



# Monterey County

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## Board Report

Legistar File Number: RES 15-014

March 03, 2015

**Introduced:** 2/9/2015

**Version:** 1

**Current Status:** Agenda Ready

**Matter Type:** BoS Resolution

Approve and adopt a Resolution amending Article XVIII of the Master Fee Resolution to set fees charged by the Probation Department effective April 6, 2015, as attached in Exhibit A

### RECOMMENDATION:

It is recommended that the Board of Supervisors approve and adopt a Resolution amending Article XVIII of the Master Fee Resolution to set fees charged by the Probation Department effective April 6, 2015, as attached in Exhibit A.

### SUMMARY:

Section 1.40.010 of Chapter 1.40 of Monterey County Code provides that all fees, penalties, refunds, reimbursements, and charges of any kind by the County shall be specified in the Monterey County Fee Resolution. Article XVIII reflects the authorized fees of the Probation Department. Requests to modify individual fees in Article XVIII are calculated to recover no more than the actual and reasonable costs to render the identified services to the recipient/beneficiary of the services.

The Probation Department, in concurrence with the Superior Court of California, Monterey County, is recommending that the Board of Supervisors approve the adoption of an updated and revised fee schedule modifying existing fees for electronic monitoring of adult and juvenile clients managed by the Supervised Home Confinement (SHC) program, to more appropriately reflect and recapture a portion of the actual costs of providing services.

### DISCUSSION:

The Probation Department is authorized to charge and collect fees for various services pursuant to Penal Code Sections 1203.1, 1203.1(a), 1203.1(b), 1203.016, 1203.4, 1203.45, 1208, and 1209; sections 729.9 and 903 of the Welfare and Institutions Code; and as provided in Section 1.40.010 of Chapter 1.4 of the Monterey County Code.

In January 2000, the Board approved Ordinance No. 04051, amending Chapter 2.93 of the Monterey County Code regarding Probation's authority to assess fees to recover the average costs of Probation Services based on a determination of the clients' ability to pay. The ordinance established that the Chief Probation Officer review the Fee Schedule for probation services annually and recommend revisions, as appropriate and necessary.

The proposed Probation Fee Schedule maintains all current fees, with the exception of the Supervised Home Confinement (SHC) program daily fee for electronic monitoring of juvenile and adult clients, from the current minimum daily rate of \$10 to \$14, to appropriately reflect and recapture a portion of actual service costs.

The proposed amount does not exceed the actual average cost of the services, and is updated to reflect and recapture a portion of the actual costs sustained by the department. This adjustment is based on the costs of providing the service and includes fully loaded costs of personnel and increased overhead costs. The fees requested for these services therefore reflect no more than the reasonably calculated costs to the County, and reflect no more than the actual burden costs associated with providing these services or benefits received by the payer of those services. Monterey County's current average charge for electronic monitoring supervision is markedly less than the rates charged by other neighboring or socioeconomically comparable counties.

The SHC application fee of \$112 will remain the same, and the fee to be paid will continue to be determined by participant's ability to pay. Inability to pay all or a portion of the program fees shall not preclude participation in the program.

The recommended Probation Fee Schedule/Article XVIII (Exhibit A) is on file with the Clerk of the Board.

OTHER AGENCY INVOLVEMENT:

Revisions to the Schedule of Fees require approval of both the Superior Court of California, Monterey County and the Board of Supervisors prior to implementation. The Superior Court has reviewed and approved the proposed Fee Schedule/Article XVIII.

This report and the proposed Fee Schedule/Article XVIII has been reviewed and approved by the Office of the County Counsel.

FINANCING:

There is no additional cost to the County General Fund with the recommended action. It is anticipated that collection of the recommended service fees will provide a positive impact by recovering a portion of the allowable costs associated with Probation services.

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Approved by: Marcia Parsons, Chief Probation Officer, ext. 3913

Attachments:

Cost Analysis

Exhibit A: Probation Fees Article XVIII

Probation Fees Article XVIII with proposed changes

Resolution

Cc: The Honorable Marla O. Anderson, Presiding Judge