

ORDINANCE NO. 702
(AS AMENDED THROUGH 702.4)
AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING ORDINANCE NO.
702 CRIMINAL JUSTICE ADMINISTRATIVE FEES INCLUDING THE JAIL ACCESS
FEE AND THE LOCAL DETENTION FACILITY REVENUE ACCOUNT

The Board of Supervisors of the County of Riverside ordains as follows:

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

SECTION 1.2. For the 2007-08 fiscal year and each fiscal year thereafter, in accordance with Government Code Section 29551(b) (1) and (2), if a State appropriation for the purposes 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-felony bookings for specified violations at a rate not to exceed the actual cost of booking an arrested person into the local detention facility, for each booking in excess of the three-year average. A local agency's three-year average number of non-felony bookings shall be recalculated each year.

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

(A) Municipal code violations.

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

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

SECTION 2. For the 2005-2006 fiscal year and each fiscal year thereafter, the fee imposed pursuant to Government Code Section 29550 shall not exceed one-half (1/2) the actual administrative costs, including applicable overhead costs as permitted

by Federal Circular A-87 Standards, as defined in subdivision (d) of Government Code Section 29550, incurred in the booking or otherwise processing arrested persons. The County shall fully disclose the costs allocated as Federal Circular A-87 overhead.

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

However, the maximum rate of the fee shall be the rate charged by the County as of June 30, 2006, increased for each subsequent year by the California Consumer Price Index as reported by the Department of Finance plus 1 percent, compounded annually. The County shall fully disclose the costs allocated as Federal Circular A-87 overhead.

SECTION 4. Pursuant to Government Code Section 29551 (d) a county may submit an invoice to a city, special district, school district, community college district, college or university for the fee imposed pursuant to this SECTION on and after July 1, 1990 only if the State appropriates less than thirty-five million dollars (\$35,000,000) and only to the proportion to the amount that is less than appropriated.

SECTION 5. Pursuant to Government Code Section 29550 a criminal justice administrative fee is hereby imposed upon a city, special district, school district, community college district, college or university, for the booking or other processing of persons arrested by an employee of that city, special district, school district, community college district, college or university, where the arrested persons are brought to the county jail for booking or other processing in the proportionate amount effective July 1, 2007, in the event the State appropriates less than thirty-five million dollars.

SECTION 6. For the purposes of this ordinance an "employee" shall include any person making an arrest on behalf of a city, special district, school district, community college district, college or university.

SECTION 7. The fee will apply to all arrests resulting in booking or detention at a county jail on and after July 1, 1990.

SECTION 8. A city, special district, school district, community college district, college or university shall not be charged the criminal justice administrative fee set forth herein for any of the following:

1. An arrest on any bench warrant for failure to appear in court, nor any arrest warrant issued in connection with a crime not committed within the entity's jurisdiction.
2. For a person who is ordered by a court to be remanded to the county jail.

3. For arrests made pursuant to arrest warrants originating outside of its jurisdiction.

4. For parole violation arrests or probation order returns to custody unless a new charge has been filed for a crime committed in the jurisdiction of the arresting city, district, college or university, in the event that the Governor declares a state of emergency, no agency shall be charged fees for any arrests made during any riot, disturbance, or event that is subject to the declaration referred to herein.

5. For the arrest of a prisoner who has escaped from a county, state or federal detention or corrections facility.

6. For arrestees held in temporary detention at a court facility for purposes of arraignment when the arrestee has been previously booked at an entity detention facility.

7. As a result of an arrest made by an officer of a city, special district, school district, community college district, college or university assigned to a formal multi-agency task force in which the County is a participant; for the purposes of this section 'formal task force' means a task force that has been established by written agreement of the participating agencies.

SECTION 9. It is the intent of the Board of Supervisors to exercise its statutory authority to impose a criminal justice administrative fee to the maximum extent permissible. If any provision of this ordinance or the application thereof to any person or circumstances held invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provisions or applications and to this end the provisions of this ordinance are severable.

SECTION 10. In the event the State of California prior to June 30, 1991, provides a stable source of fundings specifically stated to replace such criminal justice administrative fees that would have been recovered under this ordinance the County of Riverside shall rescind this ordinance.

SECTION 11. This ordinance shall take effect thirty days after its adoption.

Adopted: 702 Item 1.1a of 02/19/1991 (Eff: 03/21/1991)

Amended: 702.1 Item 9.2 of 06/28/2005 (Eff: 07/28/2005)

702.2 Item 9.1 of 05/09/2006 (Eff: 06/08/2006)

702.3 Item 9.1 of 06/26/2007 (Eff: 07/26/2007)

702.4 Item 9.1 of 02/05/08 (Eff: 03/07/2008)