

ORDINANCE NO. 3466

ORDINANCE AMENDING COUNTY FEE SCHEDULE TO UPDATE

DEPARTMENT OF PLANNING AND BUILDING FEES

Whereas, for the FY 2022-23 fee cycle, the department of Planning and Building hired a consultant (MGT) to complete a full study of all of the department's fees, including all fee structures and rates; and,

Whereas, the consultant, in collaboration with County Staff, reviewed the department's financial data, interviewed staff, and gathered volume and time estimates to calculate the full cost of providing County services; and,

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

Whereas, the department has reviewed the fee recommendations 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. and 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 17, 2020, Ordinance No. 3426 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 "A" and 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; provided, however, that fees for zoning and planning matters, including municipal and district organizational and re-organizational matters, as specified in Government Code Section 66016, do not exceed estimated reasonable costs of those services for which the fees are charged.

f. Capital facilities fees do not exceed actual construction costs as defined in Government Code Section 54999.1.

g. 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)[charge for specific benefit conferred]/(2)[charge for specific service provided]/(3)[charge for issuing license or performing inspection]/(4)[charge for use of government property]/(5)[fine or penalty imposed for violation of law] (Prop.26).

h. Public Notice has been given in accordance with Government Code Sections 66016 and 66018.

SECTION 2: The Fee Schedules are amended as follows:

a. That the fee changes attached and incorporated by reference herein shown on Schedule "A" as "proposed fees" are hereby approved, and shall be effective January 15, 2022.

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 July 1, 2022.

SECTION 3: All departmental managers and divisional managers whose services are listed in said Schedule "A" and Schedule "B" are hereby directed to amend their fees for services to the rate shown in Schedule "A" and 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 16th day of November, 2021 and **PASSED and ADOPTED** by the Board of Supervisors of the County of San Luis Obispo, State of California, on the 14th day of December, 2021, by the following roll call vote, to wit:

AYES: Supervisors Bruce S. Gibson, Dawn Ortiz-Legg and John Peschong

NOES: Supervisors Debbie Arnold and Chairperson Lynn Compton

ABSENT: None

ABSTAINING: None

Lynn Compton

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

ATTEST:

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

By: T'Ana Christiansen
Deputy Clerk