



County of Monterey

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

Legislation Details (With Board Report)

File #: ORD 21-014
Name: Adopt Ordinance Repeal Probation Fees
Type: Ordinance
Status: Passed
File created: 7/13/2021
In control: Board of Supervisors
On agenda: 7/27/2021
Final action: 7/27/2021
Title: Adopt an ordinance repealing Chapter 2.93 of the Monterey County Code to rescind authority to collect fees for probation services.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Ordinance Repeal Probation Fees, 3. Completed Board Order and Ordinance Item No. 32

Date	Ver.	Action By	Action	Result
7/27/2021	1	Board of Supervisors	adopted	Pass

Adopt 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 adopt 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. On July 13th, 2021, the Board of Supervisors (BOS) rescinded Article XVIII of the Monterey County Fee Resolution, as collection of fees from juvenile and adult offenders is no longer applicable or pursued. On that date, the BOS also introduced, waived the reading, and set today's date to adopt the proposed ordinance repealing Chapter 2.93 of the Monterey County Code to rescind authority to collect fees for probation services.

DISCUSSION:

On July 13th, the Board approved the termination of fees for sealing juvenile records and adopted a resolution rescinding Article XVIII of the Monterey County Fee Resolution related to fees collected by the Probation Department, reflecting the elimination of all existing fees for Probation services, including juvenile record sealing.

On the same date, the Board of Supervisors introduced, waived the reading, and set today's date to adopt the proposed ordinance repealing Chapter 2.93 of the Monterey County Code to rescind authority to collect fees for probation services. 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.

The ordinance will take effect on the thirty-first day following adoption, although the Probation Department has already ceased collecting fees per state law and per the rescission of Article XVIII of the Monterey County Fee

Resolution.

These actions are taken pursuant to a series of legislative changes that 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 repealed the authority to collect fees from juvenile offenders, with the exception of certain juvenile record sealing applications, which Probation will cease to collect to be consistent with the spirit of the law eliminating all other juvenile fees. AB 1869 of 2020 repealed the authority to collect fees from adult offenders, effective July 1, 2021.

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.
- ☒ 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:

Board Report

Ordinance