

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

186



FROM: Executive Office

SUBMITTAL DATE:
June 16, 2008

SUBJECT: Increase in the Access (Booking) Fee

RECOMMENDED MOTION: That the Board of Supervisors:

- Schedule public hearing on July 1, 2008, a proposal to increase the Access Fee to \$387.97, as permitted under Government Code 29551 (b).

BACKGROUND: Government Code §29550 was amended by the state legislature as part of the 2006-07 budget package and became effective July 1, 2007. The statutory structure became operative whereby counties, in lieu of exercising their authority under Government Code 29550, would be subject to an appropriation by the state; receive \$35 million directly into local detention facility revenue accounts. If the state appropriates \$35 million, cities would not be charged a criminal justice administrative fee.

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:	No
	Annual Net County Cost:	\$ N/A	For Fiscal Year:	FY2008-09

SOURCE OF FUNDS: Not Applicable	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

BY:
Gary M. Christmas

County Executive Office Signature

Prev. Agn. Ref.: 1/29/08 9.1;
6/19/07 3.4

District: All

Agenda Number:

3.2

FORM APPROVED COUNTY COUNSEL
 BY: ROBERT M. PEPPER, JR. DATE: 6/16/08
 Departmental Commitment
 FISCAL PROCEDURES APPROVED
 ROBERT E. BYRD, AUDITOR-CONTROLLER
 BY: MICHAEL G. ALEXANDER DATE: 6/16/08
 Dep't Recomm.:
 Per Exec. Ofc.:

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In the event the state appropriates less than \$35 million for the purpose of §29552, the County is authorized to take the following actions in FY 2008-09:

- 1) Cities will be charged the adjusted rate as provided in Government Code §29551(e) in proportion to the amount that the amount appropriated is less than \$35 million dollars. The adjusted rate shall be the rate charged as of June 30, 2006, increased for each subsequent fiscal year by the California Consumer Price Index as reported by the Department of Finance plus 1 percent, compounded annually; or,
- 2) If the state does not appropriate any funding under Government Code 29952, the County is able to charge the cities its actual costs for booking arrestees into the County detention facilities pursuant to section 29550 and section 29550.3 up to a rate adjusted as provided in subdivision (e) of Government Coded 29551.

Also in FY 2007-08, the state has authorized the County to charge a Jail Access Fee equal to the actual cost of booking an arrested person into Riverside County detention facilities. The calculated Access Fee for FY 2008-09 is \$387.97. 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 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).

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 booking pursuant to Government Code 29551(b)(2).

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

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To that end, the county has sent letters out to all city managers informing them of the possible change in booking fee charges with the statutorily required 45-day notice. Enclosed with this submittal is a copy of a letter (Exhibit A) sent to all the cities.

As of the preparation of this submittal, the Governor has submitted a ten percent reduction in funding of the \$35 million in the state's proposed budget. This will result in approximately \$341,348.20 less in state appropriated booking fees to the County of Riverside. However the ten percent reduction shall be recovered under Government code 29551 (d).

Exhibit A



Executive Office
County of Riverside

Larry Parrish
County Executive Officer

May 12, 2008

Len Wood, City Manager
City of Hemet
445 E. Florida Avenue
Hemet, CA 92543

Dear Mr. Wood:

A public hearing is scheduled for July 1, 2008, regarding the County booking fee. The current proposed state appropriation under Government Code 29552 is a zero funding level. If the state does not appropriate funding pursuant to Government Code 29552, the County has the option to charge its actual costs for the Criminal Justice Administrative Fee, commonly referred to as the booking fee. The County's calculated actual cost for a detention facility booking in FY 2008-09 is \$387.97.


This letter complies with the 45-days written notification required for a public hearing under Government Code §29550 (a)(2), when the county proposes a booking fee increase.

There are three possible scenarios for the booking fee in FY 2008-09:

- 1) If the state appropriates at least \$35 million, cities will not be charged a booking fee by the county; or,
- 2) If the state appropriates less than \$35 million, cities will be charged the adjusted rate as provided in Government Code 29551 (e). Counties would be able to collect only the portion of the \$35 million that the state does not provide. The adjusted rate shall be charged as of June 30, 2006 increased for each subsequent fiscal year by the California Consumer Price Index, as reported by the Department of Finance, plus one (1) percent, compounded annually; or,
- 3) As stated above, if the state does not appropriate funding under Government Code 29552, the County is able to charge the cities its actual cost for booking arrestees into the County detention facilities.

Should you have any questions about this letter, please contact Steve Schubert, Principal Management Analyst at (951) 955-1129.

Sincerely,


Gary M. Christmas
Deputy County Executive Officer