



BOISE COUNTY

RESOLUTION #2018-39

A BOISE COUNTY RESOLUTION SETTING THE FEES OF THE BOISE COUNTY COMMUNITY JUSTICE DEPARTMENT

WHEREAS, pursuant to Idaho Code § 31-801, the Board of County Commissioners has jurisdiction and power under such limitations and restrictions prescribed by law; and

WHEREAS, pursuant to Idaho Code § 31-802, the Board of County Commissioners are to supervise the official conduct of the Boise County Community Justice Department and the management or disbursement of the public moneys and revenues, see that the Boise County Community Justice Department faithfully performs its duties; and

WHEREAS, pursuant to Idaho Code § 31-878, the Board of County Commissioners are required to provide for misdemeanor probation services; and

WHEREAS, pursuant to Idaho Code § 20-529, the Magistrate Court has appointed a juvenile probation officer at the expense of Boise County with the concurrence of the Board of County Commissioners; and

WHEREAS, pursuant to Idaho Code § 31-870, the Board of County Commissioners may impose and collect fees for those services by the county which would otherwise be funded by ad valorem tax revenues; and

WHEREAS, fees set pursuant to Idaho Code § 31-870 must be reasonably related to, but not exceed, the actual cost of the service being rendered; and

WHEREAS, pursuant to Idaho Code § 31-3201D(1), fees for supervised probation cannot exceed the statutory maximum for felony probation or parole set in Idaho Code § 31-3201D(1), which is currently \$75 per month; and

WHEREAS, Idaho Code § 31-3201C requires the court to charge defendants a fee of \$0.60 per hour of community service work to be performed by the defendant unless the court chooses to waive the fee if the defendant is indigent; and

WHEREAS, when utilizing diversion programs for juveniles, Idaho Code § 20-511 authorizes the County to collect a fee of \$0.60 per hour of community service work to be performed by the juvenile; and

WHEREAS, the Boise County Community Justice Department desires to set fees for diversion program participation, community service program participation, pre-trial program participation, electronic monitoring, urinalysis testing, monthly probation supervision, some of which have not be set before, and others of which are decreasing; and

WHEREAS, Idaho Code § 63-1311A prohibits decisions approving a fee increase that is in excess of five percent (5%) of the amount of the fee last collected without a public hearing after providing public notice; and