

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

725



FROM: Executive Office and Sheriff's Department

SUBMITTAL DATE:
January 14, 2008

SUBJECT: Introduction of Ordinance No. 702.4
for the Implementation of a Jail Access Fee

RECOMMENDED MOTION: That the Board of Supervisors:

- 1) Introduce and set for public hearing on February 5, 2008, and thereafter adopt Ordinance No. 702.4; and,
- 2) Upon adoption, approve and direct the Auditor Controller to make the budget adjustments on the attached Schedule A.

BACKGROUND: Per amended Government Code §29550, effective July 1, 2007, a new statutory structure became operative whereby counties, in lieu of exercising their existing authority to charge a Criminal Justice Administrative Fee, aka a Booking Fee, would, subject to an appropriation by the state, receive \$35 million directly into local detention facility revenue accounts. On June 26, 2007, the Board in a Public Hearing (9.1) adopted amended Ordinance 702 to establish the revenue account. The Sheriff's Department has recently been notified that the County will receive an FY 2007-08 allocation of \$3,413,482 from the \$35 million State appropriation. Local detention facility revenue will be used exclusively for operations, renovation, remodeling or constructing detention facilities or related equipment.

FISCAL PROCEDURES APPROVED
ROBERT E. BYRD, Auditor-Controller

BY: Samuel Wang 1/16/08
Deputy

[Signature]

Steve Schubert, Principal Management Analyst

(Continued on Page 2)

FINANCIAL DATA	Current F.Y. Total Cost:	\$ N/A	In Current Year Budget:	No
	Current F.Y. Net County Cost:	\$ N/A	Budget Adjustment:	Yes
	Annual Net County Cost:	\$ N/A	For Fiscal Year:	FY 2007-08
SOURCE OF FUNDS: Local Detention Facility Revenue				Positions To Be Deleted Per A-30 <input type="checkbox"/>
				Requires 4/5 Vote <input checked="" type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

BY: Gary M. Christmas

County Executive Office Signature

Gary M. Christmas

Dep't Recomm.: Consent Policy

Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref.: 6/19/07 3.40,
6/26/07 9.1, 5/9/06 9.1

District: All

Agenda Number:

3.10

FORM APPROVED COUNTY COUNSEL
BY: Robert M. Pepper, Jr. 1/8/08 DATE

William A. DiYorio 1/9/08
Chief Deputy Sheriff

Departmental Concurrence

In accordance with Government Code §29551 (b), in any year that the State appropriates funding for transmittal to the local detention facility revenue accounts, the agencies which have established such accounts, may also charge a Jail Access Fee.

In FY 2007-08, the State has authorized the Sheriff to charge a Jail Access Fee equal to the actual cost of booking an arrested person into a Riverside County detention facility, currently calculated at \$384.01. The County can charge this fee to a local agency for each booking that exceeds its three-year rolling average number of non-felony bookings for the crimes listed below:

- * Municipal code violations
- * Misdemeanor violations, except driving under the influence offenses and domestic violence misdemeanor offenses, including enforcement of protective orders

The local agency's three-year average number of non-felony bookings, for violations as defined above, would be recalculated each year. The jail access fee would be assessed and billed on a monthly basis, and all revenue derived from the fee would be deposited into the local detention facility revenue account.

The Sheriff's Department has established an automated program in the Jail Information and Management System "JIMS" to calculate the three year rolling average, for each law enforcement agency with arrest powers, utilizing the non-felony bookings for violations specified in Government Code §29551(b)(2). Effective July 1, 2007 the three year rolling average has been calculated capturing the qualifying bookings pursuant to Government Code §29551(b)(2) for fiscal years 04/05, 05/06, 06/07 and the qualifying bookings for FY 07/08. The purpose of this program is to determine the number of qualifying booking for each law enforcement agency exceeding their three year rolling average. The three year rolling average shall be recalculated by the Sheriff's Department at the beginning of each subsequent fiscal year.

A spreadsheet attached as Exhibit 1 details the three-year average for the qualifying bookings for all agencies in Riverside County that are authorized with arrest powers. Of special note, agencies 1-13 are currently Sheriff's Contract cities. In the column to the extreme right, Sheriff's Corrections staff has projected estimated additional Jail Access Fee revenue, based on a fee implementation date of March 1, 2008.

The county has sent letters out to all affected agencies informing them of its proposal to implement a Jail Access Fee with the statutorily required 45-day notice. Staff has attached copies of those letters with this submittal (Exhibit 2).

