

**COUNTY OF SONOMA
AGENDA ITEM
SUMMARY REPORT**

Clerk of the Board Use Only
Meeting Date / / **Held Until** / /
Agenda Item No: _____ **Agenda Item No:** _____

Department: County Administrator/Sheriff

() **4/5 Vote Required**

Contact:
Terri Saunders
Jill Hale

Phone:
(707) 565-3782
(707) 565-3531

Board Date:
June 2, 2009

Deadline for Board Action:
June 2, 2009

AGENDA SHORT TITLE: Fee Hearing – Jail Booking and Jail Access Fees

REQUESTED BOARD ACTION:

- 1) Setting the Criminal Justice Administrative Fee (Jail Booking Fee) for FY 09-10 at \$141 per applicable booking effective July 1, 2009, contingent on the state not appropriating \$35 million to the counties; and should the state appropriation be less than \$35 million, a reduced Jail Booking Fee to be determined in accordance with Government Code Sections 29551(d) and (e);
- 2) Setting the Jail Access Fee (JAF) for FY 09-10 at \$444 per applicable non-felony booking effective July 1, 2009, in accordance with Government Code Section 29551(b)(1).

CURRENT FISCAL YEAR FINANCIAL IMPACT

EXPENDITURES

ADD'L FUNDS REQUIRING BOARD

Estimated Cost \$

Contingencies \$
(Fund Name:)

Amount Budgeted \$

Unanticipated Revenue \$
(Source:)

Other Avail Approp. \$
(Explain below)

Other Transfer(s) \$
(Source:)

Additional Requested: \$

Add'l Funds Requested: \$

Explanation (if required): The FY 09-10 proposed budget includes \$820,141 in estimated revenue from Jail Booking Fees, JAF and local agency booking fees, subject to approval of this request

Prior Board Action(s):

Between FY 90-91 and FY 08-09 the Board has annually set the Criminal Justice Administrative Fee (Jail Booking Fee).

Alternatives - Results of Non-Approval:

The county would be unable to charge a booking fee or Jail Access Fee when appropriate.

Background:

The Board of Supervisors is requested to set the Jail Booking Fee and the Jail Access Fee for FY 09-10. The recommended fees are:

- Jail Booking Fee - \$141, an increase of \$2.64 (1.9%) over FY 08-09; and
- Jail Access Fee (JAF) - \$444, an increase of \$13 (3%) over FY 08-09.

The Jail Booking Fee is statutorily set. Annual increases are limited to the Consumer Price Index (CPI) plus a 1% inflation factor. The Jail Booking Fee approved for FY 08-09 was \$138. The Jail Access Fee is limited to the cost of booking an offender into jail as determined annually by the Auditor. The JAF approved for FY 08-09 was \$431.

Jail Booking Fee History

Over the last decade the state has instituted legislation regarding the booking of arrestees into county jails. In 1990 counties were granted the statutory authority to levy a charge against cities and special districts, to recover costs associated with booking persons into the county jail. Counties were provided this tool as one of a number of measures to offset over \$700 million in reductions in state support for county programs contained in the FY 1990-91 state budget. The criminal justice administration fee, or booking fee, was intended to permit counties the ability to recover their actual costs associated with the booking and other processing of persons arrested and brought to the county jail for booking or detention.

In 1999 the Legislature took action to continuously appropriate up to \$50 million dollars to backfill cities and qualified special districts for their costs associated with paying booking fees to counties. Cities and special districts received just over \$38 million in reimbursements through FY 04-05.

2004 Legislative Changes (state limits county charging authority and eliminates city backfill)

The legislature adopted a number of changes relating to booking fees as part of the general government trailer bill in 2004. Counties' retained the authority to charge a booking fee for the FY 04-05, but rates were "locked in" at the level in place on January 1, 2004 (\$233). Effective July 1, 2005, county booking fees were limited to one-half of actual administrative costs associated with booking and processing of arrestees; and the backfill to cities and special districts was eliminated. At the time, Sonoma County's agreement with the cities was a fee less than full cost which was increased annually by a set formula. The FY 05-06 fee was based on this agreement and reduced by half (\$123).

