

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

(Action Item)

Title: 2019-20 Allocations for Juvenile Dependency Counsel Collections Program (JDCCP) and Court-Appointed Counsel Mid-Year Funding Reallocation

Date: March 3, 2020

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Issue

Judicial Council staff presents for approval two redistributions of funding for court appointed juvenile dependency counsel for fiscal year 2019–20:

(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 \$455,346, the 2018-19 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 \$1,081,255 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 Judicial Council adopted the JDCCP guidelines¹ which fulfilled the council’s legislative mandate to establish a program to collect reimbursement from parents or 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

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.

² Judicial Council of Cal., *Juvenile Dependency: Counsel Collections Program* (Oct. 26, 2012), www.courts.ca.gov/documents/jc-20121026-itemA20.pdf.

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remitted through JDCCP.³ The Judicial 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 2018–19, the trial courts remitted a total of \$455,346, 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 2019-20 and beyond. Statute requires the Judicial 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 1A displays the recommended allocation amount for each court.

Court Appointed Counsel Mid-Year Funding Reallocation

At its April 17, 2015 business meeting, the Judicial Council approved a methodology for reallocating funds unspent by courts for court-appointed counsel 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.

Trial courts whose spending patterns at midyear indicated they may not spend their full 2019-20 allocations were identified and contacted. Of those courts, six confirmed that they would not spend the full allocation and provided an estimate of unspent funding. Attachment 1B shows the

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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total estimate, \$1,081,225, and reallocation. Under the reallocation methodology adopted at the April 17, 2015 Judicial Council meeting, funds are reallocated proportionally by workload to courts that both did not remit unspent funds and had unmet need.

To ensure use of the reallocation funds, an additional survey to trial courts was necessary to confirm the court's ability to completely expend the funds during the fiscal year. Of the fifteen non-Dependency Representation, Administration, Funding, and Training (DRAFT) courts eligible for additional funds, five declined the additional funding. Declined funds were placed back in the pool and reallocated to those courts eligible and accepting additional funds.

Contract augmentations will be processed for dependency representation providers in DRAFT courts. This practice of an additional survey on the use of funds began in 2018-19. In the review of courts receiving reallocation funds in 2018-19, 19% of the courts did not use the funds, this is down from the 46% of courts that did not use the funds in 2017-18. On an annual basis, approximately 2% of court-appointed counsel funds are unspent at the end of the fiscal year. Many courts declined reallocation funds because they would be unable to amend contracts with dependency attorneys so late in the fiscal year.

Recommendation

It is recommended that TCBAC approve two separate allocations for Court Appointed Counsel funding for consideration by the Judicial Council at its May 14-15, 2020 business meeting:

1. Allocate \$455,316 of the 2018-19 JDCCP Funds in the current year (Attachment 1A);
and
2. Allocate estimated unspent 2019-20 funding of \$1,081,225 in the current year (Attachment 1B).

Attachments

Attachment 1A: Recommended 2019-20 Trial Court Allocations of \$455,346 in Juvenile Dependency Counsel Collections Program Funds

Attachment 1B: Recommended 2019-20 Trial Court Allocations of \$1,081,225 in Estimated Unspent Funding

Recommended FY 2018-2019 Trial Court Allocations of \$455,346 in Juvenile Dependency Counsel Collections Program Funds

