



RESOLUTION No. 392-91

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

RESOLUTION OF THE BOARD OF SUPERVISORS REVISING THE IMPOSITION AND DISTRIBUTION OF LOCAL PENALTY ASSESSMENTS FOR SPECIAL PURPOSE FUNDS, VIZ. COURTHOUSE CONSTRUCTION, CRIMINAL JUSTICE FACILITIES CONSTRUCTION, AUTOMATED FINGERPRINT IDENTIFICATION, AND EMERGENCY MEDICAL SERVICES

WHEREAS, Government Code, Section 76000, as amended via AB544, SB21, and AB2142 (Statutes of 1991), directs that "In each county there shall be levied an additional penalty of seven dollars (\$7) for every ten dollars (\$10) or fraction thereof..."; and

WHEREAS, GC Section 76000 states the "county treasurer shall deposit those amounts specified by board of supervisors by resolution in one or more of the funds established pursuant to this chapter; however, deposits to these funds shall continue through whatever period of time is necessary to repay any borrowings made by the county on or before January 1, 1991, to pay for construction provided for in this chapter";

WHEREAS, the Board of Supervisors is required by law to provide suitable criminal justice facilities;

WHEREAS, the ability of the Board to acquire, rehabilitate, construct, finance and lease such facilities, including all facilities necessary or incidental to the operation thereof, and to provide for the payment or repayment of obligations entered into for such purposes, is severely strained by reason of limitations upon county revenue; and

WHEREAS, to assist in the establishment of adequate criminal justice facilities, including the establishment and maintenance of local California Identification System Random Access Network (Cal-ID RAN) sites, Government Code 76100, 76101, and 76102 provide for the creation of a Courthouse Construction Fund, a Criminal Justice Facilities Construction Fund, and Automated Fingerprint Identification Trust Fund, respectively, and provide for the certain surcharges upon filings for parking, nonparking, and all other criminal cases to be deposited into such funds;

WHEREAS, a Courthouse Construction Fund, a Criminal Justice Facilities Construction Fund, an Automated Fingerprint Identification Fund, and an Emergency Medical Services Fund are hereby established pursuant to the provisions of Government Code Sections 76100, 76101, 76102, and 76104, respectively;

WHEREAS, Government Code Section 76104 provides that any county which established an Emergency Medical Services (EMS) Fund prior to 6/1/91 shall continue that fund using penalty revenues pursuant to Section 76000; and the amount deposited in that fund shall be at and shall not exceed the FY90-91 amount plus the percent growth in fines and forfeitures collected in FY90-91, not to exceed 10% per fiscal year;

WHEREAS, El Dorado County previously established an Emergency Medical Services Fund on February 7, 1989, pursuant to Resolution No. 33-89.

NOW, THEREFORE, the Board of Supervisors of the County of El Dorado does hereby resolve, declare and determine as follows:

1. The foregoing recitals are adopted as a part of this resolution.
2. Implementation of the provisions of Government Code 76000, et seq., are necessary to the establishment of adequate criminal justice facilities as above stated, and provision of emergency medical services in the County.
4. There shall be a \$7.00 local surcharge imposed for each ten dollars (\$10.00) or fraction thereof of every fine, penalty or forfeiture imposed and collected by the Courts for criminal offenses, including all offenses involving a violation of the vehicle code.
5. Each such \$7.00 surcharge shall be distributed and deposited into special purpose funds previously established by the Board of Supervisors. Distribution shall be made as follows:
 - a. Two dollars (\$2.00) to the Courthouse Construction Fund;

- b. Two dollars and fifty cents (\$2.50) to the Criminal Justice Facilities Construction Fund;
 - c. Fifty cents (\$.50) to the Automated Fingerprint Identification Fund, up to a maximum fund balance of \$52,000 pending purchase of equipment for initial establishment of local Cal-ID RAN sites previously approved by the Local Cal-ID RAN Board; thereafter annual deposits to the Automated Fingerprint Identification Fund shall be capped at \$7,000 for equipment maintenance and annual line costs for operation of three local Cal-ID RAN sites; amounts exceeding the dollars specified above shall be deposited into the Criminal Justice Facilities Construction Fund.
 - d. Two dollars (\$2.00) to the Emergency Services Fund, as authorized by Government Code Section 76104; with amounts exceeding the allowable 10% per year growth in the EMS Fund to be deposited in the Criminal Justice Facilities Construction Fund.
6. An added penalty of two dollars and fifty cents (\$2.50) for each of said funds shall be imposed for every parking offense where a parking penalty, fine, or forfeiture is imposed, as directed by amendments to Government Code 76000, via AB2142.
7. Pursuant to Government Code 76000(b) each city, district or other issuing agency which elects to accept parking penalties, or otherwise process parking violations, shall pay to the County Treasurer \$2.50 for each of said funds for each parking penalty collected on each violation which is not filed in court. The County Treasurer shall transfer to the State Controller whatever amounts are required by law (currently specified as one dollar (\$1) of every two dollars and fifty cents (\$2.50) deposited, pursuant to Government Code Section 76000(b); the remaining funds from the \$2.50 shall be deposited in the respective funds.
8. This Resolution supersedes previously adopted Board Resolutions numbered 33-89, 288-90, 289-90, and 290-90 regarding the Emergency Medical Services Fund, the Fingerprint Identification Fund, the Criminal Justice Facilities Fund, and the County Courthouse Construction Fund, respectively.

9. The Clerk of the Board of Supervisors is instructed to transmit a copy of this resolution to the Judges of the courts of this County, on the next business day following adoption, with the request that the bail schedule amounts be increased as appropriate to reflect the surcharges provided for by Government Codes specified above.

10. The Clerk of the Board of Supervisors is further instructed to transmit a copy of this resolution to the City Managers and Chiefs of Police of South Lake Tahoe and Placerville to facilitate implementation of provisions set forth above regarding parking offenses.

[Faint, illegible text, possibly a stamp or bleed-through]

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the 10th day of December, 19 91, by the following vote of said Board:

Ayes: Supervisors Robert E. Dorr,
Vernon F. Gerwer, James R. Sweeney,
William N. Center, John E. Upton

ATTEST

DIXIE L. FOOTE

Clerk of the Board of Supervisors

By Margaret E. Moody
Deputy Clerk

Noes: None
Absent: None

James R. Sweeney
Chairman, Board of Supervisors

I CERTIFY THAT:

THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DATE _____

ATTEST: DIXIE L. FOOTE, Clerk of the Board of Supervisors of the County of El Dorado, State of California.

By _____
Deputy Clerk