

**RESOLUTION NO. 2 - 2010**

A RESOLUTION CREATING A FEE FOR COSTS AND EXPENSES INCURRED BY THE COUNTY IN THE HOUSING OF INMATES TO BE ASSESSED AGAINST INMATES INCARCERATED IN THE CHEROKEE COUNTY JAIL OR AT THE DIRECTION OF THE CHEROKEE COUNTY SHERIFF, HOUSED IN SOME OTHER FACILITY IN LIEU OF THE CHEROKEE COUNTY JAIL.

WHEREAS, Cherokee County, Kansas, is a county municipal government with the power of home rule pursuant to K.S.A. 19-101 et seq.; and

WHEREAS, the cost of housing, feeding, medical care, and otherwise caring for and maintaining prisoners in the custody of Cherokee County is a constant and increasing expense that places a burden on the taxpayers of Cherokee County, Kansas; and,

WHEREAS, pursuant to K.S.A. 19-1930(e), the County Commissioners of Cherokee County may provide by resolution that any inmate who is incarcerated in the county jail shall be required to pay to the county a fee in an amount not to exceed the below-assigned county's cost of providing certain services to the inmate as stated below;

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE GOVERNING BODY OF CHEROKEE COUNTY, KANSAS THAT:

**Section 1. Fees to be Assessed Against Inmates.**

A fee, the amount of which shall be determined pursuant to Section 2, shall be and hereby is assessed against each inmate housed in the County Jail, or at the direction of the Sheriff, housed in some other facility in lieu of the County Jail, for the following expenses prior to and after conviction for an offense resulting in a conviction.

**Section 2. Housing Fee.**

The amount of the Housing Fee created hereby shall be as follows:

- 1.) for each administered dosage of non-prescription medication- \$0.50;
- 2.) for each consultation of an inmate with a nurse- \$10.00;
- 3.) for damage to facility property- \$10.00 per incident, unless actual expense is greater in which event it shall be the actual expense (\$10.00 minimum assumes reasonable allocation of overhead and direct costs);
- 4.) for each administration of dental care- \$40.00; and,
- 5.) for each emergency room visit- \$40.00.

**Section 3. Fee billing; hearing, deposit to county treasurer of collected funds.**

The Sheriff shall include notification and inmate's acknowledgment of said fee provided for herein during the booking procedure; and shall, prior to releasing any inmate, present to the inmate a statement of fees provided for hereunder and charged the inmate and, if the inmate fails to pay the amount charged by cash, money order, or release of funds from the inmate's jail commissary account, the Sheriff shall provide notice and immediate hearing to said inmate to the effect that the inmate's commissary account shall be garnished in payment or partial payment of the fee charges, and forwarded to the County Treasurer pursuant to the terms of K.S.A 19-1930.

**Section 4. Priority of Other Expenses.**

Pursuant to K.S.A. 19-1930, any restitution, child support, court costs, or fines owed by any inmate shall take priority over this housing fee.

**Section 5. Duties.**

The Sheriff shall be responsible for performing the duties required under this resolution pursuant to the requirements of K.S.A. 19-1930.

**Section 6. Severability.**

If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this resolution, or the application thereof to any circumstances, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this resolution.

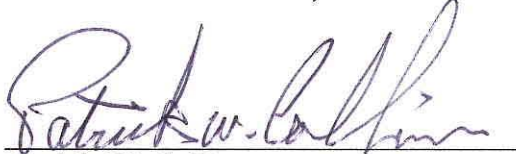
**Section 7. Repeal.**

The provisions of any previously enacted resolution that are inconsistent herewith are repealed.

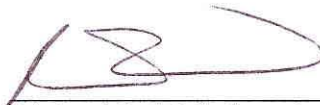
**Section 8. Effective Date.**

This resolution shall take effect and be in full force from and after its passage and publication once in the official County newspaper.

Adopted this 29<sup>th</sup> day of March, 2010, by the BOARD OF COMMISSIONERS OF CHEROKEE COUNTY, KANSAS.



Patrick W. Collins  
County Commissioner



Richard J. Hilderbrand  
County Commissioner



Jack G. Garner  
County Commissioner

ATTEST:



Crystal Gatewood  
County Clerk of Cherokee County,  
Kansas