

**COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS
TUESDAY, OCTOBER 11, 2022**

MINUTE ORDER NO. 8

**SUBJECT: SAN DIEGO COUNTY CODE OF ADMINISTRATIVE ORDINANCES
CHANGES PURSUANT TO ASSEMBLY BILL 177 (DISTRICTS: ALL)**

OVERVIEW

Effective January 1, 2022, California Assembly Bill (AB) 177 rescinds the authority of counties and state agencies to collect specific criminal administrative fees. Additionally, the unpaid balance related to administrative fees of any court-imposed costs for these specified sections is unenforceable and uncollectable, and any portion of a judgment imposing those costs shall be vacated. Today's action seeks Board of Supervisors (Board) approval to amend Articles XX and XXV of the San Diego County Administrative Code to reflect the County of San Diego's implementation of, and to be consistent with, the provisions of AB 177. As of January 1, 2022, County departments ended the assessment of administrative fees as required by AB 177. The proposed changes to the San Diego County Administrative Code delete the references to County administrative fees which County departments no longer assess pursuant to the changes in state law.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Approve the introduction of the Ordinance (First Reading), read title and waive further reading of the Ordinance:
AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ADMINISTRATIVE CODE,
RELATING TO CRIMINAL ADMINISTRATIVE FEES.

If the Board takes the action recommended in item 1, then on October 25, 2022:

2. Submit the Ordinance for further Board consideration and adoption (Second Reading):
AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ADMINISTRATIVE CODE,
RELATING TO CRIMINAL ADMINISTRATIVE FEES.

EQUITY IMPACT STATEMENT

The proposed amendments to the San Diego County Administrative Code will align with changes to state law to end the assessment and collection of specific criminal administrative fees. According to a report by the Ella Baker Center for Human Rights, the average debt incurred by defendants for court-ordered fines and fees was roughly equal to the annual income for many survey respondents. Another national survey of formerly incarcerated people found that families often bear the burden of criminal administrative fees, and that 83 percent of the people responsible for paying these costs are women. Because these fees are often assigned to people who cannot afford to pay them, they exacerbate poverty and limit economic opportunities among low-income individuals in our justice system. Community engagement occurred through advocacy during the state legislative process. These actions to implement changes already passed through state law are anticipated to remove barriers to long-term success for individuals impacted by criminal justice administrative fees.

SUSTAINABILITY IMPACT STATEMENT

The implementation of an Ordinance amending the San Diego County Administrative Code contributes to the County of San Diego Sustainability Goals of providing just and equitable access to County services and transitioning to a green and carbon-free economy. Aligning the San Diego County Administrative Code with existing state law enables County programs, operations, and contracts to reflect the values of equity and sustainability set forth by the California State Legislature. Specifically, the proposed Ordinance reflects recognition of the economic impacts of criminal administrative fees and will remove barriers to economic opportunity for justice-involved individuals. Moreover, research shows that criminal administrative fees are difficult to collect and typically cost counties almost as much or more than they collect in revenue. Therefore, removing these fees from the San Diego County Administrative Code helps the County of San Diego transition to a green, carbon-free economy by working toward a circular economy, promoting sustainable collection of County revenue, and investing in the economic resilience of communities disproportionately affected by criminal administrative fees.

FISCAL IMPACT

The proposal to amend the San Diego County Administrative Code pursuant to California Assembly Bill (AB) 177, effective January 1, 2022, will result in reduced revenue of approximately \$1,450,000 for County departments as follows: Contribution for Trial Courts (\$650,000), Sheriff's Department (\$600,000) and Auditor and Controller - Revenue & Recovery (\$200,000). Reduced revenue is related to court-imposed administrative fees deemed unenforceable and uncollectable as well as any prior outstanding balances. The State Legislature allocated \$25 million in Fiscal Year 2021-22, and an additional \$50 million in Fiscal Year 2022-23 and each year thereafter, to be distributed to counties to backfill lost revenues. AB 199 defines the method of distributing these statewide funds. The State of California Director of Finance must release the county allocation schedule no later than October 1, 2022. If additional actions are required in Fiscal Year 2022-23 to adjust budgeted resources and operations, staff will return to the Board.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Fletcher, seconded by Supervisor Vargas, the Board of Supervisors took action as recommended, to further consider and adopt the Ordinance on October 25, 2022.

AYES: Vargas, Fletcher, Desmond

NOT PRESENT: Anderson, Lawson-Remer

State of California)
County of San Diego) §

I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Board of Supervisors.

ANDREW POTTER
Clerk of the Board of Supervisors



Signed
by Andrew Potter