Court	Estimated Funding Need (JC Report - September 2019) Col. A	Estimated Funding Need as Percentage of Statewide Need (Col. A Total) Col. B	Allocation of Court Appointed Counsel (CAC) Base Funding in 2019-20 Col. C	Allocation as a Percentage of Total CAC Base Funding in 2019-20 (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 2018-19 JDCCP Collections (Col. G x \$701,593) Col. H	Trial Court Allocations Through 2018-19 Col. I	Trial Court Distributions Through December 2019 Col. J	Undistributed Trial Court Allocations Through December 2019 Col. K
Alameda	\$4,723,737.46	2.33%	\$3,629,342.41	2.32%	N	-	0.00%	-	-	-	-
Alpine*	7,123.85	0.00%	7,225.82	0.00%	N	-	0.00%	-	-	-	-
Amador	186,175.82	0.09%	145,652.86	0.09%	N	-	0.00%	-	-	-	-
Butte	1,206,465.13	0.60%	926,951.40	0.59%	Y	1,206,465.13	0.99%	4,509.92	43,563.97	-	43,563.97
Calaveras	221,948.76	0.11%	203,567.35	0.13%	N	-	0.00%	-	5,737.02	-	5,737.02
Colusa†	98,882.66	0.05%	103,517.14	0.07%	N	-	0.00%	-	293.14	-	293.14
Contra Costa	3,407,137.85	1.68%	2,617,772.47	1.67%	N	-	0.00%	-	-	-	-
Del Norte	164,513.50	0.08%	214,730.47	0.14%	N	-	0.00%	-	-	-	-
El Dorado	753,181.08	0.37%	582,745.73	0.37%	N	-	0.00%	-	-	-	-
Fresno	4,177,783.81	2.06%	3,209,875.25	2.05%	N	-	0.00%	-	-	-	-
Glenn	117,004.81	0.06%	140,011.25	0.09%	N	-	0.00%	-	5,261.47	5,261.00	0.47
Humboldt	794,956.57	0.39%	615,067.96	0.39%	N	-	0.00%	-	-	-	-
Imperial	840,690.14	0.42%	645,919.13	0.41%	N	-	0.00%	-	-	-	-
Inyo	39,521.25	0.02%	48,006.37	0.03%	N	-	0.00%	-	-	-	-
Kern	3,727,882.17	1.84%	2,864,206.78	1.83%	N	-	0.00%	-	142,792.33	142,792.00	0.33
Kings	899,955.86	0.44%	696,307.24	0.44%	Y	899,955.86	0.74%	3,364.15	47,113.60	47,114.00	(0.40)
Lake	217,934.42	0.11%	285,152.76	0.18%	N	-	0.00%	-	-	-	-
Lassen	129,763.71	0.06%	128,824.94	0.08%	N	-	0.00%	-	-	-	-
Los Angeles	96,137,541.83	47.50%	73,864,405.11	47.14%	Y	96,137,541.83	78.92%	359,374.40	3,963,346.96	3,963,346.96	0.00
Madera	821,380.92	0.41%	674,047.00	0.43%	N	-	0.00%	-	16,068.83	16,069.00	(0.17)
Marin	270,557.01	0.13%	270,557.01	0.17%	N	-	0.00%	-	-	-	-
Mariposa	60,472.27	0.03%	54,019.00	0.03%	N	-	0.00%	-	1,817.86	-	1,817.86
Mendocino	551,549.65	0.27%	527,624.10	0.34%	N	-	0.00%	-	-	-	-
Merced	1,074,140.55	0.53%	825,283.77	0.53%	N	-	0.00%	-	32,783.77	-	32,783.77
Modoc	35,026.47	0.02%	49,493.36	0.03%	N	-	0.00%	-	-	-	-
Mono	17,145.29	0.01%	14,550.05	0.01%	N	-	0.00%	-	103.62	104.00	(0.38)
Monterey	1,079,432.15	0.53%	829,349.41	0.53%	N	-	0.00%	-	19,795.72	19,796.00	(0.28)
Napa	496,359.14	0.25%	384,039.35	0.25%	N	-	0.00%	-	9,391.29	-	9,391.29
Nevada	173,215.04	0.09%	173,215.04	0.11%	N	-	0.00%	-	-	-	-
Orange	8,529,971.27	4.21%	6,553,748.32	4.18%	N	-	0.00%	-	-	-	-
Placer	918,746.79	0.45%	710,846.02	0.45%	Y	918,746.79	0.75%	3,434.39	52,695.18	38,816.00	13,879.18
Plumas	113,941.95	0.06%	154,059.11	0.10%	N	-	0.00%	-	-	-	-
Riverside	10,338,746.53	5.11%	7,999,218.98	5.10%	Y	10,338,746.53	8.49%	38,647.55	659,308.73	577,855.00	81,453.73
Sacramento	7,270,448.89	3.59%	5,586,031.97	3.56%	N	-	0.00%	-	-	-	-
San Benito	137,534.81	0.07%	107,039.53	0.07%	N	-	0.00%	-	10,297.56	4,345.00	5,952.56
San Bernardino	15,563,540.38	7.69%	11,957,780.80	7.63%	N	-	0.00%	-	242,055.83	2,641.00	239,414.83
San Diego	7,191,561.97	3.55%	5,525,421.56	3.53%	Y	7,191,561.97	5.90%	26,882.98	-	-	-
San Francisco	3,809,061.67	1.88%	2,926,578.62	1.87%	N	-	0.00%	-	-	-	-
San Joaquin	3,565,588.53	1.76%	2,739,513.32	1.75%	N	-	0.00%	-	-	-	-
San Luis Obispo	1,035,781.71	0.51%	795,811.90	0.51%	N	-	0.00%	-	-	-	-
San Mateo	1,281,340.04	0.63%	984,479.30	0.63%	Y	1,281,340.04	1.05%	4,789.81	66,673.49	29,275.00	37,398.49
Santa Barbara	1,126,402.76	0.56%	865,437.88	0.55%	N	-	0.00%	-	-	-	-
Santa Clara	4,282,961.97	2.12%	3,290,685.74	2.10%	N	-	0.00%	-	-	-	-

