ORDINANCE NO. 1376

ORDINANCE OF THE BOARD OF SUPERVISORS
OF SOLANO COUNTY ADDING SECTION 1-20.5 TO
CHAPTER 1 OF THE SOLANO COUNTY CODE FOR
IMPLEMENTATION OF A CRIMINAL JUSTICE
ADMINISTRATIVE FEE

The Board of Supervisors of Solano County, State of California, does ordain as follows:

SECTION I.

Chapter 1, Section 1-20.5 is hereby added to the Solano County Code, to provide for the imposition and collection of criminal justice administrative (booking) fees, to read as follows:

Section 1-20.5. Criminal Justice Administrative Fee.

(a) Purpose and Authority. This ordinance implements in the County of Solano the provisions of Government Code Section 29550 [1990 Statutes, chapter 466, Section 1 (SB 2557)], which provide for criminal justice administrative (booking) fees.

(b) Fee Imposed. (1) There is hereby imposed upon every city and community college district, a fee equal to the administrative costs, including applicable overhead costs, as determined from time to time by resolution, of booking or other processing at any county jail of every person arrested by an employee of such city or community college district and brought to a county jail facility for booking or processing.

(2) Such fees shall be payable on account of every booking or processing of a person at a Solano County jail on and after July 1, 1990 not excluded by regulations issued pursuant to Section (h) of this ordinance.

(3) For the purpose of this fee, the term "county jail" means and includes every detention facility in Solano County operated under the control of the Solano County Sheriff.

(c) County Administrator Report. Prior to July 1 of each year, the County Administrator shall report to the Board of Supervisors preliminary estimates of fees for the following fiscal year. A copy will be provided to the community college and to the cities.
Not later than November 30 in each calendar year beginning with November 1991, and otherwise as ordered by the Board of Supervisors from time to time, the County Administrator shall report to the Board of Supervisors the administrative costs, including the applicable overhead costs permitted by the federal circular A-87 standards last approved by the State of California for Solano County, of booking or other processing of a person at any Solano County jail. This report shall constitute a proposed fee pursuant to this new Section.

(d) Public Hearing. (1) After its receipt of a final report from the County Administrator of the administrative costs of booking or other processing of a person brought to a Solano County jail for booking or processing, the Board of Supervisors shall direct that a public hearing be held at which any person may file written objections to the amount of the proposed fee or otherwise make oral or written presentations concerning the proposed fee. This hearing shall take place at a regularly scheduled meeting of the Board of Supervisors.

(2) The Clerk of the Board shall publish notice of the time and place of the hearing and a general explanation of the matter to be considered as required by Government Code Section 54986, and the Clerk shall mail notice of the hearing, including a general explanation of the matter to be considered, and a statement that the data required by the section is available for inspection or review, as required by Government Code Section 54986, together with a copy of the report, to every city and community college district in Solano County.

(e) Findings on Objections. After hearing, the Board of Supervisors shall make findings, and shall determine the amount of the fee which may be imposed for the booking or other processing of a person brought to a county jail for booking or processing.

(f) Fee Determination. After hearing and after making findings and determinations on the report and the written objections received, the Board of Supervisors may adopt or amend the resolution determining the amount of the fee to be imposed for the booking or other processing of a person brought to a county jail for booking or processing.

(g) Collection of Booking Fees. (1) The Auditor-Controller shall submit a quarterly invoice to every city and community college district, for the criminal justice administrative fees owed by such entity for the prior quarter and for fees not invoiced or paid for previous quarters. The fee shall be due within 30 days after it is billed.

(2) If any invoice for criminal justice administrative fees remains unpaid after thirty days, in addition to any other remedy otherwise available to it, the County may retain up to one half of the property taxes to which the jurisdiction may otherwise be entitled, but not to exceed the amount of such invoice plus accrued
interest.

(3) Any invoice for criminal justice administrative fees which remains unpaid in whole or in part after 30 days, shall bear interest at the legal rate per annum established pursuant to Section 685.010 of the Code of Civil Procedure on the unpaid balance thereof.

(h) Regulations. The County Administrator is authorized to adopt regulations governing the application and administration of the Criminal Justice Administrative Fee for the booking or other processing of arrested persons brought to any County jail for booking or processing.

(i) Amount of Fee. The initial amount of the fee to be charged under provisions of this ordinance shall be established by resolution by the above procedure, and the amount shall be reviewed annually to verify the accuracy of the fee, and amended by resolution as necessary, pursuant to this ordinance.

(j) Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of the ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portion of this ordinance or any part thereof. The County hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared invalid or unconstitutional.

SECTION II.

This Ordinance shall be published once before the expiration of FIFTEEN 15 DAYS after its final passage in the Fairfield Daily Republic, a newspaper of general circulation, printed and published in the County of Solano, State of California, and shall be in full force and effect THIRTY 30 DAYS after its passage.

OSBY DAVIS, Chairman of the Board of Supervisors

LINDA TERRA, Clerk of the Board of Supervisors
I, LINDA TERRA, Clerk of the Board of Supervisors of the County of Solano, State of California, do hereby certify that the above and foregoing Ordinance was introduced at a regular meeting thereof held this 5th day of February, 1991.

On the motion of Supervisor Caddle and the second of Supervisor Stewart, this Ordinance was adopted at a regular meeting of said Board on the 19th day of February, 1991 by the following vote:

AYES: SUPERVISORS: Caddle, Carroll, Simmons and Stewart
NOES:
ABSTAINED:
ABSENT: SUPERVISORS: Chairman Davis
SUPERVISORS: None
SUPERVISORS: None

WITNESS my hand and Seal of said Board this 19th day of February, 1991.

LINDA TERRA, Clerk of the Board of Supervisors

By LINDA TERRA