



City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Legislation Text

File #: 2023-1472

FY2024 Per Capita Jail Fee Agreement with Washington County

A RESOLUTION TO APPROVE THE PER CAPITA JAIL FEE AGREEMENT WITH WASHINGTON COUNTY FOR JAIL SERVICES IN 2024 IN THE AMOUNT OF \$76,421.40

WHEREAS, the City of Fayetteville and Washington County entered into an Interlocal Agreement for Jail Services on October 19, 2004, and the City paid a set booking fee per booked prisoner through 2019; and

WHEREAS, on September 19, 2019, the Washington County Quorum Court passed an ordinance changing the one-time booking fee to a daily jail fee of \$63.12 per prisoner per day for all charges which has the potential to significantly multiply the City's annual payment for jail services; and

WHEREAS, Washington County has developed an alternative per capita jail fee based on the jail's projected budget shortfall and population estimates for municipalities; and

WHEREAS, Chief Reynolds recommends approval of an agreement with Washington County that provides for payment of the per capita fee rather than the daily fee for keeping City of Fayetteville prisoners.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes Mayor Jordan to sign the Per Capita Jail Fee Agreement with Washington County for jail services in 2024 in the total amount of \$76,421.40. A copy of the Agreement is attached to this Resolution and made a part hereof.



MEETING OF JANUARY 2, 2024

TO: Mayor Jordan and City Council
THRU:
FROM: Mike Reynolds, Police Chief
DATE:
SUBJECT: **FY2024 Per Capita Jail Fee Agreement with Washington County**

RECOMMENDATION:

Staff recommends the approval of a resolution for the FY2024 Per Capita Jail Fee Agreement with Washington County, Arkansas for housing persons incarcerated in the County Jail in the amount of \$76,421.40.

BACKGROUND:

The City of Fayetteville and Washington County entered into an Interlocal Agreement for Jail Services on October 19, 2004. The agreement, with periodic amendments, allows that Washington County will provide jail space for City of Fayetteville detainees in exchange of the City paying a set price for each booked person. In 2019, the City of Fayetteville paid fees based on \$62.00 per booked detainee charged with misdemeanor crimes and no charge for persons incarcerated for felony crimes. Over 15 years (2004-2019), the City of Fayetteville paid Washington County an average of approximately \$220,000 annually for their jail services.

On September 19, 2019, the Washington County Quorum Court passed Ordinance 2019-60 establishing a municipal daily jail fee of \$63.12 per detainee per day. This daily fee had the potential to significantly multiply our annual payment for jail services. Alternatively, the Washington County Judge developed a per capita jail fee based on the County jail projected budget shortfall (\$200,000.00) and population estimates for municipalities utilizing their jail. The 2023 per capita jail fee for the City of Fayetteville was \$76,421.40 (approximately \$0.81 per resident multiplied by our population of 93,949).

DISCUSSION:

Once again, Washington County is projecting a shortfall of \$200,000.00 for 2023. Based on the per capita jail fee for 2024, the City of Fayetteville represents approximately 38% of the County's population. This results in a per capita jail fee of \$76,421.40 (approximately \$0.81 per resident multiplied by our population of 93,949) for Fayetteville. The per capita jail fee is a lump sum payment payable to Washington County no later than February 1, 2024.

BUDGET/STAFF IMPACT:

The \$76,421.40 per capita jail fee is included in our 2024 Approved Annual Operating Budget. This agreement has no impact on staffing.

ATTACHMENTS: SRF (#3), SRM (#4), 2024 WCSO Jail Contract (#5)

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov

PER CAPITA JAIL FEE AGREEMENT

This Agreement is entered into by and between Washington County, Arkansas (“Washington County”) and the City of Fayetteville, Arkansas (“Municipality”) and will become binding on the parties upon the signing of this agreement.