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Santa Cruz	800,365.36	0.40%	619,252.81	0.40%	N	-	0.00%	-	-	-	-
Shasta	899,178.55	0.44%	690,856.95	0.44%	N	-	0.00%	-	38,437.50	38,437.00	0.50
Sierra	-	0.00%	5,045.27	0.00%	N	-	0.00%	-	-	-	-
Siskiyou	182,532.54	0.09%	245,373.43	0.16%	N	-	0.00%	-	-	-	-
Solano	1,145,682.88	0.57%	880,251.18	0.56%	Y	1,145,682.88	0.94%	4,282.71	-	-	-
Sonoma	1,643,005.07	0.81%	1,262,353.81	0.81%	N	-	0.00%	-	-	-	-
Stanislaus	1,853,850.25	0.92%	1,424,350.40	0.91%	N	-	0.00%	-	-	-	-
Sutter	449,761.68	0.22%	353,444.35	0.23%	N	-	0.00%	-	15,457.03	-	15,457.03
Tehama	399,797.45	0.20%	392,840.24	0.25%	N	-	0.00%	-	16,222.19	-	16,222.19
Trinity	80,412.97	0.04%	93,829.12	0.06%	N	-	0.00%	-	1,996.54	-	1,996.54
Tulare	2,691,210.97	1.33%	2,067,711.47	1.32%	Y	2,691,210.97	2.21%	10,060.09	108,515.68	79,682.00	28,833.68
Tuolumne	198,550.82	0.10%	187,463.22	0.12%	N	-	0.00%	-	7,054.13	-	7,054.13
Ventura	2,625,232.42	1.30%	2,017,018.82	1.29%	N	-	0.00%	-	110,204.12	110,204.00	0.12
Yolo	1,330,162.53	0.66%	1,021,990.60	0.65%	N	-	0.00%	-	17,813.12	17,813.00	0.12
Yuba	503,871.27	0.25%	410,104.78	0.26%	N	-	0.00%	-	16,197.74	-	16,197.74
Unallocated	\$0.00		100,000.00					-			
Total	\$202,400,723.26		\$156,700,000.00			\$121,811,252.01	100.00%	\$455,346.00	5,650,998.43	\$5,093,550.96	\$557,447.47
Reserved for admin.								246,247.00			
Distribution amount available to courts								455,346.00			
Total collected								701,593.00			

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.

