

**City of Fayetteville Staff Review Form**

**2021-0136**

**Legistar File ID**

**3/16/2021**

City Council Meeting Date - Agenda Item Only  
N/A for Non-Agenda Item

Mike Reynolds

2/19/2021

POLICE (200)

**Submitted By**

**Submitted Date**

**Division / Department**

**Action Recommendation:**

Staff recommends approval of the FY2021 Per Capita Jail Fee Agreement with Washington County, Arkansas for housing prisoners in the County Jail in the amount of \$91,553.45.

**Budget Impact:**

1010.200.2900-5315.00

General

Account Number

Fund

Project Number

Project Title

**Budgeted Item?** Yes

Current Budget \$ 255,402.00

Funds Obligated \$ -

Current Balance **\$ 255,402.00**

**Does item have a cost?** Yes

Item Cost \$ 91,553.45

**Budget Adjustment Attached?** No

Budget Adjustment

Remaining Budget **\$ 163,848.55**

V20180321

**Purchase Order Number:** \_\_\_\_\_

**Previous Ordinance or Resolution #** \_\_\_\_\_

**Change Order Number:** \_\_\_\_\_

**Approval Date:** \_\_\_\_\_

**Original Contract Number:** \_\_\_\_\_

**Comments:**



**MEETING OF MARCH 16, 2021**

**TO:** Mayor and City Council

*Mike Reynolds*

**FROM:** Mike Reynolds, Chief of Police

**DATE:** February 19, 2021

**SUBJECT:** **FY2021 Per Capita Jail Fee Agreement with Washington County**

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**RECOMMENDATION:**

Staff recommends approval of the FY2021 Per Capita Jail Fee Agreement with Washington County, Arkansas for housing prisoners in the County Jail in the amount of \$91,553.45.

**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 prisoners in exchange of the City paying a set price for each booked prisoner. In 2019, the City of Fayetteville paid fees based on \$62.00 per booked prisoner charged with misdemeanor crimes and no charge for prisoners booked with felony crimes.

On September 19, 2019, Washington County Quorum Court passed Ordinance 2019-60 establishing a municipal daily jail fee of \$63.12 per prisoner per day for all charges. This daily fee has the potential to significantly multiply our annual payment for jail services. Alternatively, Washington County developed a per capita jail fee based on their projected shortfall (\$608,989.77) and population estimates for municipalities. The 2020 per capita jail fee for the City of Fayetteville was \$222,950.07 (approximately \$2.57 per resident times 87,590 population).

**DISCUSSION:**

In 2021, Washington County project a shortfall of \$250,010.21. Based on the per capita jail fee for 2021, the City of Fayetteville represents approximately 37% of the service population. This results in a per capita jail fee of \$91,553.45 (approximately \$1.05 per resident times 87,590 population) for Fayetteville. The per capita jail fee is a lump sum payment payable to Washington County.

**BUDGET/STAFF IMPACT:**

The \$91,553.45 per capita jail fee is included in our 2021 Annual Operating Budget. This agreement has no impact on staffing.

**Attachments:**

2021 Per Capita Jail Fee Agreement

**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 an amount to be charged for keeping municipal prisoners at the County Jail in lieu of 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 1<sup>st</sup> 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 1<sup>st</sup> of each year. All notices shall be in writing and shall be provided to the Mayor and Chief of Police<sup>1</sup> 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 chooses 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 31<sup>st</sup> of each year. Any Municipality that does not provide a signed agreement to the County Judge by December 31<sup>st</sup> of each year shall pay the daily rate as established by Ordinance of the Washington County Quorum Court.

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<sup>1</sup> For a Municipality that does not have a Chief of Police, the notice shall be sent to the Mayor of said Municipality.

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Section 3. Payment Due Date. The Municipality shall pay the per capita fee amount by February 1<sup>st</sup> of each year. Any Municipality that enters into this Agreement that fails to pay by February 1<sup>st</sup> 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 1<sup>st</sup> of each year and shall end on December 31<sup>st</sup> 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 31<sup>st</sup> 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 2021, shall be as follows:

<b>City</b>	<b>2019 Population Estimates *</b>	<b>Per Capita Amount</b>
Washington County	40,518	\$42,351.44
Elkins	3,487	\$3,644.79
Elm Springs	2,397	\$2,505.46
Farmington	7,400	\$7,734.85
Fayetteville	87,590	\$91,553.45
Goshen	1,941	\$2,028.83
Greenland	1,403	\$1,466.49
Johnson	3,742	\$3,911.33
Lincoln	2,481	\$2,593.27
Prairie Grove	6,740	\$7,044.99
Springdale	74,051	\$77,401.81
Tontitown	4,358	\$4,555.20
West Fork	2,655	\$2,775.14
Winslow	424	\$443.19
<b>TOTAL POPULATION WASHINGTON COUNTY</b>	239,187	
<b>TOTAL JAIL SHORTFALL</b>		<b>\$250,010.21</b>

IN WITNESS WHEREOF, the parties have executed this Agreement.

\_\_\_\_\_  
Washington County Judge

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mayor of Fayetteville

\_\_\_\_\_  
Date

2/11/2021