Schedule A

Increase Appropriations:

10000-2500400000-510040	Regular Salaries	\$162,435
10000-2500400000-518100	Budgeted Benefits	<u>126,082</u>
	Total	\$288,517

Increase Estimated Revenue:

10000-2500400000-752410	Local Detention Facility Revenue	\$288,517
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2 **ORDINANCE NO. 702.4**

3 **AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF**
4 **RIVERSIDE, STATE OF CALIFORNIA AMENDING ORDINANCE NO. 702**
5 **CRIMINAL JUSTICE ADMINISTRATIVE FEE AND LOCAL DETENTION**
6 **FACILITY REVENUE ACCOUNT.**

7 The Board of Supervisors of the County of Riverside, State of California, ordains as follows:

8 Section 1. The title of this Ordinance is amended to read as follows:

9 CRIMINAL JUSTICE ADMINISTRATIVE FEES INCLUDING THE JAIL ACCESS FEE
10 AND THE LOCAL DETENTION FACILITY REVENUE ACCOUNT

11 Section 2. Section 1 of Ordinance No. 702 is amended in its entirety to read as follows:

12 “Section 1. Pursuant to Government Code Section 29951 (d), a County is authorized
13 to impose a fee upon a city, special district, school district, community college district, college or
14 university for reimbursement of County expenses incurred with respect to the booking or other
15 processing of persons arrested by an employee of that city, school district, community college
16 district, college or university, where the arrested persons are brought to the county jail for
17 booking or other processing if in any fiscal year the State of California (State) appropriates less
18 than thirty-five million dollars (\$35,000,000). If the State of California appropriates at least
19 thirty-five million dollars (\$35,000,000), the County shall not impose a booking fee to any city,
20 school district, community college district, college or university. The County hereby establishes
21 a Local Detention Facility Revenue Account to receive funds from the State annual
22 appropriation.”

23 Section 1.2. For the 2007-08 fiscal year and each fiscal year thereafter, in accordance
24 with Government Code Section 29551(b) (1) and (2), if a State appropriation for the purposes
25 specified in Government Code Section 29552 is made in any fiscal year, a county may charge a
jail access fee to a local agency that exceeds that agency's three-year average number of non-

1 felony bookings for specified violations at a rate not to exceed the actual cost of booking an
2 arrested person into the local detention facility, for each booking in excess of the three-year
3 average. A local agency's three-year average number of non-felony bookings shall be
4 recalculated each year.

5 The County shall determine a local agency's three-year average based on the following
6 violations:

7 (A) Municipal code violations.

8 (B) Misdemeanor violations, except driving under the influence offenses and
9 domestic violence misdemeanor offenses, including enforcement of protective
10 orders.
11

12 The jail access fee charges to an agency shall be calculated and billed on a monthly basis,
13 and all revenue derived from the jail access fee shall be deposited by the County into the local
14 detention facility revenue account. The County shall fully disclose the costs allocated as Federal
15 Circular A-87 overhead in the Jail Access Fee.

16
17 Section 3. Section 3 of Ordinance 702 is amended in its entirety to read as follows:

18 Section 3. For the 2007-08 fiscal year and each fiscal year thereafter, if the State
19 appropriates less than thirty-five million dollars (\$35,000,000), the County may collect fees
20 pursuant to Government Code Section 29550 and Section 29550.3 up to a rate, in proportion to
21 the how much the appropriation is less than thirty-five million dollars (\$35,000,000).
22

23 However, the maximum rate of the fee shall be the rate charged by the County as of
24 June 30, 2006, increased for each subsequent year by the California Consumer Price Index as
25

1 reported by the Department of Finance plus 1 percent, compounded annually. The County shall
2 fully disclose the costs allocated as Federal Circular A-87 overhead.

3 Section 4. This Ordinance shall take effect 30 days after the date of adoption.

4
5 BOARD OF SUPERVISORS OF THE COUNTY
6 OF RIVERISDE, STATE OF CALIFORNIA
7

8 By: _____
9 Chairperson, Riverside County Board of Supervisors
10

11
12 ATTEST:
13 CLERK OF THE BOARD
14

15 By: _____
16 Deputy

17 Date: _____
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Exhibit 1

Billable booking under G.C. 29551(b)

