

**NAVAJO COUNTY  
ORDINANCE NO. 08-10**

*(Adopted 12/28/2010; amended 3/8/2011)*

**JAIL USAGE FEES ORDINANCE**

**SECTION 1**

**1.1 Authority.**

- a. Navajo County is authorized by section 11-251.08(A) of the Arizona Revised Statutes to adopt fee schedules for specific products and services the county provides to the public.
- b. Section 31-121(D) of the Arizona Revised Statutes provides that a "person who is arrested by a peace officer employed by a city or town and thereafter charged in a municipal court as defined in section 22-401 may be housed in a county jail. The costs of this incarceration shall be paid by the city or town which established the municipal court in which the charges are to be filed. A person who is convicted in a municipal court may be sentenced to a county jail. The costs of this incarceration shall be paid by the city or town which established the municipal court in which the sentence was rendered."

**1.2 Purpose.** It is the purpose of this ordinance to establish certain fees payable by each incorporated municipality to partially defray the actual costs of booking and incarceration incurred by Navajo County when individuals are arrested by or on behalf the municipal police within the corporate limits of the municipality for misdemeanor offenses that were or could have been charged in the municipal court and are subsequently incarcerated in the Navajo County Jail.

**1.3 Jurisdiction.** This ordinance shall apply to all incorporated municipalities in Navajo County.

**1.4 Title.** This ordinance shall be known as the Navajo County Jail Usage Fees Ordinance.

**1.5 Effective Date.** This ordinance shall be effective as of July 1, 2011.

**SECTION 2**

**2.1 Fees.** The following fees are hereby imposed and shall be collected from the responsible municipality for each individual who was arrested by or on behalf the municipal police within the corporate limits of the municipality solely for one or more misdemeanor offenses that were or could have been charged in the municipal court and is subsequently incarcerated in the Navajo County Jail. "On behalf of" the municipal police refers to arrests made by another agency whose assistance has been specifically requested by the municipality – for example, when the other agency's assistance has been specifically requested at a public event or emergency within the municipal limits. If another agency makes a misdemeanor arrest within the

municipal limits on its own initiative and in the absence of a specific request from the municipality, the fees are not payable. The fees set forth below are payable only with respect to misdemeanors actually committed within the municipal limits. Under other circumstances, such as the arrest of an individual within the municipal limits on a misdemeanor warrant out of another jurisdiction, the fees are not payable. In addition, the fees will not be charged to the municipality if an arrest is made that includes both felonies and misdemeanors.

- a. **Booking Fee.** To partially defray the actual cost to Navajo County of booking the inmate into the Navajo County Jail, a booking fee in the amount of \$50 shall be collected.
- b. **Daily Housing Fee.** To partially defray the actual cost to Navajo County of housing, feeding and providing routine medical services to the inmate in the Navajo County Jail, a daily housing fee in the amount of \$68.41 shall be collected for each day or portion thereof of incarceration, including the day of booking. The daily housing fee corresponds to the current daily amount for housing federal inmates under the intergovernmental agreement between the Navajo County Sheriff's Office and the Federal Bureau of Prisons (FBOP), and said fee shall automatically increase or decrease with the FBOP contract amount so long as said intergovernmental agreement remains in effect.
- c. **Daily Non-Routine Medical Services Fee.** To partially defray the actual cost to Navajo County of providing non-routine medical services to the inmate while incarcerated in the Navajo County Jail, a daily non-routine medical services fee in the amount of \$10 shall be collected for each day or portion thereof of incarceration, including the day of booking.

**2.2 Phased Implementation of Fees.** The fees set forth in section 2.1 shall be implemented in phases as follows:

- a. For the Fiscal Years commencing July 1, 2011 and ending June 30, 2012, commencing July 1, 2012 and ending June 30, 2013, and commencing July 1, 2013 and ending June 30, 2014, the municipality shall pay 50% of the amount otherwise payable under section 2.1.
- b. For the Fiscal Year commencing July 1, 2014 and each succeeding Fiscal Year, the Board of Supervisors shall determine by resolution the percentage of the fees set forth in section 2.1 (not to exceed 100%) to be paid by the municipality for that Fiscal Year.

**2.3 Billing and Collection.** Except as may otherwise be set forth in an intergovernmental agreement between Navajo County and a particular municipality, the fees imposed in section 2.1 shall be invoiced to the municipality on a calendar-month basis, setting forth the name of each inmate and the applicable fees for the inmate. Each invoice shall show the full amount payable under section 2.1, the percentage reduction as set forth in paragraph "a" above (or determined in accordance with "b" above), and the reduced amount payable by the municipality. Invoices shall be mailed out by Navajo County on or before the 15<sup>th</sup> day of the month

and shall be payable by the municipality on or before the final day of the same month. If an invoice or any portion thereof (except a portion that has been disputed in writing by the municipality before the date on which payment was otherwise due) remains unpaid by the final day of the succeeding month, Navajo County may refuse to accept new inmates from the municipality until payment is made.

**2.4 Periodic Review.** The fees imposed in section 2.1 shall be periodically reviewed by the Navajo County Finance Department to ensure that the amount collected does not substantially exceed (or fail to defray) the actual costs of booking, housing and providing non-routine medical services to misdemeanor inmates who were or could have been charged in municipal courts. If appropriate, the Finance Director shall recommend an upward or downward adjustment of any fee to the Board of Supervisors. Any such adjustment shall be set forth in a resolution duly adopted by the Board.

**2.5 Intergovernmental Agreements.** The requirements of this ordinance may be amended or supplemented by one or more intergovernmental agreements between Navajo County and affected municipalities, provided that all such agreements shall be subject to approval by the Board and further provided that the terms and conditions of such agreements shall be consistent so as to ensure that all municipalities are treated substantially the same.

**SO ORDAINED** by the Board of Supervisors of Navajo County, Arizona, on March 8, 2011.

**NAVAJO COUNTY BOARD OF SUPERVISORS**

By   
B.R. DeSpain, ~~Vice~~ **Chairman of the Board**

**ATTEST: .**

  
**Melissa Buckley, Clerk of the Board**