditures during the reporting period as the positions weren't filled until after the reporting period.

Fiscal and Facilities Impacts:

Staff anticipates no fiscal or facilities impacts as a result of the Board's action on this matter. The Probation Department was allocated \$224,900 in the FY 2023-24 Adopted Budget for the ongoing staffing cost of two Pretrial Support Specialist (PTSS) Seniors in the department's pretrial assessments units, however those positions were not filled until FY 2024-25, and therefore no expenditures appear on the attached report.

In FY 2024-25, the Probation Department was allocated \$418,200 to support the two PTSS Senior positions and a Deputy Probation Officer to support pretrial services. It is anticipated that the unallocated portion of the AB 199 funding will be needed to help offset the upcoming revenue losses associated with the backfill sunset related to AB 1869 in FY 2025-26.

Staffing Impacts:

Staff anticipates no staffing impacts as a result of the Board's action on this matter. The three FTE supported by this funding in FY 2024-25 are included in the FY 2024-25 adopted budget and salary resolution.

Special Instructions:

Please send an original signed letter and a copy of the minute order to Damon Fletcher, Chief Financial and Administrative Officer, Probation Department.

Attachments:

Attachment A: Letter to State of California, Director of Finance, Legislative Analyst's Office, and Joint Legislative Budget Committee with Backfill Allocation Spending Report enclosure

Authored by:

Damon Fletcher, Chief Financial and Administrative Officer, Probation Department

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