



# County of El Dorado

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## Legislation Text

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**File #:** 21-0043, **Version:** 1

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Chief Administrative Office, Facilities Division, recommending the Board:

- 1) Authorize the transfer of unspent funds in the Courthouse Construction Fund to the State Court Facilities Construction Fund; and
- 2) Approve and authorize a budget transfer appropriating the current cash balance plus estimated interest earned in the amount of \$299,500 for payment to the State. (4/5 vote required)

**FUNDING:** Courthouse Construction Fund.

### **DISCUSSION / BACKGROUND**

The El Dorado County Courthouse Construction Fund was established by Resolution 290-90 in September 1990, and was funded by a surcharge or assessment of \$2 per every \$10 for fines and penalties imposed by El Dorado County courts. The funds were dedicated to the maintenance of adequate court facilities in the County.

In 2008, responsibility for court facilities within the County transferred to the State (08-1441). At that point, several facilities projects were identified to be completed by the County using Courthouse Construction Funds.

California Government Code section 70402 requires that any amount in a county's courthouse construction fund be transferred to the State Court Facilities Construction Fund upon final payment of any bonded indebtedness for a court facility. As the County has no further obligations regarding the court facilities transferred to State responsibility, the funds in the Courthouse Construction Fund are now required to be transferred to the State. A partial return of the funds was completed in 2018 in response to an audit by the State Controller's Office, with Legistar item 18-0989, and collections of revenue ceased at that time. There was still one outstanding project that has now been completed. The current recommendation is to approve the return of the remaining funds on hand and final closure of the fund.

### **ALTERNATIVES**

No alternatives have been identified.

### **PRIOR BOARD ACTION**

See above.

### **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

N/A

### **CAO RECOMMENDATION / COMMENTS**

Approve as recommended.

### **FINANCIAL IMPACT**

There is no financial impact, as the funds recommended for return to the state are no longer eligible

for County use.

**CLERK OF THE BOARD FOLLOW UP ACTIONS**

Obtain Chair's signature on budget transfer and forward to Chief Administrative Office for processing.

**STRATEGIC PLAN COMPONENT**

Good Governance.

**CONTACT**

Laura Schwartz, Deputy Chief Administrative Officer