



County of Monterey

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

Board Report

File #: RES 21-118, **Version:** 1

Approve and adopt a Resolution amending Article VII of the Monterey County Master Fee Resolution effective August 13, 2021, to adjust fees relating to oversight and services provided by the Sheriff's Office pursuant to the attached Fee Schedule; and eliminate the Work Alternative Program Fees effective July 1, 2021 in adherence to AB1869, as set forth in the attached Exhibit A.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

Approve and adopt a Resolution amending Article VII of the Monterey County Master Fee Resolution effective August 13, 2021, to adjust fees relating to oversight and services provided by the Sheriff's Office pursuant to the attached Fee Schedule; and eliminate the Work Alternative Program Fees effective July 1, 2021 in adherence to AB1869, as set forth in the attached Exhibit A.

SUMMARY/DISCUSSION:

The Monterey County Sheriff's Office (MCSO) is requesting approval of amending Article VII of the Monterey County Master Fee Resolution effective August 13, 2021, to adjust fees relating to the County Master Fee schedule, Article VII for Supplemental Law Enforcement Services and Vehicle Abatement Program to more closely reflect, while still not exceeding, the actual and reasonable costs of services and benefits provided to the public by MCSO. In addition, we are also requesting to eliminate the Work Alternative Program Fees effective July 1, 2021, in adherence to AB1869.

Selected fee adjustments in Article VII for Supplemental Law Enforcement Services and Vehicle Abatement Program (Section 1, Item P, #1 and Section 1, Item S, #1) are being submitted to the Board for approval. Increases are based solely on increases in personnel costs to cover increase in step increases, pension and health insurance costs, workers' compensation and general liability insurances and indirect costs. These increases are necessary and intended to improve on the recapture of costs associated with the provision of the indicated services, and do not exceed actual costs for providing these services. As such, the fees represent a charge imposed for the specific regulatory service provided directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the County for providing the regulatory service. Adoption of the proposed fees will contribute to the self-sufficiency of the indicated programs; however, these fee increases do not cover any cost for COLA increases, if any in the Fiscal Year 2021-22. MCSO may need to come back to the Board to request for additional fee increases to cover any future COLA increases.

In addition, AB 1869 of 2020 is repealing the authority to collect fees from adult offenders, effective July 1, 2021. As such, fees collected under Section 2, Items A, B and D Work Alternative Fees are no longer applicable and were removed from the Fee Schedule effective July 1, 2021.

The Monterey County Code Section 1.40.010 of Chapter 1.40 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 VII reflects the authorized fees of MCSO.

The calculations and documents in support of all fee adjustments recommended herein are on file with the Clerk of the Board and are attached to this report. In all cases, the proposed fees reflect no more than the actual,

reasonable, fully loaded costs of the services provided.

By definition, the changes to these charges are not a ‘tax’ and are exempt from voter approval pursuant to Article XIII C section 1(e)(1)-(3) and (5) of the California Constitution (Prop. 26; charges imposed for specific benefit conferred/privilege/service or product, reasonable regulatory costs provided or granted to the payor, and/or fines and/or penalties). As such, they reflect no more than the actual cost of the service/benefit received by the payor.

The proposed fee adjustments are attached as follows: Exhibit A - Proposed Article VII Master Fee Schedule for Fiscal Year 2021-22, Exhibit B - Current Article VII Redlines, Exhibit C - Board Resolution.

OTHER AGENCY INVOLVEMENT:

County Counsel has reviewed the report and the Auditor-Controller has been consulted regarding the calculation of the fees and has approved those calculations as to form.

FINANCING:

Anticipated revenues resulting from the proposed fee adjustments of the Supplemental Law Enforcement Services and Vehicle Abatement Program are included in the Fiscal Year (FY) 2021-22 Recommended Budget. The proposed fee adjustments will offset actual expenditures incurred associated with the proposed fees. This action will have no impact on the General Fund Contributions.

MCSO’s revenue loss due to the elimination of Work Alternative Program Fees for FY 2021-22 is estimated to be around \$500,000. A portion of the lost revenues will be backfilled by AB1869 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. Once an apportionment is prescribed by the state, MCSO will explore options to either cut work alternative services or request additional GFC to continue the work alternative program.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

One or two sentences explaining how this recommendation supports/advances the Board of Supervisors Strategic Initiatives. Reference to any Key Objectives and/or Milestones that are related.

Mark a check to the related Board of Supervisors Strategic Initiatives

☐ Economic Development
☒ Administration
☐ Health & Human Services
☒ Infrastructure
☒ Public Safety

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Approved by: Steve Bernal, Sheriff-Coroner, X3750

Attachments: Board Report

Exhibit A - Proposed Article VII Master Fee Schedule FY 2021-22

Exhibit B - Current Article VII Master Fee Schedule Redlines

Exhibit C - Board Resolution Article VII Master Fee Schedule FY 2021-22