

ORDINANCE NO. 3475

ORDINANCE AMENDING COUNTY FEE SCHEDULE TO UPDATE BEHAVIORAL HEALTH DEPARTMENT DRIVING UNDER THE INFLUENCE (DUI) FEES

Whereas, for the FY 2022-23 fee cycle, the Behavioral Health Department – Drug and Alcohol Services (hereafter “Department”) completed a study of the Department’s DUI fees, including all fee structures and rates; and,

Whereas, the Department, in collaboration with the Department of Health Care Services (DHCS), and County Staff, reviewed the Department’s financial data, interviewed staff, and gathered volume and time estimates to calculate the full cost of providing the County DUI program services; and,

Whereas, the Department prepared a final report based on these costs, with recommendations to recover County costs, as currently calculated; and,

Whereas, the DHCS has reviewed the increased fee recommendations by the Department and concurs with the recommended changes.

Therefore, the Board of Supervisors of the County of San Luis Obispo, State of California, ordains as follows:

SECTION 1: The Board finds and determines:

- a. That it has the authority to revise fee charges for providing any product, service, or enforcement of various regulations under the general laws of the State of California, including Government Code Sections 54985 et seq. 66010 et seq.
- b. The Board has adopted a policy (Resolution No. 75-396) requiring the County Administrator and the Auditor-Controller to annually review changes in fees and charges for specific County products, services and costs of enforcement with the departments making those charges and make recommendations to this Board as to whether said charges should remain the same, be increased or be decreased.
- c. On November 2, 2021, Ordinance No. 3463 was adopted establishing or reaffirming all County fees. Said ordinance, and any other ordinances subsequently adopted amending the fee schedule, shall continue in effect unless modified by this ordinance. All fees to be charged in calendar year 2022 as set out in Schedule “A” or in Fiscal Year 2022-23 as set forth in Schedule “B” of this ordinance have been subject to review by the County Administrator and the County Auditor-Controller. All fees presented on Schedule “B” are attached and incorporated by reference herein.
- d. The Auditor-Controller has certified to this Board that the overhead rates are calculated in accordance with accounting standards set by the Federal Government's Office of Management and Budget, in accordance with Circular A-87.
- e. The fees and charges shown on Schedule “B” hereto reflect the Board approved charges for providing any product or service, or the cost of enforcing any regulations, which are limited to those items included in the Federal Office of Management and Budget Circular A-87.

f. DUI fees must increase in FY 2022-23 to align with California Code of Regulations, Title 9 regulations, time study results, and servicing costs. (Cal. Code Regs. Tit. 9, §9878(b).)

g. California Code of Regulations, Title 9, Section 9878(b) requires the DUI program shall set participant fees at a level sufficient to cover the cost of program services, including each participant's share of personnel and operating expenses incurred by the DUI program in providing program services.

h. By definition, these charges are not a "tax" and are exempt from voter approval pursuant to California Constitution Code Article XIII C, section 1, paragraph (e)(1) – (5). (Prop. 26.)

SECTION 2: The Fee Schedules are amended as follows:

b. That the fee changes attached and incorporated by reference herein shown on Schedule "B" as "proposed fees" are hereby approved, and shall be effective August 9, 2022.

SECTION 3: All departmental managers and divisional managers whose services are listed in said Schedule "B" are hereby directed to amend their fees for services to the rate shown in Schedule "B" as "proposed fees", including all additions or deletions.

SECTION 4: This ordinance shall take effect and be in full force and effect as set forth in Section 2 above; and before the expiration of fifteen (15) days after passage of this ordinance, it shall be published once with the names of the members of the Board of Supervisors voting for and against the ordinance in a newspaper of general circulation published in the County of San Luis Obispo, State of California.

INTRODUCED at a regular meeting of the Board of Supervisors held on 12th day of July, 2022 and **PASSED and ADOPTED** by the Board of Supervisors of the County of San Luis Obispo, State of California, on the 9th day of August, 2022, by the following roll call vote, to wit:

AYES: Supervisors John Peschong, Dawn Ortiz-Legg, Lynn Compton, Debbie Arnold and
Chairperson Bruce S. Gibson

NOES: None

ABSENT: None

ABSTAINING: None

/s/ Bruce Gibson

Chairperson of the Board of Supervisors of
the County of San Luis Obispo, State of
California

WADE HORTON
Ex-Officio Clerk of the Board of Supervisors
County of San Luis Obispo, State of California

By: /s/Sandy Currens
Deputy Clerk

Schedule B

Attachment 2

Behavioral Health - Driving Under the Influence
375

Fee Detail		FY 2022-23 FEE SCHEDULE		Comments
Fee Description	Authority	Fee Amount	Unit Desc.	Comments
Initial Registration Processing Fee	Title VIII, CA Code Reg., Chap 1.5, Sec 1211	\$126.00 \$242.00	Each	Initial fee to process paperwork & update client info into system. Fee includes \$10 State surcharge for first time registration, plus \$25 for materials (Prime for Life book). Prime for Life book cost increased \$5 over prior year.
Reinstatement		\$88.00	Each	Fee to process a reinstatement for a client to re-enter a program.
Transfer-in/out processing fee		\$88.00	Each	Process fee to perform a transfer in/out from/to another County.
Session Charge		\$44.00	Each	Charge for services performed. Session fee averages both individual and group counseling sessions.
Missed Meeting Charge		\$44.00	Each	Cost charged for failure to show to scheduled meeting.
County Processing		\$21.00	Each	Fee to process client records.
Leave of Absence Fee		\$28.00	Each	Fee to process a leave of absence from any DUI program.
Out-of-State Assessment		\$191.00 \$245.00	Each	Fee to process out-of-state DUI assessments.
Urine Testing		\$34.00	Each	Cost of administering urine drug test. Labor costs originate from FC 16602 (Drug & Alcohol)