

ARTICLE IX. REVENUE

Sec. 11-120. Revenue--Jail incarceration

(a) In any case in which a defendant is convicted of an offense and is ordered to serve a period of confinement in the county jail, after the effective date of the ordinance codified in this section, in either the county jail or the sentenced prisoner facility as a term of probation or a conditional sentence, the court may, after a hearing, make a determination of the ability of the defendant to pay all or a portion of the reasonable cost of- such incarceration, including incarceration pending disposition of the case. The reasonable cost of such incarceration shall not exceed that amount determined by the board of supervisors, pursuant to an adopted ordinance of the board, to be the actual average cost thereof on a per-day basis. The court may, in its discretion before such hearing, order the defendant to file a statement setting forth his or her assets, liabilities and income, under penalty of perjury, and may order the defendant to appear before the county officer designated by the board of supervisors to make an inquiry into the ability of the defendant to pay all or a portion of such costs. The court may hold additional hearings from time to time while the defendant is on probation, which hearings shall be limited to the issue of the defendant's ability to pay that amount of reimbursement previously determined, unless said additional hearing arises from and relates to, determination of additional costs of incarceration resulting from the modification or revocation of the court's prior probationary orders upon judgment and sentence. At any hearing, the defendant shall be entitled to have the opportunity to be heard in person or to be represented by counsel; to present witnesses and other evidence; and to confront and cross-examine adverse witnesses. A defendant represented by counsel appointed by the court in the criminal proceedings shall be entitled to such representation at any hearing held pursuant to this section. If the court determines that the defendant has the ability to pay all or a part of the costs, the court may set the amount to be reimbursed and order the defendant to pay that sum to the county in the manner in which the court believes reasonable and compatible with the defendant's financial ability. Execution may be issued on the order in the same manner as on a judgment in a civil action. The order to pay all or part of the costs shall not be enforced by contempt.

If practicable, the court shall require that any payment ordered shall be made on a monthly basis and the payments shall be made payable to the county officer so designated by the board of supervisors, or the officer's designee.

A payment schedule for reimbursement of the costs of incarceration pursuant to this section, based upon income, shall be developed by the county officer so designated by the board of supervisors, or that officer's designee, and approved by the presiding judges of the municipal and superior courts.

(b) The term "ability to pay" means the overall capability of the defendant to reimburse the costs or a portion of the costs of incarceration, and shall include, but shall not be limited to, the defendant's

(1) Present financial obligations, including family support obligations and fines, penalties and other obligations, to the court. Such costs shall be viewed as the primary financial responsibility of the defendant, the payment of which shall have priority over the determination of the sums to be reimbursed under this section.

(2) Reasonably foreseeable future financial position base years' estimated future earnings and other income.

(3) Likelihood that the defendant shall be able to obtain employment within the one-year period from the date of the hearing.

(4) Any other factor or factors which may bear upon the defendant's financial ability to reimburse the county for costs.

(c) All sums paid by a defendant pursuant to this section shall be deposited into the general fund of the county.

(d) The board of supervisors shall determine the average per-day costs of incarceration in the county jail or sentenced prisoner facility, and shall adopt the average per-day cost by ordinance of the board as the maximum amount to be repaid for each day of incarceration by a prisoner under this section. The board of supervisors shall review the average per-day costs of incarceration annually, and amend its ordinance of determination in accordance with its findings.

(e) The board of supervisors designates the Sheriff, or that officer's designee, as the county officer who shall make inquiry into the ability of a defendant to pay all or a portion of incarceration costs, and to develop a payment schedule for reimbursement, once determined by the courts. All payments for incarceration costs shall be made to the officer designated herein, or that officer's designee.

(Ord. No. 1284, §1; Ord. No. 1331, §1; Ord. No. 1465, §1)

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 government 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.

(e) **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.

(Ord. No. 1463, §1; Ord. No. 1465, §1; Ord. No. 1486, §1; Ord. No. 1606)

Sec. 11-122. Same--Property tax administrative cost recovery

(a) **Purpose and authority.** This ordinance implements in Solano County the provisions of Revenue and Taxation Code section 97 [1990 Statutes, chapter 466, section 4 (SB 2557)] which provides for the recovery by counties of property tax administrative costs.

