



Monterey County

Item No.

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: ORD 21-012

July 13, 2021

Introduced: 6/28/2021

Current Status: Agenda Ready

Version: 1

Matter Type: Ordinance

- a. Receive an update on recent state legislation related to fees for probation services;
- b. Approve termination of fees for sealing juvenile records;
- c. Adopt a resolution rescinding Article XVIII of the Monterey County Fee Resolution related to fees collected by the Probation Department; and
- d. Introduce, waive reading, and set July 27, 2021, as the date to consider adoption of an ordinance repealing Chapter 2.93 of the Monterey County Code to rescind authority to collect fees for probation services.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Receive an update on recent state legislation related to fees for probation services;
- b. Approve termination of fees for sealing juvenile records;
- c. Adopt a resolution rescinding Article XVIII of the Monterey County Fee Resolution related to fees collected by the Probation Department; and
- d. Introduce, waive reading, and set July 27, 2021, as the date to consider adoption of an ordinance repealing Chapter 2.93 of the Monterey County Code to rescind authority to collect fees for probation services.

SUMMARY

In recent years, several legislative changes have taken place as part of the broader trend in the state of California of reducing or eliminating criminal justice fees. Probation is recommending rescinding Article XVIII of the Monterey County Fee Resolution, as collection of fees from juvenile and adult offenders is no longer applicable or pursued. Probation is also recommending an ordinance to repeal Chapter 2.93 of the Monterey County Code. Chapter 2.93 currently authorizes the collection of fees to recover the reasonable costs of probation services provided by the Monterey County Probation Department and is no longer necessary in light of the changes in state law.

DISCUSSION:

A series of legislative changes has altered the Probation Department's authority to collect fees from juvenile and adult offenders under its supervision for the recovery of reasonable costs of probation services.

Specifically, SB 190 of 2017 and SB 1290 of 2020 have repealed the authority to collect fees from juvenile offenders, with the exception of certain juvenile record sealing applications. However, the Probation Department intends to cease the collection of all authorized juvenile record sealing fees,

currently established at \$117 per record, to be consistent with the spirit of the law which is eliminating all other juvenile fees. Probation collects about \$2,200 per year in record sealing fees, a minimal impact to its revenue budget.

Finally, AB 1869 of 2020 is repealing the authority to collect fees from adult offenders, effective July 1, 2021.

Although Probation stopped collecting juvenile fees in compliance with SB 190 and also vacated the existing fees upon the implementation of SB 1290, in collaboration with the Treasurer-Tax Collector's Revenue Division, the Fee Schedule had not been updated. The upcoming law will further eliminate Probation's authority to collect fees to the point that Article XVIII is no longer applicable.

In order to comply with existing law, Probation recommends: 1) adopting an ordinance to repeal Chapter 2.93 of the County Code; and 2) adopting a resolution to rescind Article XVIII of the Monterey County Fee Resolution to reflect the elimination of all existing fees for Probation services, including juvenile record sealing. The ordinance is proposed to be introduced on July 13, with adoption of the ordinance to be considered on July 27. The ordinance would take effect on the thirty-first day following adoption, although the Probation Department will have already ceased collecting fees per state law and per the recommended rescission of Article XVIII of the Monterey County Fee Resolution.

OTHER AGENCY INVOLVEMENT:

Probation has been working closely with the Treasurer-Tax Collector's Revenue Division to cease the collection of fees and vacate the existing fees by the legislative deadlines. County Counsel has reviewed the recommended actions for compliance to applicable law and local regulations and approved the ordinance as to form.

FINANCING:

Probation's revenue from offender fees for FY 20-21 is estimated to be at a lower level of \$402,381 due to COVID impact, but it typically generates about \$720,000 annually. AB 1869 provided that, beginning in fiscal year 2021-22 and for five subsequent fiscal years, a statewide backfill of \$65 million of revenue will be allocated to counties to mitigate the ongoing impact. However, there is currently not a prescribed method for the apportionment of that backfill to each county; further, multiple departments are impacted within the County so the allocation will need to be distributed accordingly.

Probation will manage the potentially reduced revenue for FY 20-21 within its existing budget. There is no additional impact on the County General Fund.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

This recommendation supports key objectives of:

- Economic Development: Through collaboration, strengthen economic development to ensure a diversified and healthy economy.
- Administration: Promote an organization that practices efficient and effective resource management and is recognized for responsiveness, strong customer orientation, accountability and transparency.

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- Health & Human Services: Improve health and quality of life through County supported policies, programs, and services; promoting access to equitable opportunities for healthy choices and healthy environments in collaboration with communities.
- Infrastructure: Plan and develop a sustainable, physical infrastructure that improves the quality of life for County residents and supports economic development results.
- Public Safety: Create a safe environment for people to achieve their potential, leading businesses and communities to thrive and grow by reducing violent crimes as well as crimes in general.

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Attachments:

Resolution

Fee Schedule (redlined)

Ordinance