REPORT DATE: 11/15/2007

12/10/2007

Agency Name	Qualifying Booking for fiscal year							Three years Average	Current BK As of 11/15/2007	PROJECTIONS			
	Agency ID	2004/2005	2005/2006	106/2007	7	10	15			8 Months	07/01/07 06/30/08	03/01/08 to 6/30/08 # of BK	Amount
1 Calimesa PD	C	9	124	202	283	203	153	16.00	9	24.00	4.67	\$1,792	
2 Coachella PD	C	10	10	30	19	20	20	272.00	153	408.00	68.33	\$26,241	
3 Indian Wells PD	C	96	96	146	233	158	123	36.00	20	53.00	11.33	\$4,352	
4 La Quinta PD	C	141	141	205	205	165	113	219.00	123	328.00	56.67	\$21,761	
5 Lake Elsinore PD	C	428	428	495	612	511	341	201.00	113	301.00	45.33	\$17,408	
6 Moreno Valley PD	C	59	59	109	77	77	52	606.00	341	909.00	132.67	\$50,945	
7 Norco PD	C	219	219	335	256	256	139	92.00	52	139.00	20.67	\$1,936	
8 Palm Desert PD	C	224	224	306	262	262	134	247.00	139	371.00	38.33	\$14,720	
9 Perris PD	C	86	86	96	86	86	50	238.00	134	357.00	31.67	\$12,160	
10 Rancho Mirage PD	C	64	64	139	89	89	84	89.00	50	133.00	15.67	\$6,016	
11 San Jacinto PD	C	273	273	447	631	450	178	149.00	84	224.00	45.00	\$17,280	
12 Temecula PD	C	24	24	52	28	28	16	316.00	178	475.00	8.33	\$3,200	
13 Canyon Lake PD	C	95	95	151	272	172	167	28.00	16	43.00	5.00	\$1,920	
14 Banning PD	P	81	81	155	102	102	44	297.00	167	445.00	91.00	\$34,945	
15 Beaumont PD	P	49	49	86	72	72	39	78.00	44	117.00	5.00	\$1,920	
16 Blythe PD	P	15	15	27	22	22	13	69.00	39	104.00	10.67	\$4,096	
17 Cathedral City PD	P	64	64	97	82	82	44	23.00	13	35.00	4.33	\$1,664	
18 Corona PD	P	5	5	7	4	4	4	78.00	44	117.00	11.67	\$4,480	
19 Desert Hot Springs PD	P	28	28	56	45	45	18	7.00	4	11.00	2.33	\$896	
20 Hemet PD	P	304	304	389	359	359	178	32.00	18	48.00	1.00	\$384	
21 Indio PD	P	112	112	248	182	182	90	316.00	178	475.00	38.67	\$14,848	
22 Murrieta PD	P	4	4	3	3	3	2	160.00	90	240.00	19.33	\$7,424	
23 Palm Springs PD	P	460	460	688	564	564	305	4.00	2	5.00	0.67	\$256	
24 Riverside PD	P							542.00	305	813.00	83.00	\$31,873	
									Jail Access Fee for FY 07/08				\$384.01
									Projected Access Fee Revenue for "C" Covering 4 Months only				\$185,731
									Projected Access Fee Revenue for "P" Covering 4 Months only				\$102,786
									Projected Access Fee Total Revenue				\$288,517

Exhibit 2

*Executive Office
County of Riverside*



*Larry Parrish
County Executive Officer*

November 30, 2007

Dear Mr. Smith:

As you are aware, on June 26, 2007, the County Board of Supervisors in a Public Hearing adopted Ordinance 702.3 to reflect the amended California Government Code §29550-§29552. These sections of the Government Code replaced the collection of Jail Booking Fees with a State appropriation of \$35 million to partially backfill the revenue received by 47 counties that charged for bookings into their county jails. The County Ordinance also established a County local detention facility revenue account for the State deposit of the funds each year. Local detention facility revenue will be used exclusively for operations, renovation, remodeling or constructing detention facilities or related equipment.

In accordance with Government Code §29551 (b), in any year that the State appropriates funding for transmittal to local detention facility revenue accounts, the agencies which have established such accounts, may also charge a Jail Access Fee. A Public Hearing has been tentatively scheduled for January 29, 2008 for the County Board of Supervisors to consider amended Ordinance 702.4, which would establish a Jail Access Fee in the County.

In FY 2007-08, the State has authorized the Sheriff to charge a Jail Access Fee equal to the actual cost of booking an arrested person into a Riverside County detention facility, currently calculated at \$292.67. The County can charge this fee to a local agency for each booking that exceeds its three-year rolling average number of non-felony bookings for the violations listed below:

- 1) Municipal code violations
- 2) Misdemeanor violations, except driving under the influence offenses and domestic violence misdemeanor offenses, including enforcement of protective orders

The local agency's three-year average number of non-felony bookings, for offenses as defined above, would be recalculated each year. The jail access fee would be assessed

and billed on a monthly basis, and all revenue derived from the fee would be deposited into the local detention facility revenue account created pursuant to Government Code §29551 (a). A listing of each agency's three year average is attached to this letter.

Should you have any questions about this letter, please call Steve Schubert, Principal Management Analyst at (951) 955-1100.

Sincerely,

Bill Luna
County Finance Director

Exhibit 2

*Executive Office
County of Riverside*



*Larry Parrish
County Executive Officer*

December 12, 2007

Dear Mr. Smith:

The purpose of this letter is to update you on the projected Jail Access Fee from the letter dated November 30, 2007. In the attached matrix you will find a smaller amount projected for this year than was originally submitted in the November letter. In addition the Jail Access Fee has been revised to \$384.01 utilizing FY07/08 personnel cost.

Should you have any questions concerning this letter, please contact me at 951/955-1110.

County Executive Office
Attention: Steve Schubert
4080 Lemon Street, 4th Floor
Riverside, CA 92501-3651

Sincerely,

Steve Schubert
Principal Management Analyst

Enclosure