Recommended FY 2019-2020 Trial Court Allocations of \$1,081,225 in Unspent Funding

Court	Estimated Funding Need (JC Report - Sept. 2019) Col. A	Estimated Funding Need as Percentage of Statewide Need (Col. A Total) Col. B	Allocation of Court Appointed Counsel (CAC) Base Funding in 2019-20 Col. C	Allocation as a Percentage of Total CAC Base Funding in 2019-20 (Col. C Total) Col. D	Est. Unspent Funding 2019-20 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 2019-20 Reallocation (Col. H x \$0.00) Col. I
Alameda	\$4,723,737	2.33%	\$3,629,342	2.32%	0	Y	4,723,737.46	2.64%	28,594.25
Alpine*	\$7,124	0.00%	\$7,226	0.00%	0	N	-	0.00%	-
Amador	\$186,176	0.09%	\$145,653	0.09%	0	N	-	0.00%	-
Butte	\$1,206,465	0.60%	\$926,951	0.59%		N	-	0.00%	-
Calaveras	\$221,949	0.11%	\$203,567	0.13%	15,000	N	-	0.00%	-
Colusa†	\$98,883	0.05%	\$103,517	0.07%	50,000	N	-	0.00%	-
Contra Costa	\$3,407,138	1.68%	\$2,617,772	1.67%	0	N	-	0.00%	-
Del Norte	\$164,514	0.08%	\$214,730	0.14%	0	N	-	0.00%	-
El Dorado	\$753,181	0.37%	\$582,746	0.37%	0	Y	753,181.08	0.42%	4,559.24
Fresno	\$4,177,784	2.06%	\$3,209,875	2.05%	0	N	-	0.00%	-
Glenn	\$117,005	0.06%	\$140,011	0.09%	0	N	-	0.00%	-
Humboldt	\$794,957	0.39%	\$615,068	0.39%		Y	794,956.57	0.45%	4,812.12
Imperial	\$840,690	0.42%	\$645,919	0.41%	0	Y	840,690.14	0.47%	5,088.96
Inyo	\$39,521	0.02%	\$48,006	0.03%	0	N	-	0.00%	-
Kern	\$3,727,882	1.84%	\$2,864,207	1.83%	0	N	-	0.00%	-
Kings	\$899,956	0.44%	\$696,307	0.44%	130,000	N	-	0.00%	-
Lake	\$217,934	0.11%	\$285,153	0.18%	0	N	-	0.00%	-
Lassen	\$129,764	0.06%	\$128,825	0.08%	0	N	-	0.00%	-
Los Angeles	\$96,137,542	47.50%	\$73,864,405	47.14%	0	Y	96,137,541.83	53.82%	581,950.42
Madera	\$821,381	0.41%	\$674,047	0.43%	0	N	-	0.00%	-
Marin	\$270,557	0.13%	\$270,557	0.17%	0	N	-	0.00%	-
Mariposa	\$60,472	0.03%	\$54,019	0.03%	0	N	-	0.00%	-
Mendocino	\$551,550	0.27%	\$527,624	0.34%	0	N	-	0.00%	-
Merced	\$1,074,141	0.53%	\$825,284	0.53%	0	Y	1,074,140.55	0.60%	6,502.11
Modoc	\$35,026	0.02%	\$49,493	0.03%	0	N	-	0.00%	-
Mono	\$17,145	0.01%	\$14,550	0.01%	0	N	-	0.00%	-
Monterey	\$1,079,432	0.53%	\$829,349	0.53%	280,000	N	-	0.00%	-
Napa	\$496,359	0.25%	\$384,039	0.25%	100,000	N	-	0.00%	-
Nevada	\$173,215	0.09%	\$173,215	0.11%	0	N	-	0.00%	-
Orange	\$8,529,971	4.21%	\$6,553,748	4.18%	0	Y	8,529,971.27	4.78%	51,634.57
Placer	\$918,747	0.45%	\$710,846	0.45%	0	N	-	0.00%	-
Plumas	\$113,942	0.06%	\$154,059	0.10%	0	N	-	0.00%	-
Riverside	\$10,338,747	5.11%	\$7,999,219	5.10%	0	Y	10,338,746.53	5.79%	62,583.65
Sacramento	\$7,270,449	3.59%	\$5,586,032	3.56%	0	Y	7,270,448.89	4.07%	44,010.29
San Benito	\$137,535	0.07%	\$107,040	0.07%	0	N	-	0.00%	-
San Bernardino	\$15,563,540	7.69%	\$11,957,781	7.63%	0	Y	15,563,540.38	8.71%	94,210.95
San Diego	\$7,191,562	3.55%	\$5,525,422	3.53%	0	Y	7,191,561.97	4.03%	43,532.76
San Francisco	\$3,809,062	1.88%	\$2,926,579	1.87%	0	Y	3,809,061.67	2.13%	23,057.43
San Joaquin	\$3,565,589	1.76%	\$2,739,513	1.75%	0	Y	3,565,588.53	2.00%	21,583.62
San Luis Obispo	\$1,035,782	0.51%	\$795,812	0.51%	0	Y	1,035,781.71	0.58%	6,269.91
San Mateo	\$1,281,340	0.63%	\$984,479	0.63%	0	Y	1,281,340.04	0.72%	7,756.35
Santa Barbara	\$1,126,403	0.56%	\$865,438	0.55%	0	Y	1,126,402.76	0.63%	6,818.47
Santa Clara	\$4,282,962	2.12%	\$3,290,686	2.10%	0	Y	4,282,961.97	2.40%	25,926.10

