

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Probation

IP

BOARD AGENDA # 9:15 a.m. (C)

Urgent

Routine

AGENDA DATE April 28, 2009

CEO Concur with Recommendation YES NO

(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Introduce and Waive the First Reading of an Ordinance to Amend Existing Fees in the Probation Department

STAFF RECOMMENDATIONS:

1. Approve the introduction and waive the first reading of an Ordinance to amend existing fees of the Probation Department.
2. Schedule the approval of adoption of the new Ordinance.

FISCAL IMPACT:

The Probation Department currently has a fee of \$19.75 per day in place to capture some of the costs related to the supervision of offenders in custody. If it is determined that the liable party has a monthly net income below the Welfare Grant Aid guidelines, the party is not billed. During Fiscal Year 2007-2008, \$777,403 was ordered in these juvenile fees. Of that amount, \$93,361 was actually collected. Based on the requested fee increase to \$24.00 and the rate of payment, the department estimates an increase of \$18,000- \$20,000 annually in revenue.

BOARD ACTION AS FOLLOWS:

No. 2009-280

On motion of Supervisor Chiesa, Seconded by Supervisor O'Brien
and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Grover, Monteith, and Chairman DeMartini

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION: Introduced and waived the first reading of Ordinance C.S. 1055 to amend the existing fees in the Probation Department; and, **amended** Ordinance C.S. 1055 to increase the Juvenile Hall Fee to \$24.41 and to increase the Department of Juvenile Justice Fee to actual cost billed to the County up to the maximum allowed by the State

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No. ORD-55-J-2

Approval to Introduce and Waive the First Reading of an Ordinance to Amend Existing Fees in the Probation Department

Discussion:

Welfare and Institutions Code (W & I) 903 allows the Board of Supervisors to set the amount charged for certain "costs of support" such as food, clothing, personal supplies and medical expenses, to the father, mother, spouse or other person liable for the support of a minor detained or committed to any institution. If it is determined that the liable party has a monthly net income below the Welfare Grant Aid guidelines, the party is not billed.

The allowable costs for calculation of these fees are limited to food, personal supplies, and medical care. In Fiscal Year 2007-2008, those allowable costs at the Juvenile Hall were \$1,225,793, with the number of bed days at 50,220. Total costs for the Juvenile Hall in Fiscal Year 2007-2008 were \$8,858,933. Costs for juveniles housed at the California Department of Juvenile Justice were \$149,006.

Based on an annual California Probation Business Managers' Association survey of all counties, the rate charged in other counties ranges from \$3.81 to \$29.28 per day. Rates in the traditional eight-county survey ranged from \$16.00 in Kern County to \$29.28 in Sonoma County.

The following adjustments to fees are recommended:

Juvenile Hall Fee Increase

The Probation Department is currently authorized to bill \$19.75 per day that a juvenile is confined in Juvenile Hall. The W & I Code initially set the maximum daily billable amount at \$15.00 per day, effective January 1, 1988, with a provision that the amount billed may be increased in accordance with the percentage change in the California Consumer Price Index. Calculations based on this provision indicate that the maximum billable amount is \$29.28. Actual costs in Stanislaus County indicate that the cost for confinement is \$24.41 per day. The department is requesting that the fee be increased to \$24.00 per day to cover a greater percentage of the allowable costs incurred by the County.

Department of Juvenile Justice Fee Increase

The Probation Department currently bills parents or other liable parties up to \$19.75 per day for costs of support for juveniles committed to California Department of Juvenile Justice (DJJ), formerly the California Youth Authority (CYA). Based on the amounts currently billed to the County by DJJ, the department is requesting to increase this fee up to \$24.00 per day, dependant on the rate charged by DJJ. The rate can range from \$6.17 to \$88.93 per day, depending on the category of the offense of the juvenile.

Approval to Introduce and Waive the First Reading of an Ordinance to Amend Existing Fees in the Probation Department

Policy Issue:

The Board of Supervisors may consider these fees to promote *A safe community* and to support *Efficient delivery of public services*.

Staffing Impact:

There are no staffing impacts associated with this recommendation. Existing staff will continue to administer Juvenile Hall fees.

ORDINANCE No C.S. _____

AN ORDINANCE RELATING TO PROBATION DEPARTMENT FEES

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA, DO ORDAIN AS FOLLOWS:

Section 1. Chapter 4.53 of the Stanislaus County Code is amended at Sections 4.53.020 and 4.53.060 to read as follows:

Section 4.53.020 Whereas the County Board of Supervisors held a public meeting pursuant to California Government Code Section 54986 for the consideration and approval of a juvenile hall daily fee in the amount of \$24.00 per day and based upon the data presented to said board it hereby adopts a juvenile hall fee pursuant to California Welfare and Institutions Code Sections 903 and 904, in the amount of \$24.00 per day.

Section 4.53.060 Whereas the County Board of Supervisors held a public meeting pursuant to California Government Code Section 54986, for the consideration and approval of Department of Juvenile Justice daily support fee in the amount of \$24.00 per day and based upon the data presented to said board it hereby adopts a Department of Juvenile Justice daily support fee pursuant to California Welfare and Institutions Code Sections 903 and 904, in an amount not to exceed \$24.00 per day.

Section 2. This ordinance shall take effect thirty (30) days from and after the date of its passage and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of members voting for and against the same, in the Modesto Bee, a newspaper published in the County of Stanislaus, State of California.

Upon motion of Supervisor _____, seconded by Supervisor _____, the foregoing ordinance was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, the _____ day of _____, 2009, by the following called vote:

AYES:

NOES:

ABSENT:

Jim DeMartini, Chairman of the Board
Of Supervisors of the County of
Stanislaus, State of California

ATTEST:

Christine Ferraro Tallman
Clerk of the Board of Supervisors of the
County of Stanislaus, State of California

By _____
Deputy

APPROVED AS TO FORM:

John Doering
County Counsel

By Dean Wright
Deputy





Welfare & Institutions Code 903

Provides the authority for BOS to set fees for “cost of support”

- Food
- Personal Supplies
- Medical Care



Juvenile Hall Daily Fee

- Current rate of \$19.75
- Last increased by \$5.75 in 2004
- Maximum billable amount is \$29.28/day



Juvenile Hall Daily Fee

- Actual Cost of Support in Stanislaus is \$24.41/day
 - Costs for food, personal supplies and medical care in FY 07-08 = \$1,225,793
 - Number of facility bed days = 50,022
- Total Operational Costs for Juvenile Hall in FY 07-08 = \$8,858,933



Juvenile Hall Daily Fee

Annual Survey Completed by Probation
Business Managers Association

- Statewide fees range from \$3.81/day to \$29.28/day
- Traditional 8 survey counties ranges from \$16.00/day in Kern County to \$29.28/day in Sonoma County



Department of Juvenile Justice Fees

- Current fee rate is up to \$19.75/day
- DJJ bills county at a varied rate between \$6.17/day to \$88.93/day
- DJJ costs for Stanislaus commitments in FY07-08 = \$149,006



FY 2007-2008

- Juvenile Hall Daily Fees Ordered
= \$777,403
- Juvenile Hall Daily Fees Collected
= \$93,361
- DJJ Support Fees Ordered =
\$29,476
- DJJ Support Fees Collected =
\$296



Approval to increase the Juvenile Hall Daily Fee to \$24.00/day and the DJJ Fee up to \$24.00/day could result in an annual increase in revenue of \$18,000 to \$20,000 annually



Recommendations:

Approve the Introduction and Waive the First Reading of an Ordinance to Amend Existing Fees in the Probation Department



Questions?

