**RESOLUTION NO. 2015-\_\_\_**

**RESOLUTION OF THE BOARD OF SUPERVISORS, NAPA COUNTY, STATE OF CALIFORNIA, SETTING THE JAIL ACCESS FEE IMPOSED BY GOVERNMENT CODE SECTION 29551(b) AND SETTING THE ARRESTEE FEE IMPOSED BY GOVERNMENT CODE SECTION 29550(c) THROUGH (e) FOR FISCAL YEAR 2015-2016**

**WHEREAS**, on February 26, 1991, the Board adopted Resolution No. 91-21, as authorized by then-applicable state law imposing a Criminal Justice Administration Fee for each time a city, special district, school district, community college district, college or university ("Agencies") arrestee was booked or detained in the Napa County Jail; and

**WHEREAS**, effective July 2007, a new statutory structure was implemented with respect to the Criminal Justice Administrative Fee, prohibiting counties from collecting the Criminal Justice Administrative Fee from other agencies in every year in which at least thirty-five million dollars in local detention facility revenues is appropriated to counties; and

**WHEREAS**, Government Code Section 29551(b) authorizes the County to impose a Jail Access Fee on local agencies that exceed an agency's previous three-year average of non-felony bookings for specific crimes at a rate not to exceed the actual cost of booking an arrested person into the jail; and

**WHEREAS**, Government Code Section 29550(c) and (e) further authorizes the County to establish and to request the Court impose on eligible arrestees an Arrestee Fee to cover County costs to book and process into the County Jail those persons who are arrested by County officers and who are subsequently convicted of any criminal offense related to the arrest; and

**WHEREAS**, based upon the foregoing provisions of law there is a need for the Board to set the established Jail Access Fee and Arrestee Fee; and

**WHEREAS,** setting the Jail Access Fee and the Arrestee Fee will allow the County to recover the maximum amount permitted by state law for the costs incurred related to booking and processing arrested persons into the County Jail during fiscal year 2015-2016; and

**WHEREAS,** notice of public hearing on the proposed fees was mailed on July 2, 2015 to the Agencies in compliance with the 14-day notice requirement specified in Government Code Section 66016; and

**WHEREAS,** notice of the public hearing was also mailed at least 14 days prior to the hearing to any interested party who requested such notice, and, at least 10 days prior to the meeting, the Clerk made available the data to the public indicating the amount of cost, or estimated cost, required to provide the service for which the fee or service charge is levied and the revenue sources anticipated to provide the service; and

**WHEREAS,** notice of the public hearing was published on July 10, 2015 and on July 16, 2015, in the manner required by law; and

**WHEREAS,** the public hearing was held at a public meeting of the Board on July 21, 2015, at which time the Board heard and considered testimony and documentary evidence regarding the modification of the foregoing fees, as required by Government Code Section 66016.

**NOW, THEREFORE, BE IT RESOLVED** as follows:

1. The Board of Supervisors of Napa County adopts the proposed fees as requested by the Auditor-Controller and Director of Corrections without change and orders as follows:

a. For fiscal year 2015-2016, the Jail Access Fee is hereby increased pursuant to Government Code Section 29551(b) to the amount of $180.00, effective August 1, 2015, to be imposed on each agency for each person arrested by that city, special district, school district, community college district or university and booked into the County Jail for violation of any of the following non-felony crimes, where such arrest and booking exceeds the Agency's previous three-year average (for fiscal years 2012-2013 through 2014-2015) of bookings into the County Jail for such crimes: (1) municipal code violations, and (2) misdemeanor violations other than driving under the influence offenses and domestic violence misdemeanor offenses including enforcement of protective orders.

b. For fiscal year 2015-2016 the Arrestee Fee is hereby increased pursuant to Government Code Section 29550(c) through (e) to the amount of $180.00, effective August 1, 2015, and is imposed on each person arrested by an officer or agent of the County and brought to the County Jail for booking or detention.

2. The Clerk of the Board is hereby directed to distribute a copy of this Resolution together with a copy of the summarized calculation as submitted to the Board of Supervisors to each city, special district, school district, community college district, college, and university in Napa County subject to the fees specified therein as well as to the Presiding Judge of the Napa County Superior Court.

3. It is hereby declared to be the intent of the Board of Supervisors by adopting this Resolution to exercise its statutory authority to recover the costs incurred by the County related to booking or other processing of arrested persons to the maximum extent permitted by law. If any paragraph, sentence, clause or phrase of this resolution, or the application thereof to any person or circumstance, is held to be unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this resolution which can be given effect without the invalid provision or application and to that end the provisions of this resolution are severable. In this regard, the Board of Supervisors declares that it would have passed each paragraph, sentence, clause, or phrase of this resolution, irrespective of the fact that any one or more paragraphs, sentences, clauses or phrases be declared invalid or unconstitutional.

**THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED** by the Board of Supervisors of Napa County, State of California, at a regular meeting of the Board held on July 21, 2015, by the following vote:

AYES: SUPERVISORS \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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NOES: SUPERVISORS \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

ABSTAIN: SUPERVISORS \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

ABSENT: SUPERVISORS \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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Diane Dillon, Chair of the Board of Supervisors

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| APPROVED AS TO FORM  Office of County Counsel  By: *Janice D. Killion (e-sign)*  County Counsel  Date: June 24, 2015 | APPROVED BY THE NAPA COUNTY  BOARD OF SUPERVISORS  Date:  Processed By:    Deputy Clerk of the Board | ATTEST: GLADYS I. COIL  Clerk of the Board of Supervisors  By: |