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Santa Cruz	\$800,365	0.40%	\$619,253	0.40%	0	Y	800,365.36	0.45%	4,844.86
Shasta	\$899,179	0.44%	\$690,857	0.44%	0	Y	899,178.55	0.50%	5,443.01
Sierra	\$0	0.00%	\$5,045	0.00%	0	N	-	0.00%	-
Siskiyou	\$182,533	0.09%	\$245,373	0.16%	0	N	-	0.00%	-
Solano	\$1,145,683	0.57%	\$880,251	0.56%	0	Y	1,145,682.88	0.64%	6,935.17
Sonoma	\$1,643,005	0.81%	\$1,262,354	0.81%	0	Y	1,643,005.07	0.92%	9,945.62
Stanislaus	\$1,853,850	0.92%	\$1,424,350	0.91%	0	Y	1,853,850.25	1.04%	11,221.93
Sutter	\$449,762	0.22%	\$353,444	0.23%	0	N	-	0.00%	-
Tehama	\$399,797	0.20%	\$392,840	0.25%	0	N	-	0.00%	-
Trinity	\$80,413	0.04%	\$93,829	0.06%	0	N	-	0.00%	-
Tulare	\$2,691,211	1.33%	\$2,067,711	1.32%	506,225	N	-	0.00%	-
Tuolumne	\$198,551	0.10%	\$187,463	0.12%	0	N	-	0.00%	-
Ventura	\$2,625,232	1.30%	\$2,017,019	1.29%	0	Y	2,625,232.42	1.47%	15,891.35
Yolo	\$1,330,163	0.66%	\$1,021,991	0.65%	0	Y	1,330,162.53	0.74%	8,051.89
Yuba	\$503,871	0.25%	\$410,105	0.26%	0	N	-	0.00%	-
Unallocated	\$0		\$100,000				-		-
Total	\$202,400,723		\$156,700,000		\$1,081,225.00		\$178,617,130.44	100.00%	\$1,081,225.00
Total Returned									\$1,081,225.00