



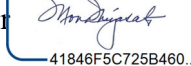
**BOARD OF SUPERVISORS
AGENDA LETTER**

Agenda Number:

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

Department Name: CEO
Department No.: 012
For Agenda Of: December 13, 2022
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 
Nancy Anderson, Assistant CEO – Budget and Research

SUBJECT: **AB 143 Backfill Allocation Spending Report for Fiscal Year 2021-22 from Criminal Justice Fees Eliminated in AB 1869**

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Other 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 2021-22 as required by Government Code section 29553, detailing the County’s spending of State backfill allocated for revenues lost from fees repealed by Chapter 92 of the Statutes of 2020;
- b) Authorize the Chair to sign the letter included in Attachment A and direct CEO staff to send the letter and report to the State of California 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:

AB 1869 repealed the authority of counties to charge defendants for various criminal justice fees. Effective July 1, 2021, the bill includes a backfill provision that provides some relief to counties to mitigate revenues lost as a result of the repeal. The backfill provision sunsets in fiscal year 2025-2026. In accordance with AB 143, the Board is required to submit a report by January 10, 2023 to the

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Legislature, Legislative Analyst's Office, and the Department of Finance, detailing the County's spending of the State backfill allocated for revenues lost from fees repealed by Chapter 92 of the Statutes of 2020.

The County received a backfill allocation for fiscal year 2021-22, totaling \$846,777.76, of which the Probation Department received \$650,000 (77%) and the Sheriff-Coroner Office received \$196,777.76 (23%). Probation's allocation was used to fund adult supervision and investigation staff salaries and benefits, while the Sheriff's Office funding also supported adult supervision programs, including staffing and other program costs including GPS electronic monitoring services.

Discussion:

Chapter 92, Statutes of 2020 (AB 1869) eliminated 23 different criminal administrative fees charged by local governments to individuals arrested, prosecuted, or convicted of a crime. These include fees for administering probation and mandatory supervision, processing arrests and citations, and administering home detention programs, continuous electronic monitoring programs, work furlough programs, and work release programs. While not included in the backfill amount, the bill also repeals the authority of the court to order the defendant to pay the costs of the public defender. AB 1869 set aside \$65 million annually from fiscal years 2021-22 through 2025-26 to backfill counties for estimated lost revenue. The provisions of the bill took effect on July 1, 2021.

The Department of Finance established an allocation schedule based on the methodology provided by Chapter 79, Statutes of 2021 (AB 143). 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).

AB 143 required that "no later than May 1, 2022, each county's board of supervisors receiving fiscal relief pursuant to this section shall submit a report to the Director of Finance, the Legislative Analyst's Office, and the Joint Legislative Budget Committee detailing the actual revenue lost from each individual fee repealed by Chapter 92 of the Statutes of 2020 for each of the three most recent years that a county collected this revenue prior to the enactment of Chapter 92 of the Statutes of 2020."

The initial, one-time report was approved by your Board on April 19, 2022 and the required materials were submitted as per the State instructions prior to the May 1, 2022 deadline.

Prospective Annual Reporting through FY 2025-26

AB 143 also requires a county, for the years in which funding is allocated pursuant to the methodology, to report on how the backfill allocation was spent, and at a minimum, the report shall include 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 receive a share of this allocation. The required annual report is due by January 10, 2023 for this reporting period, and annually thereafter while the backfill is in effect.

Fiscal and Facilities Impacts:

Staff anticipates no fiscal or facilities impacts as a result of the Board's action on this matter.

Special Instructions:

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1. As per Recommendation b, please forward a copy of the letter and report to the State of California Director of Finance, the Legislative Analyst's Office, and the Joint Legislative Budget Committee.
2. Please send the original signed letter and a copy of the minute order to Nicole Parmelee, Fiscal & Policy Analyst, County Executive Office.

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:

Nicole Parmelee, Fiscal & Policy Analyst, County Executive Office