W I T N E S S E T H :

WHEREAS, the Washington County Quorum Court passed Ordinance 2019-60 that established a daily rate to be charged to all municipalities for housing of their prisoners in the County Jail; and,

WHEREAS, said Ordinance allows a municipality to enter into a contract with Washington County that establishes as amount to be charged for keeping municipal prisoners at the County Jail in lieu paying the daily rate; and

WHEREAS, Washington County and the Municipality desire to enter into said agreement in lieu of paying the daily jail rate, as memorialized herein; and

WHEREAS, the per capita fee amount paid each year by the Municipality shall be calculated based upon the projected shortfall in the Maintenance and Operations Budget of the County Jail provided by the County Treasurer during the previous year, as published and provided to the Municipality.

IT IS THEREFORE HEREBY AGREED THAT:

Section 1. Payments. To fund the Washington County Jail’s maintenance and operation costs, the Municipality agrees to pay a *per capita* fee based on the population of the Municipality as calculated by the US Census Bureau in their annual population estimates.

Section 2. Annual Review. The Washington County Judge shall request that the Washington County Treasurer estimate the Washington County Jail shortfall amount by September 1st of each year. The County Judge shall send notice to the Municipality of the estimated shortfall amount and the population estimate of the Municipality by October 1st of each year. All notices shall be in writing and shall be provided to the Mayor and Chief of Police¹ of the Municipality.

Section 3. Fee Calculation. The projected shortfall in the County Jail budget shall be divided by the sum of the populations of each Municipality in Washington County and the population of the unincorporated portions of Washington County to determine the per capita fee.

Section 4. Agreement Due Date. Any Municipality that choses to participate in the per capita fee payment in lieu of the daily rate fee shall provide a signed agreement to the Washington County Judge by December 31st of each year. Any Municipality that does not provide a signed agreement to the County Judge by December 31st of each year shall pay the daily rate as established by Ordinance of the Washington County Quorum Court.

¹ For a Municipality that does not have a Chief of Police, the notice shall on by sent to the Mayor of said Municipality.

Section 3. Payment Due Date. The Municipality shall pay the per capita fee amount by February 1st of each year. Any Municipality that enters into this Agreement that fails to pay by February 1st of each year shall be charged, retroactively, the daily rate as established by Ordinance of the Washington County Quorum Court.

Section 4. Ratification. If a Municipality fails to ratify this agreement, that Municipality shall be charged the daily rate as established by Ordinance of the Washington County Quorum Court.

Section 6. Duration. This Agreement shall become effective on January 1st of each year and shall end on December 31st of each year. This Agreement may be renewed for an additional year via a contract addendum with updated data and executed by the Municipality and Washington County by December 31st of each year.

Section 7. Non-appropriation. Notwithstanding anything contained in this Agreement to the contrary, if a County or City fails to appropriate funds for subsequent periods within the term of this Agreement, the County or City shall not be obligated to make payment(s) beyond the then-current fiscal appropriation period provided that once an appropriation is made, the County or City is obligated to provide funds for that appropriation period.

Section 9. Ownership and Disposition of Property. Washington County owns and will continue to own all property used by the County Jail. The Municipality will have no legal authority, right, or title to the facility that houses the County Jail or the personal property contained therein.

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Section 10. Per Capita Jail Fee Amount. The per capita jail fee amount charged to the Municipality for the fiscal year 2024, shall be as follows:

City	2020 Population Estimates *	Per Capita Amount
Washington County	40,497	32,941.60
Elkins	3,602	2,929.99
Elm Springs	1,896	1,542.27
Farmington	7,584	6,169.09
Fayetteville	93,949	76,421.40
Goshen	2,102	1,709.84
Greenland	1,213	986.70
Johnson	3,609	2,935.69
Lincoln	2,294	1,866.02
Prairie Grove	7,045	5,730.65
Springdale	75,083	61,075.14
Tontitown	4,301	3,498.58
West Fork	2,331	1,896.12
Winslow	365	296.90
TOTAL POPULATION WASHINGTON COUNTY	245,871	200,00.00

IN WITNESS WHEREOF, the parties have executed this Agreement.

Washington County Judge

Date

Mayor of Fayetteville

Date

DocuSigned by:
Catherine Baker
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