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Agenda Date: 7/21/2015  
Agenda Placement: 9B  
Set Time: 9:35 AM PUBLIC HEARING  
Estimated Report Time: 10 Minutes

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors  
**FROM:** Tracy Schulze - Auditor-Controller  
Auditor - Controller  
**REPORT BY:** Karen Querin, Audit Manager - 707-253-4588  
**SUBJECT:** Resolution - Jail Access and Arrestee Fees

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### **RECOMMENDATION**

Auditor-Controller and Director of Corrections requests adoption of a resolution 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.

### **EXECUTIVE SUMMARY**

Starting in fiscal year 2011-2012, the allocation to be received from the State for each fiscal year became part of the Realignment funding. California Government Code Section 29552(b) now provides that the State Controller shall allocate \$35 million each fiscal year for local detention facility revenues, thus eliminating the need for the County to collect Criminal Justice Administrative Fees as set forth in Section 29550 from other agencies.

For fiscal year 2015-2016, the Jail Access Fee is recommended to increase pursuant to Government Code Section 29551(b) in the amount of \$180, effective August 1, 2015. The Jail Access Fee will be imposed on each agency for each person arrested by that city, special district, school district or community college district 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.

For fiscal year 2015-2016 the Arrestee Fee is recommended to increase pursuant to Government Code Section 29550(c) through (e) in the amount of \$180, effective August 1, 2015. The Arrestee Fee will be imposed based on a court order on each person arrested by an officer or agent of the County and brought to the County Jail for booking or detention.

The Public Hearing to maintain the Jail Access and Arrestee Fees at \$180 has been scheduled and the affected parties duly notified. Adoption of the resolution is recommended.

**PROCEDURAL REQUIREMENTS:**

1. Open Public Hearing.
2. Staff reports.
3. Public comment.
4. Close Public Hearing.
5. Motion, second, discussion and vote on the item.

**FISCAL IMPACT**

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	Yes
Where is it budgeted?	Napa County Department of Corrections has included \$107,578 from both the State allocation and the potential offset from the municipalities and other governmental agencies within Fiscal Year 2015-2016 budget.
Is it Mandatory or Discretionary?	Mandatory
Is the general fund affected?	Yes
Future fiscal impact:	In accordance with Government Code Sections 29550 to 29552, the County will receive an apportionment from the State of California in an amount \$107,578. Should the State revise or repeal the Government Code section 29552 and not appropriate the full amount stipulated, then the County may recoup a portion of their costs directly from the municipalities and other governmental agencies in Napa County using the maximum Criminal Justice Administration Fee. The Criminal Justice Administration Fee will be brought to the Board at a later date should the Government Code section 29552 be revised or repealed.
Consequences if not approved:	The Department of Corrections does not expect to generate significant revenue from the Jail Access Fee or the Arrestee Fee and as such has not included revenue from the Jail Access Fee in their FY 15/16 budget. Any revenue received is recorded in the revenue account, Charges for Services.  The Department of Corrections will not be able to collect the revenue that might be available from Jail Access and Arrestee Fees in Fiscal Year 2015-2016.
Additional Information:	

**ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of

Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

### **BACKGROUND AND DISCUSSION**

This item is specifically exempt from the voting requirements of Article XIIC of the California Constitution because it is a fine, penalty, or other monetary charge imposed by the judicial branch of government or the County of Napa as a result of a violation of law.

This item is specifically exempt from the voting requirements of Article XIIC of the California Constitution because it is a charge for a specific government service directly provided to the payor that is not provided to those not charged and which does not exceed the reasonable cost for providing that service.

In 1991, the State enacted Government Code Section 29550 authorizing counties to impose a Criminal Justice Administration Fee for the purpose of reimbursing counties for expenses related to the booking or other processing of arrested persons. Each year, the County Auditor-Controller prepares a report on the prior year's cost for booking persons into the Jail and recommends any allowable adjustment. The Clerk of the Board is required to provide notifications in accordance with Government Code Section 66016. The report must be filed with the Clerk of the Board each fiscal year.

Maximum Criminal Justice Administration Fee - Starting in fiscal year 2011-2012, the allocation to be received from the State for each fiscal year became part of the Realignment funding. California Government Code Section 29552 (b) now provides that the State Controller shall allocate \$35 million each fiscal year for local detention facility revenues, thus eliminating the need for the County to collect Criminal Justice Administrative Fees as set forth in Section 29550 from other agencies.

Jail Access and Arrestee Fees - The Jail Access Fee and the Arrestee Fee provide for recovery of the costs of booking an arrestee. The Jail Access Fee and the Arrestee Fee are calculated by dividing the total allowable direct and indirect booking costs incurred during the fiscal year 2013-2014 by the average number of bookings per year over the past five years. Indirect cost include an allocation of supervision, management and allowable overhead.

The Jail Access Fee, pursuant to Government Code Section 29551(b), is chargeable to a city or governmental agency in any year in which the State appropriates funds for the Criminal Justice Administration Fee, and a city or other governmental agency exceeds their three-year average number of bookings for specified non-felony crimes. Every city or governmental agency may thus be charged the Jail Access Fee for each booking in excess of their three-year average.

The Arrestee Fee, pursuant to Government Code Section 29550(c), may be imposed on each person arrested by an officer or agent of the County and brought to the County Jail for booking or detention. The Arrestee Fee is assessed to the arrestee at the discretion of the Court.

Conclusion - The Auditor-Controller and Director of Corrections on or about July 2, 2015, issued and submitted to the Clerk of the Board of Supervisors the resolution and a report consisting of 6 pages, a copy of which is attached to the Board item pertaining to the Jail Access Fee and Arrestee Fee for the period July 1, 2015 through June 30, 2016.

As described and shown in Attachment B and C, the Auditor-Controller is recommending a Jail Access and Arrestee Fees of \$180 per booking, effective August 1, 2015. This is a net increase of \$13.

**SUPPORTING DOCUMENTS**

A . FY 15-16 Fee Resolution

B . Jail Access and Arrestee Fee Calculation - FY 15-16

CEO Recommendation: Approve

Reviewed By: Molly Rattigan