

**COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS
TUESDAY, MAY 24, 2022**

MINUTE ORDER NO. 21

**SUBJECT: SHERIFF - REQUEST TO ADOPT AN ORDINANCE AND RESOLUTION
AMENDING FEES ADMINISTERED BY THE SHERIFF'S DEPARTMENT
(DISTRICTS: ALL)**

OVERVIEW

Today's actions request that the Board of Supervisors (Board) review and approve amendments to Sections 21.0102 and 21.1901 of the San Diego County Code of Regulatory Ordinances related to the Sheriff's Department fees charged for provided services, as well as consider a resolution related to the collection of fines for chemical testing.

Specifically, the Sheriff's Department reviewed its regulatory and licensing fees, resulting in 35 proposed fee adjustments and ten determinations to maintain existing fees. Of the proposed 35 fee adjustments, the Sheriff's Department is requesting a B-29 waiver for one relating to the Concealed Weapons License. The Sheriff's Department has determined that the increase in the Concealed Weapons License initial fee should be adjusted to a fair and reasonable amount, which is comparable to large county agencies throughout the state, rather than full cost recovery.

The Board is also requested to adopt a resolution relating to fines collected for chemical testing, specifically, alcohol and impairing substances associated with incidents that involve driving under the influence/driving under the influence of drugs (DUI/DUID) to cover the cost of drug and/or alcohol testing performed by the Regional Crime Laboratory.

The recommended ordinance amendments and resolution represent a comprehensive fee package of proposed changes that are the result of an analysis of services provided to the public, processing times, and corresponding costs to provide those services. The Auditor and Controller has reviewed and approved the supporting documentation and the methodology for establishing the fees in this proposal for Fiscal Year 2022-23.

Today's requested actions are for the Board to, on May 24, 2022, consider an Ordinance amending Sections 21.102 and 21.1901 of the San Diego County Code of Regulatory Ordinances relating to the San Diego County Sheriff's Department (first reading) so that the amendments can be acted on June 14, 2022 (second reading) and waive B-29 for full cost recovery relating to the Concealed Weapons License fee. Lastly, the Board is requested to adopt a resolution to impose an additional penalty of \$50 pursuant to Penal Code Section 1463.14(b) to help offset the costs of chemical testing for drug and alcohol substances.

**RECOMMENDATION(S)
SHERIFF**

1. Waive Board Policy B-29, Fees, Grants and Revenue Contracts, Department Responsibility for Full Cost Recovery related to Concealed Weapons License fee.

2. Approve the introduction of the Ordinance (first reading), read title, and waive further reading of the Ordinance:
AN ORDINANCE TO AMEND SECTIONS 21.102 AND 21.1901 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATING TO SHERIFF'S DEPARTMENT FEES.
3. Adopt a Resolution entitled:
A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO RELATING TO FINES COLLECTED FOR CHEMICAL TESTING FOR DRUG AND ALCOHOL SUBSTANCES.

If, on May 24, 2022, the Board takes action as recommended above, then on June 14, 2022:
Consider and adopt the Ordinance to amend Sections 21.102 and 21.1901 of the San Diego County Code of Regulatory Ordinances relating to Sheriff's Department fees (second reading).

EQUITY IMPACT STATEMENT

The Sheriff's Department strives for equitable and positive outcomes in our communities, which means that services should not entail fees that create inequalities or inequities for our communities. The proposed fee increases are part of the transparency and accountability that is necessary in government and are meant for service cost recovery. The calculations for the fee increases are not meant to be cost prohibitive for individuals, especially members of our communities who suffer from economic inequality.

FISCAL IMPACT

Various Regulatory/Licensing Fees

If approved, this request will produce a nominal increase in revenue depending on the number of licenses issued each year. Revenues related to these fees of \$800,000 are included in Fiscal Year 2022-23 CAO Recommended Operational Plan for the Sheriff's Department and will not require the addition of any staff years.

Chemical Testing Involving Driving Under the Influence/Driving Under the Influence of Drugs (DUI/DUID)

If approved, this request will produce an increase in revenue depending on the number of convictions in which the California Superior Court opts to levy a fee associated with Driving Under the Influence (DUI) or Driving Under the Influence of Drugs (DUID) to cover the cost of drug and/or alcohol testing performed by the Regional Crime Laboratory. Funding, as required by the California Penal Code, must be provided to the Regional Crime Laboratory for cost recovery of chemical testing services rendered. Revenue for this program cannot exceed the cost of the program. Funds for this request are included in the Fiscal Year 2022-23 CAO Recommended Operational Plan for the Sheriff's Department and will not require the addition of any staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Fletcher, seconded by Supervisor Vargas, the Board of Supervisors took the following actions:

1. Waived Board Policy B-29, Fees, Grants and Revenue Contracts, Department Responsibility for Full Cost Recovery related to Concealed Weapons License fee.
2. Approved the introduction of an amended Ordinance (first reading) that removed the Cannabis Facility Operation Certificate fee and set the Concealed Weapons License fee to be phased in over a three-year period, beginning with the effective date of the ordinance; read title; and waived further reading of the Ordinance: AN ORDINANCE TO AMEND SECTIONS 21.102 AND 21.1901 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATING TO SHERIFF'S DEPARTMENT FEES.
3. Adopted Resolution No. 22-057 entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO RELATING TO FINES COLLECTED FOR CHEMICAL TESTING FOR DRUG AND ALCOHOL SUBSTANCES.
4. Directed the Chief Administrative Officer to explore the establishment of a cannabis licensing program to be managed by Code Compliance rather than managed by law enforcement and return to the Board with options for the Cannabis Facility Operation Certificate fee.
5. Took action to further consider and adopt the Ordinance on June 14, 2022.

AYES: Vargas, Lawson-Remer, Fletcher, Desmond

ABSENT: Anderson

State of California)
County of San Diego) §

I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Board of Supervisors.

ANDREW POTTER
Clerk of the Board of Supervisors



Signed
by Andrew Potter