Attachments: Fee and Revenue Summary Chart
Resolution

On File With Clerk:

CLERK OF THE BOARD USE ONLY

Board Action (If other than "Requested")

Vote:

Background: (Continued)

2006 Legislative Changes (state directly funds counties and establishes the JAF)

In 2006 a final state budget trailer bill, AB 1805, amended Government Code (GC) Section 29550, and added GC Sections 29551 and 29552 to address the costs associated with booking arrestees of other agencies into county jails. Pursuant to this new legislation, if the state appropriates (in FY 07-08 and annually thereafter) \$35 million to directly fund counties for the cost of jail bookings, a county may not levy a booking fee. This action relieved cities and special districts from paying directly for felony and certain misdemeanor bookings. However, if in subsequent years less than the full \$35 million is allocated in the state budget, arresting agencies would be required to pay the portion of the booking fee equal to the proportion that the appropriated amount is less than \$35 million.

Additionally, the same trailer bill authorized counties to charge a JAF. Pursuant to GC 29551(b)(1), effective July 1, 2007, even if an appropriation (\$35 million) is made by the state, the county may also charge agencies a "JAF." This fee can be charged when an agency exceeds their most recent three-year-average number of non-felony bookings for municipal code violations and misdemeanor violations, except driving under the influence offenses and domestic violence misdemeanor offenses. The JAF rate may not exceed actual cost of booking an arrested person. The intent of the JAF is to avoid or reduce unnecessary arrests; help mitigate pressure on local facilities and create availability of space in local detention facilities for serious offenders, and foster development of local alternatives to deal with nonviolent, less serious offenders.

Recommended Fees

The fiscal year recommended booking fee and JAF are within the authority provided by the state and based on the current jail environment. Therefore, it is recommended that the Board approve and adopt the booking fee at the statutory limit and the JAF based on actual FY 07-08 costs. The booking fee calculation is shown below:

FY 09-10 Booking Fee Calculation

The initial booking fee rate is calculated based on the discounted fee in effect on June 30, 2006 (\$123), increased for each subsequent fiscal year by the California CPI plus 1%, and compounded annually. The rate recommended for FY 09-10 in the amount of \$141 is calculated as follows:

Fee as of June 30, 2006 = \$123

(A) San Francisco CPI (February 2005 to February 2006) = 2.9%
 $\$123 \times 1.029 \times 1.01 = \128

(B) San Francisco CPI (February 2006 to February 2007) = 3.2%
 $\$128 \times 1.032 \times 1.01 = \133 (FY 07-08 rate)

(C) San Francisco CPI (February 2007 to February 2008) = 2.9%
 $\$133 \times 1.029 \times 1.01 = \138 (FY 08-09 rate)

(D) San Francisco CPI (February 2008 to February 2009) = 0.9%
 $\$138 \times 1.009 \times 1.01 = \141 (FY 09-10 rate)

This fee is recommended for approval in the event that the state allocates less than the \$35 million. Based on the Government Code, arresting agencies are responsible for paying any reduction in the \$35 million directly to the county. The most recent estimate for statewide booking fee distribution is \$31.275 million, a reduction of 10.6% from the \$35 million.

The legislature has determined that the source of the booking fee distribution will be Vehicle License Fee's based on an increased rate being implemented May 12. The estimated state distribution of \$31.275 million may be high because it did not consider a likely reduction in new car sales and potential for a reduction of the number of cars in service. Because the state will be distributing these funds quarterly, the actual total will only be known at year end. In order to bill agencies prior to the end of the year, we recommend using the current state estimate or a revised estimate (if one is provided by the state before July 1). Utilizing this estimate of \$31.275, we will bill at a rate of \$15 or 10.6% of \$141 for FY 09-10. If the actual state appropriation is different from the \$31.275, an adjustment will be made either in the form of a rebate to arresting agencies in a future year or an issuance of an invoice to recover the shortfall.

Background: (Continued)

Jail Access Fee (JAF)

A JAF may be charged to agencies for certain identified non-felony bookings that exceed an agency's bookings three-year average. The average for these non-felony bookings is recalculated each year. Agencies will be notified by the Sheriff Department in July of their respective averages to be used for the upcoming fiscal year.

Based on the most recent audit of FY 07-08 booking processing costs, it is recommended that the JAF of \$444 per booking be approved. As previously mentioned, the intent of the JAF is to provide an incentive to arresting agencies to minimize unnecessary arrests, reduce pressure on jail capacity and provide space for serious offenders, and foster development of local alternatives to deal with non-violent, less serious offenders.

If an agency exceeds its calculated three-year average of bookings of non-felony bookings for municipal code violations and misdemeanor violations, the Sheriff Department may bill the agency monthly for each successive booking during the remainder of the fiscal year.

The FY 09-10 Sheriff budget assumes \$820,141; \$703,869 in state reimbursement, \$95,850 in local booking fees, and \$20,424 in JAF revenue.

