ORDINANCE NO. 1606

AN ORDINANCE REPEALING AND ADDING SECTION 11-121 OF CHAPTER 11, ARTICLE IX, OF THE
SOLANO COUNTY CODE, RELATING TO A CRIMINAL JUSTICE ADMINISTRATION FEE ("BOOKING FEE")

The Board of Supervisors of Solano County ordains as follows:

Section 1. Section 11-121 of Chapter 11, Article IX is repealed.

Section 2. Section 11-121 of Chapter 11, Article IX is added to read:

Sec. 11-121. Criminal justice administration fee.

(a) Purpose and authority. This ordinance implements the provisions of California Government Code sections 29550 and 29550.2, that provide for the imposition of a criminal justice administration fee, commonly referred to as a booking fee.

(b) Booking fee imposed on designated governmental entities. There is imposed upon every city, special district, school district or community college school district in the county, a booking fee for the reimbursement of county expenses incurred with respect to the booking or other processing of persons arrested by an employee of such city, special district, school district or community college and brought to a county detention facility for booking or detention. The fee imposed will not exceed the actual administrative costs, including applicable overhead costs as permitted by federal Circular A-87 standards, as defined in Government Code section 29550, subdivision (d), or its successor. The board of supervisors will apportion the fee between the book and detain process and the book and release process.

(c) Booking fee imposed on convicted persons. There is imposed upon every convicted person whom any governmental entity not specified in subdivision (b) arrests and books into a county detention facility, a booking fee for administration costs incurred with respect to the arrest and booking. The fee imposed will not exceed the actual administrative costs, including applicable overhead costs as permitted by federal Circular A-87, as defined in Government Code section 29550.2, subdivision (c), or its successor. The board of supervisors will apportion the fee between the book and detain process and the book and release process.

(d) Auditor-controller report. On or before November 30 in each calendar year, or as otherwise ordered by the board of supervisors, the auditor-controller will report to the board of supervisors the actual administrative costs incurred in booking or otherwise processing arrested persons. The report will constitute any proposed booking fee.

(c) Public hearing.

(1) After its receipt of the auditor-controller's report and if the report supports a change in the prevailing booking fee, the board of supervisors will set a date for a public hearing to consider adoption of the proposed fee. Before the hearing, any governmental entity specified in subdivision (b) and any person may file written objections to the proposed fee with the clerk of the board. The hearing will take place at a regularly scheduled meeting of the board of supervisors, when any person may provide an oral or a written presentation on the proposed fee.
(2) The clerk of the board will publish a notice of the time and place of the hearing, including a general explanation of the proposed fee, as required by Government Code section 66018.

(3) The clerk of the board will mail a notice of the time and place of the hearing, including a general explanation of the proposed fee, a statement that the data supporting the proposed fee is available for inspection and review and a copy of the auditor-controller’s report, to every city, special district, school district and community college district in the county.

(f) Fee Determination.

(1) After the public hearing, the board of supervisors will make written findings on the auditor-controller’s report and on each written objection received, will determine the amount of the booking fee, will apportion the fee between the booking and detain process and the booking and release process, and will adopt the fee by resolution. The booking fee will be listed on the sheriff’s department’s fee schedule, Exhibit XIII to Solano County Code section 11-113.

(2) The clerk of the board will mail certified copies of the board’s findings and resolution to every city, special district, school district and community college district in the county, the presiding judge of the Solano County Courts and the county’s chief probation officer.

(3) The auditor-controller and the sheriff will jointly review annually the booking fee to verify its accuracy.

(g) Collection of booking fees.

(1) The sheriff will submit a quarterly invoice to every city, special district, school district and community college district in the county, for the booking fees owed by each governmental entity.

(2) If any invoice remains unpaid after thirty days, the county may retain up to one-half of the property taxes to which the governmental entity may otherwise be entitled, but not to exceed the amount of the invoice, including accrued interest.

(3) Any invoice that remains unpaid after thirty days will bear interest at the legal rate established under California Code of Civil Procedure section 685.010 on the unpaid balance.

(4) The sheriff will notify the Solano County Courts and the probation department that the booking fee under Government Code section 29550.2 is due and will request enforcement.

(h) Regulations. The sheriff may adopt regulations governing the application and administration of the booking fee.

(i) Severability. If any provision of this ordinance or its application to any governmental entity, person or circumstance is held invalid, the remainder of the ordinance or the application of such provision to other entities, persons or circumstances will not be affected.

Section 3. This ordinance will be effective thirty (30) days after its adoption.

Section 4. A summary of this ordinance will be published within fifteen (15) days after its adoption, in the Fairfield Daily Republic, a newspaper of general circulation in Solano County.
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Passed and adopted by the Solano County Board of Supervisors on May 22, 2001 by the following vote:

AYES: SUPERVISORS Carroll, Kromm, Silva, and Chairman Thomson

NOES: SUPERVISORS None

EXCUSED: SUPERVISORS Kondylis

ATTEST:
Michael D. Johnson, Clerk
Board of Supervisors

First reading: May 1, 2001
Second reading: May 22, 2001
Effective date: June 22, 2001