(b) **Property tax administrative cost recovery.** In each fiscal year, the county shall receive from, or on behalf of, every incorporated city and every other local jurisdiction for which the county provides property tax assessment and collection services, an amount equal to the county's property tax administrative costs proportionately attributable to each incorporated city or local jurisdiction for the previous year.

(c) **Local jurisdiction--defined.** "Local jurisdiction" means the County of Solano and every school district, redevelopment agency, special district, or other governmental entity, excepting incorporated cities, for or on behalf of which the county provides property tax assessment or collection services.

(d) **Auditor-controller report.** In every fiscal year the auditor-controller shall report to the board of supervisors the property tax-related costs of the assessor/recorder, tax collector/county clerk, and auditor, including the applicable administrative overhead costs permitted by the federal circular A-87 standards last approved by the State of California for the County of Solano, for the previous fiscal year, proportionately attributable to each incorporated city and to each local jurisdiction in the ratio of property tax revenue received by each incorporated city and local jurisdiction divided by the total property tax revenue received by all incorporated cities and local jurisdictions in the county for the previous fiscal year. Such report shall constitute proposed charges against each incorporated city and local jurisdiction for its proportion of such administrative costs.

(e) **Public hearing.**

(1) After its receipt of the report from the auditor-controller of the property tax related costs of the assessor/recorder, tax collector/county clerk and auditor proportionately attributable to each incorporated city and local jurisdiction in the county for the previous year, the board of supervisors and the auditor-controller shall jointly hold a public hearing at which any incorporated city and local jurisdiction may file written objections to the report of the auditor-controller, and at which any person may make oral or written presentations concerning the report, 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 54994.1; and the clerk of the board 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 on at the office of the clerk of the board, as

required by Government Code section 54986, together with a copy of the report to every incorporated city and local jurisdiction in the county.

(f) Findings and determinations.

(1) After the hearing, the board of supervisors shall severally make findings and determinations on the report and on each written objection received, and the board of supervisors and the auditor-controller shall severally determine the property tax administrative costs proportionately attributable to each incorporated city and to each local jurisdiction for the prior fiscal year.

(2) The clerk of the board shall give notice to every incorporated city and to each local jurisdiction in the county of such findings and determinations.

(g) Correction of property tax administrative costs.

(1) For the purpose of the computations required by Revenue and Taxation Code section 97, the amount of property tax presumed to have been received by the county in the prior fiscal year shall be increased by the amount of property tax administrative costs for the prior fiscal year attributable to incorporated cities.

(2) The auditor-controller shall offset the amount owed by each city and the amount owed by each school district or community college district against property taxes due to the city and shall submit an invoice to all other local jurisdictions other than the county for the property tax administrative costs for the prior year attributable to such local jurisdiction.

(3) In addition to any remedy otherwise available to it, the county may retain up to one-half of any increased property tax allocation to which an incorporated city or a local jurisdiction may otherwise be entitled, but not to exceed the amount of property tax administrative costs to which the county is entitled plus accrued interest.

(4) Any invoice for property tax administrative costs which remains unpaid in whole or in part after 30 days and for which the county is unable to retain increased property tax allocations, 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) 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 an ordinance determining the amount of the costs to be recovered for property tax administration.

(i) Amount of fee. The initial amount of the fee to be charged under provisions of this ordinance shall be based upon the results of an independent study, and the amount shall be reviewed annually to verify the accuracy of the costs to be recovered, and amended as necessary, pursuant to this ordinance.

(j) **Severability.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this 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 portions 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.

(Ord. No. 1461, §1; Ord. No. 1465, §1)

Sec. 11-123. Parimutuel Wagering

(a) Pursuant to the provisions of Business and Professions Code sections 19610.3 or 19610.4, the County of Solano elects to receive a distribution of the proceeds of parimutuel wagers made at the Solano County Fairgrounds.

(b) At such time after January 1, 1996 as the County of Solano elects to impose or imposes a license tax, possessory interest tax, excise tax, or fee as described in Business and Professions Code sections 19610.3 or 19610.4, then this ordinance shall no longer be operative until such time as the payment of possessory interest taxes assessed after January 1, 1996, on which the county has a right to levy as an escape assessment are satisfied as provided in Section 19610.3 or 19610.4.

(Ord. No. 1522, §§1, 2, 3.)