Notice

On April 16, 2009, as required in GC Section 29550, Sonoma County city managers, police chiefs, Sonoma State University, and Santa Rosa Junior College were provided with 45 days written notice of the county's intent to recommend the Jail Booking Fees rate of \$141 and the JAF of \$444 effective July 1, 2009.

REQUESTED BOARD ACTION:

Approve the recommended fees and adopt the resolution setting the: Criminal Justice Administrative Fee (Jail Booking Fee) for FY 09-10 at \$141 per applicable booking and the Jail Access Fee for FY 09-10 at \$444 per applicable non-felony booking effective July 1, 2009, in accordance with GC Section 29551(b)(1).

Resolution No. _____

Administration Building
Santa Rosa, CA

Date _____

RESOLUTION OF THE BOARD OF SUPERVISORS, COUNTY OF
SONOMA, STATE OF CALIFORNIA, 1) SETTING A CONTINGENT
CRIMINAL JUSTICE ADMINISTRATIVE FEE (JAIL BOOKING FEE) AT
\$141 PER APPLICABLE BOOKING;
AND 2) SETTING THE JAIL ACCESS FEE
AT \$444; ALL FEES TO BE EFFECTIVE JULY 1, 2009

WHEREAS, in 1990, the Board of Supervisors established a Criminal Justice Administrative Fee (Jail Booking Fee) to provide for the reimbursement of County expenses incurred with respect to booking or other processing of arrested persons, to the extent authorized by law; and

WHEREAS, AB1805, a State general government trailer bill adopted in 2006, amended Government Code (GC) Sections 29550 and added GC Sections 19551 and 29552, to address costs associated with booking arrestees of other agencies into county jails; and

WHEREAS, should the State appropriate less than the full \$35 million for this purpose, agencies will be required to pay to the County all or a portion of the booking fee equal to the proportion that the appropriated amount is less than \$35 million; and

WHEREAS, to dissuade local agencies from increasing the number of jail bookings for misdemeanor offenses, the State Legislature has established a Jail Access Fee that the County may charge to agencies for each booking that exceeds the average number of that agency's misdemeanor bookings over the previous three-year period; and

WHEREAS, the actual cost of booking and processing arrested persons in FY 07-08 (most recent audit) was determined to be \$444, which is used as the basis for FY 09-10 Jail Access Fee; and

WHEREAS, the proposed Jail Booking Fee is calculated to be \$141 based on the formula mandated by State law, and the proposed Jail Access Fee is recommended at \$444; and

WHEREAS, cities and other affected entities have been duly notified of the time and date of the hearing on the issue and have presented no objection to the proposed Booking and Jail Access Fees; and

WHEREAS, the Board of Supervisors desires to recover the allowable portion of the actual costs of booking and processing persons arrested by other agencies.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Sonoma, State of California, hereby sets the Criminal Justice Administrative (Jail Booking) Fee at \$141 per applicable booking effective July 1, 2009, contingent on the State not appropriating \$35 million to counties to fund the cost of jail bookings, and

BE IT FURTHER RESOLVED that should the State appropriate less than the full \$35 million to fund the cost of jail bookings, that the Board of Supervisors authorizes the Jail Booking Fee to be billed effective July 1, 2009, to local agencies at a rate determined to be that portion of the booking fee equal to the proportion that the appropriated amount is less than \$35 million; and

BE IT FURTHER RESOLVED that the Board of Supervisors sets the Jail Access Fee effective July 1, 2009, pursuant to Government Code Section 29551(b) at \$444, to be assessed to local agencies for each jail booking that exceeds the agency's previous three-year average number of non-felony bookings for municipal code violations and misdemeanor violations, except driving under the influence offenses and domestic violence misdemeanor offenses, including enforcement of protective orders.

SUPERVISORS:

ZANE _____ CARRILLO _____ BROWN _____ KERNS _____ KELLEY _____

AYES _____ NOES _____ ABSENT _____ ABSTAIN _____

SO ORDERED

Fee and Revenue Summary Chart

Sheriff Department

Booking Fee

Fee Description	FY 09-10		FY 09-10	Rate	Rate	FY 09-10
	Units of Service	FY 08-09 Rate	Proposed Rate	Dollar Change	Percentage Change	Revenue Increase Due to Rate Change
Local Agency Booking Fee	6,390	\$13.80	\$15.00	\$1.20	8.7%	\$7,668.00
Jail Access Fee	46	\$431.00	\$444.00	\$13.00	3.0%	\$598.00
Total						\$8,266.00